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AT

Olympia, the State Capitol

VOLUME II

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Adjourned Sine Die April 23, 1989

1989 First Special Session
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Adjourned Sine Die May 10, 1989

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Convened May 17, 1989
Adjourned Sine Die May 20, 1989



Joseph E. King, *Speaker*
John L. O'Brien, *Speaker Pro Tempore*
Alan Thompson, *Chief Clerk*
Dennis Karras, *Deputy Chief Clerk*
Patsy Ellis, *Minute/Journal Clerk*

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Compiled, Edited and Indexed by
Alan Thompson, *Chief Clerk*
Patsy Ellis, *Minute/Journal Clerk*

NINETY-FIFTH DAY

MORNING SESSION

House Chamber, Olympia, Thursday, April 13, 1989

The House was called to order at 9:30 a.m. by the Speaker (Mr. O'Brien presiding). The Clerk called the roll and all members were present except Representatives Appelwick, Gallagher, Locke, Padden, Vekich and Walk. On motion of Ms. H. Myers, Representatives Appelwick, Gallagher and Vekich were excused.

The flag was escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Trisha Hagan and Megan Berry. Prayer was offered by The Reverend Don Nicholson, Minister of the Victory Christian Center of Olympia.

Reading of the Journal of the previous day was dispensed with and it was ordered to stand approved.

CENTENNIAL MESSAGE FROM THE WASHINGTON STATE HISTORICAL SOCIETY

April 13, 1989

On this day in 1889, a Tacoma poet advertised a theatrical performance to raise money for the victims of a Seattle fire. His poetry was so bad that a Seattle newspaper said that, though the city had suffered disaster by the fire, it had at least escaped a "perhaps worse infliction" by the poet. And the mayor and city council in Seattle debated firing Police Chief Mitchell on grounds that he was not enforcing the laws against alcohol and other vice.

On April 13, 1922 radio station KTW in Seattle, the first church-owned radio station in the country, was started by the First Presbyterian Church's Minister, Mark Allison Matthews. It was built by J. D. Ross, head of Seattle City Light.

On April 13, 1949 a severe earthquake rocked Washington. Among the items damaged was the lantern atop the State Capitol; a replica that weighed less replaced it.

On this day in 1966 Boeing announced plans to build a four hundred and ninety passenger jet transport plane, the 747. Pan American World Airways ordered twenty-five.

And, on this day in 1968, a lunar eclipse was seen in much of Washington.

MESSAGE FROM THE SENATE

April 12, 1989

Mr. Speaker:

The President has signed:

HOUSE BILL NO. 1025,
HOUSE BILL NO. 1062,
HOUSE BILL NO. 1117,
HOUSE BILL NO. 1162,
HOUSE BILL NO. 1163,
SUBSTITUTE HOUSE BILL NO. 1192,
HOUSE BILL NO. 1205,
HOUSE BILL NO. 1282,
SUBSTITUTE HOUSE BILL NO. 1287,
HOUSE BILL NO. 1290,
HOUSE BILL NO. 1330,
HOUSE BILL NO. 1348,
SUBSTITUTE HOUSE BILL NO. 1355,
SUBSTITUTE HOUSE BILL NO. 1379,
HOUSE BILL NO. 1418.

HOUSE BILL NO. 1454,
 HOUSE BILL NO. 1468,
 HOUSE BILL NO. 1480,
 SUBSTITUTE HOUSE BILL NO. 1503,
 SUBSTITUTE HOUSE BILL NO. 1548,
 SUBSTITUTE HOUSE BILL NO. 1639,
 SUBSTITUTE HOUSE BILL NO. 1651,
 SUBSTITUTE HOUSE BILL NO. 1658,
 HOUSE BILL NO. 1689,
 HOUSE BILL NO. 1762,
 SUBSTITUTE HOUSE BILL NO. 1774,
 HOUSE BILL NO. 2158,
 SUBSTITUTE SENATE BILL NO. 5066,
 SECOND SUBSTITUTE SENATE BILL NO. 5111,
 SUBSTITUTE SENATE BILL NO. 5151,
 SUBSTITUTE SENATE BILL NO. 5275,
 SENATE BILL NO. 5301,
 SENATE BILL NO. 5393,
 SENATE BILL NO. 5440,
 SENATE BILL NO. 5480,
 SENATE BILL NO. 5579,
 SUBSTITUTE SENATE BILL NO. 5614,
 SENATE BILL NO. 5636,
 SUBSTITUTE SENATE BILL NO. 5644,
 SENATE BILL NO. 5680,
 SUBSTITUTE SENATE BILL NO. 5746,
 SENATE BILL NO. 5756,
 SUBSTITUTE SENATE BILL NO. 5782,
 SUBSTITUTE SENATE BILL NO. 5790,
 SENATE BILL NO. 5809,
 SENATE BILL NO. 5871,
 SUBSTITUTE SENATE BILL NO. 5886,
 SENATE BILL NO. 5887,
 SENATE BILL NO. 5987,
 SENATE BILL NO. 5990,
 SENATE BILL NO. 6012,
 SENATE BILL NO. 6057,
 SENATE JOINT MEMORIAL NO. 8011.

and the same are herewith transmitted.

Gordon A. Golob, Secretary.

There being no objection, the House advanced to the fifth order of business.

REPORT OF STANDING COMMITTEE

April 12, 1989

EHB 2222 Prime Sponsor, Representative Vekich: Regulating the use of pesticides and providing unemployment insurance and industrial welfare coverage for agricultural employees. Reported by Committee on Commerce & Labor

MAJORITY recommendation: Do pass with the following amendments:

On page 12, line 12 after "toxic" strike "pesticides" and insert "pesticide"

On page 16, beginning on line 5 after "fees" strike all material through "characteristics" on line 6 and insert "for pesticides that are labeled and intended for home and garden use only"

On page 28, line 28, after "under" insert "all"

On page 54, line 23 strike "five" and insert "ten"

On page 64, line 21 after "subsection" strike "(3)" and insert "(2)"

On page 66, line 34 after "laundering of" strike "pesticide contaminated" and insert "pesticide-contaminated"

On page 72, beginning on line 2 after "standards to" strike all material through "under" on line 3 and insert "the agricultural employees newly covered under section 85, chapter. . . Laws of 1989, (section 85 of this act) amendment to"

On page 73, line 2 after "Sections" strike "80 and 81" and insert "82 through 84"

Signed by Representatives Vekich, Chair; Cole, Vice Chair; Patrick, Ranking Republican Member; Jones, R. King, Leonard, O'Brien, Prentice, Smith, Walker and Wolfe.

Passed to Committee on Rules for second reading.

The Speaker (Mr. O'Brien presiding) referred the bill listed on today's committee reports under the fifth order of business to the committee so designated.

There being no objection, the House advanced to the sixth order of business.

SECOND READING

MOTION

Mr. Heavey moved that the House immediately consider Engrossed Senate Bill No. 5689 on the second reading calendar. The motion was carried.

ENGROSSED SENATE BILL NO. 5689, by Senators von Reichbauer, Moore, Sellar and McMullen; by request of Department of Labor and Industries and State Investment Board

Regulating industrial insurance premium investments.

The bill was read the second time.

With consent of the House, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Representatives Cole and Patrick spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Senate Bill No. 5689, and the bill passed the House by the following vote: Yeas, 92; absent, 3; excused, 3.

Voting yea: Representatives Anderson, Ballard, Basich, Baugher, Beck, Belcher, Betrozoff, Bowman, Braddock, Brekke, Bristow, Brooks, Brough, Brumsickle, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Fraser, Fuhrman, Grant, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Inslee, Jacobsen, Jesernig, Jones, King P, King R, Kremen, Leonard, May, McLean, Meyers R, Miller, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Patrick, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith, Sommers D, Sommers H, Spanel, Sprenkle, Tate, Todd, Valle, Van Luven, Walker, Wang, Wilson K, Wilson S, Wineberry, Winsley, Wolfe, Wood, Youngsman, Zellsinsky, and Mr. Speaker - 92.

Absent: Representatives Locke, Padden, Walk - 3.

Excused: Representatives Appelwick, Gallagher, Vekich - 3.

Engrossed Senate Bill No. 5689, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

There being no objection, the House advanced to the eighth order of business.

RESOLUTION

HOUSE FLOOR RESOLUTION NO. 89-4675, by Representatives Nelson, Valle and Ferguson

WHEREAS, Today marks the fortieth anniversary of the destructive April 13, 1949, Olympia area earthquake; and

WHEREAS, This major earthquake registered a magnitude of seven point one on the Richter scale, caused one hundred fifty million dollars in damage (1984 dollars), killed seven people and was felt over a five hundred ninety-four thousand square kilometer area; and

WHEREAS, This quake was not an isolated event, but was instead a recurrent event, reflective of Washington State's everpresent earthquake threat; and

WHEREAS, Governor Gardner has recently recognized this fortieth anniversary with a proclamation establishing the week of April 9 through April 15 as Washington State Earthquake Awareness Week; and

WHEREAS, At this moment, outside of the House Chamber, a group of concerned citizens and earthquake professionals have recognized this fortieth anniversary by acknowledging the state's susceptibility to major earthquakes and offering an earthquake awareness exhibit for all interested individuals; and

WHEREAS, These concerned citizens and earthquake professionals, who have taken an active role in increasing earthquake awareness in Washington State are Ms. Linda Noson from the Federal Emergency Management Agency; Ms. Carol Martens from the Department of Community Development, Division of Emergency Management; Mr. Harry Halverson retired from Kinematics, Inc.; and Mr. Tim Walsh from the Department of Natural Resources, Division of Geology;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State House of Representatives, on this fortieth anniversary recognize that disastrous event, acknowledge Washington's earthquake threat and encourage all Washingtonians, citizens and legislators alike, to increase their earthquake awareness; and

BE IT FURTHER RESOLVED, That the House of Representatives recognize and honor Ms. Linda Noson, Ms. Carol Martens, Mr. Harry Halverson and Mr. Tim Walsh as leaders of earthquake awareness; and

BE IT FURTHER RESOLVED, That copies of this Resolution be transmitted by the Chief Clerk of the House of Representatives to the aforementioned individuals and to the Department of Community Development, Division of Emergency Management.

Mr. Nelson moved adoption of the resolution. Representatives Nelson, Valle, D. Sommers, Ferguson and Baugher spoke in favor of the resolution.

House Floor Resolution No. 89-4675 was adopted.

The Speaker (Mr. O'Brien presiding) declared the House to be at ease.

The Speaker called the House to order.

Representatives Appelwick, Padden, Vekich and Walk appeared at the bar of the House.

RESOLUTION

HOUSE FLOOR RESOLUTION NO. 89-4674, by Representatives Rust and Cole

WHEREAS, The Lakeside High School Girls' Basketball Team has, through courage and hard work, captured the title of State AA Champions; and

WHEREAS, Lakeside High School is the first private school to take the honor of girls' basketball State AA Champions; and

WHEREAS, The Lakeside High School Team, nicknamed the Lions, triumphed over the Rainier Beach Vikings in the championship game with a solid, final score of 59-50; and

WHEREAS, The Lions finished their regular season with an outstanding 25-3 record; and

WHEREAS, The Lakeside Lions and the Rainier Beach Vikings met previously in five regular season match-ups, with each team's only losses coming at the hands of the other; and

WHEREAS, The Lions were led to their victory by Coach Sandy Schneider, who helped the team realize their championship dream through dedication to the team and a true commitment to sportsmanship and basketball skill; and

WHEREAS, Lakeside Lions' team Captains Daphne Allen and Jamie Porter instilled pride in themselves, in each other and in their teammates to make this spectacular victory possible; and

WHEREAS, Lakeside High School has a tradition of high academic standards and quality education; and

WHEREAS, The Honorable Governor Booth Gardner is a distinguished alumnus of Lakeside High School;

NOW, THEREFORE, BE IT RESOLVED, That The Washington State House of Representatives honor the Lakeside High School Lions for the pride they have brought to the State of Washington and celebrate the team's victories and achievements; and

BE IT FURTHER RESOLVED, That copies of this Resolution be immediately transmitted by the Chief Clerk of the House of Representatives to the Headmaster of

Lakeside High School, A.D. Ayrault Jr., the Lions' Coach, Sandy Schneider, and to each member of the Lakeside High School Girls' Basketball Team.

Ms. Rust moved adoption of the resolution. Representatives Rust, Cole and Youngsman spoke in favor of the resolution.

House Floor Resolution No. 89-4674 was adopted.

There being no objection, the House reverted to the sixth order of business.

SECOND READING

MOTION

Mr. Heavey moved that the House consider the following bills on the second reading calendar in the following order: Senate Bill No. 5167, Engrossed Substitute Senate Bill No. 5026, and Senate Bill No. 5701. The motion was carried.

SENATE BILL NO. 5167, by Senators Pullen, Talmadge, Rasmussen, Newhouse and Vognild; by request of Public Disclosure Commission

Revising campaign finance reporting.

The bill was read the second time. Committee on State Government recommendation: Majority, do pass as amended. (For committee amendments, see Journal, 82nd Day, March 31, 1989.)

Ms. R. Fisher moved adoption of the committee amendment.

Ms. Silver moved adoption of the following amendments by Representatives Silver and McLean to the committee amendment:

On page 16, line 5 of the State Government Committee amendment after "(than))" strike "no more than twenty-five" and insert "fifty dollars or less"

On page 17, line 29 of State Government Committee amendment after "than" strike "twenty-five" and insert "fifty"

On page 19, line 31 of the State Government Committee amendment after "than" strike "twenty-five" and insert "fifty"

Ms. Silver spoke in favor of adoption of the amendments to the committee amendment.

Mr. Fuhrman demanded an electric roll call vote, and the demand was sustained.

Ms. R. Fisher spoke against adoption of the amendments to the committee amendment, and Ms. Brough spoke in favor of them.

ROLL CALL

The Clerk called the roll on the adoption of the amendments by Representatives Silver and McLean to the committee amendment to Senate Bill No. 5167, and the amendments were not adopted by the following vote: Yeas, 43; nays, 52; absent, 2; excused, 1.

Voting yea: Representatives Appelwick, Ballard, Basich, Beck, Betzoff, Bowman, Brooks, Brough, Brumsickle, Chandler, Doty, Ferguson, Fuhrman, Grant, Hankins, Haugen, Holland, Horn, Jesernig, Kremen, May, McLean, Miller, Moyer, Nealey, Padden, Patrick, Prince, Rayburn, Schmidt, Schoon, Silver, Smith, Sommers D, Tate, Van Luven, Walker, Wilson S, Winsley, Wolfe, Wood, Youngsman, Zellinsky - 43.

Voting nay: Representatives Anderson, Baugher, Belcher, Braddock, Brekke, Bristow, Cantwell, Cole, Cooper, Crane, Day, Dellwo, Dorn, Ebersole, Fisher G, Fisher R, Fraser, Hargrove, Heavey, Hine, Inslie, Jacobsen, Jones, King P, King R, Leonard, Meyers R, Morris, Myers H, Nelson, Nutley, Peery, Phillips, Prentice, Pruitt, Raiter, Rasmussen, Rector, Rust, Sayan, Scott, Sommers H, Spanel, Sprengle, Todd, Valle, Vekich, Walk, Wang, Wilson K, Wineberry, and Mr. Speaker - 52.

Absent: Representatives Locke, O'Brien - 2.

Excused: Representative Gallagher - 1.

Ms. Miller moved adoption of the following amendment by Representatives Miller and McLean to the committee amendment:

On page 25, after line 8 of the amendment insert the following:

"Sec. 14. Section 12, chapter 112, Laws of 1975-76 ex. sess. as last amended by section 12, chapter 367, Laws of 1985 and RCW 42.17.395 are each amended to read as follows:

(1) The commission may (a) determine whether an actual violation of this chapter has occurred; and (b) issue and enforce an appropriate order following such determination.

(2) The commission, in cases where it chooses to determine whether an actual violation of this chapter has occurred, shall hold a contested case hearing pursuant to the administrative procedure act *(chapter 34.04 RCW) to make such determination. Any order that the commission issues under this section shall be pursuant to such hearing.

(3) In lieu of holding a hearing or issuing an order under this section, the commission may refer the matter to the attorney general or other enforcement agency as provided in RCW 42.17.360.

(4) The person against whom an order is directed under this section shall be designated as the respondent. The order may require the respondent to cease and desist from the activity that constitutes a violation and in addition, or alternatively, may impose one or more of the remedies provided in RCW 42.17.390(1) (b), (c), (d), or (e); PROVIDED, That no individual penalty assessed by the commission may exceed one thousand dollars, and in any case where multiple violations are involved in a single complaint or hearing, the maximum aggregate penalty may not exceed two thousand five hundred dollars; PROVIDED, That the commission may assess a penalty for the failure of any candidate or political committee to report pursuant to this chapter, contributions which cumulatively total fifty thousand dollars or more, such penalty shall be assessed at one half of the unreported amount.

(5) An order issued by the commission under this section shall be subject to judicial review under the administrative procedure act *(chapter 34.04 RCW). If the commission's order is not satisfied and no petition for review is filed within thirty days as provided in *RCW 34.04.130, the commission may petition a court of competent jurisdiction of any county in which a petition for review could be filed under that section, for an order of enforcement. Proceedings in connection with the commission's petition shall be in accordance with RCW 42.17.397, as now or hereafter amended."

Ms. Miller spoke in favor of adoption of the amendment to the committee amendment.

Mr. Fuhrman demanded an electric roll call vote, and the demand was sustained.

Representatives R. Fisher and Hine spoke against adoption of the amendment to the committee amendment, and Representatives McLean and Brough spoke in favor of it. Mr. R. Fisher again opposed the amendment.

ROLL CALL

The Clerk called the roll on the adoption of the amendment by Representatives Miller and McLean to the committee amendment to Senate Bill No. 5167, and the amendment was not adopted by the following vote: Yeas, 37; nays, 59; absent, 1; excused, 1.

Voting yea: Representatives Ballard, Beck, Betrozoff, Bowman, Brooks, Brough, Brumsickle, Chandler, Doty, Ferguson, Fuhrman, Hankins, Holland, Horn, May, McLean, Miller, Morris, Moyer, Nealey, Padden, Patrick, Prince, Raiter, Schmidt, Schoon, Silver, Smith, Sommers D. Tate, Van Luven, Walker, Wilson S, Winsley, Wolfe, Wood, Youngsman - 37.

Voting nay: Representatives Anderson, Appelwick, Basich, Baugher, Belcher, Braddock, Brekke, Bristow, Cantwell, Cole, Cooper, Crane, Day, Dellwo, Dorn, Ebersole, Fisher G, Fisher R, Fraser, Grant, Hargrove, Haugen, Heavey, Hine, Inslee, Jacobsen, Jesernig, Jones, King P, King R, Kremen, Leonard, Meyers R, Myers H, Nelson, Nutley, O'Brien, Peery, Phillips, Prentice, Pruitt, Rasmussen, Rayburn, Rector, Rust, Sayan, Scott, Sommers H, Spanel, Sprengle, Todd, Valle, Vekich, Walk, Wang, Wilson K, Wineberry, Zellinsky, and Mr. Speaker - 59.

Absent: Representative Locke - 1.

Excused: Representative Gallagher - 1.

Ms. R. Fisher spoke in favor of adoption of the committee amendment, and Ms. Brough opposed it.

Ms. Brough demanded an electric roll call vote, and the demand was sustained.

ROLL CALL

The Clerk called the roll on the adoption of the committee amendment by Committee on State Government to Senate Bill No. 5167, and the amendment was adopted by the following vote: Yeas, 65; nays, 31; absent, 1; excused, 1.

Voting yea: Representatives Anderson, Appelwick, Basich, Baugher, Belcher, Braddock, Brekke, Bristow, Cantwell, Cole, Cooper, Crane, Day, Dellwo, Dorn, Ebersole, Fisher G, Fisher R, Fraser, Grant, Hargrove, Haugen, Heavey, Hine, Inslee, Jacobsen, Jesernig, Jones, King P, King R, Kremen, Leonard, Meyers R, Morris, Myers H, Nelson, Nutley, O'Brien, Peery, Phillips,

Prentice, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Schoon, Scott, Sommers H. Spanel, Sprenkle, Todd, Valle, Van Luven, Vekich, Walk, Wang, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 65.

Voting nay: Representatives Ballard, Beck, Betrozoff, Bowman, Brooks, Brough, Brumsickle, Chandler, Doty, Ferguson, Fuhrman, Hankins, Holland, Horn, May, McLean, Miller, Moyer, Nealey, Padden, Patrick, Prince, Silver, Smith, Sommers D, Tate, Walker, Wilson K, Wolfe, Wood, Youngsman - 31.

Absent: Representative Locke - 1.

Excused: Representative Gallagher - 1.

The Clerk read the following amendment by Representatives Brough and McLean:

On page 18, line 20 after "expenditure" insert ". A candidate for state executive or state legislative office or the political committee of such a candidate shall report this information for an expenditure under one of the following categories, whichever is appropriate: (i) Expenditures for the election of the candidate; (ii) expenditures for nonreimbursed public office-related expenses; (iii) expenditures required to be reported under (e) of this subsection; or (iv) expenditures of surplus funds and other expenditures. The report of such a candidate or committee shall contain a separate total of expenditures for each category and a total sum of all expenditures. Other candidates and political committees need not report information regarding expenditures under the categories listed in (i) through (iv) of this subsection or under similar such categories unless required to do so by the commission by rule. The report of such other candidate or committee shall also contain the total sum of all expenditures;"

With consent of the House, Representative Brough withdrew the amendment.

With consent of the House, the committee amendment to the title was adopted.

With consent of the House, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Representative Locke appeared at the bar of the House.

Representatives R. Fisher, Ballard and McLean spoke in favor of passage of the bill, and Ms. Miller opposed it.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 5167 as amended by the House, and the bill passed the House by the following vote: Yeas, 93; nays, 4; excused, 1.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Baugher, Beck, Betrozoff, Bowman, Braddock, Brekke, Bristow, Brooks, Brumsickle, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Fraser, Fuhrman, Grant, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Insee, Jacobsen, Jesernig, Jones, King P, King R, Kremen, Leonard, Locke, May, McLean, Meyers R, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Padden, Patrick, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Sommers D, Sommers H, Spanel, Sprenkle, Tate, Todd, Valle, Van Luven, Vekich, Walk, Walker, Wang, Wilson K, Wilson S, Wineberry, Winsley, Wolfe, Wood, Youngsman, Zellinsky, and Mr. Speaker - 93.

Voting nay: Representatives Belcher, Brough, Miller, Smith - 4.

Excused: Representative Gallagher - 1.

Senate Bill No. 5167 as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SIGNED BY THE SPEAKER

The Speaker announced he was signing:

HOUSE BILL NO. 1027,
HOUSE BILL NO. 1032,
HOUSE BILL NO. 1033,
SUBSTITUTE HOUSE BILL NO. 1067,
HOUSE BILL NO. 1096,
HOUSE BILL NO. 1220,
HOUSE BILL NO. 1239,
SUBSTITUTE HOUSE BILL NO. 1252,
HOUSE BILL NO. 1524,
HOUSE BILL NO. 1545,

HOUSE BILL NO. 1573,
 HOUSE BILL NO. 1718,
 HOUSE BILL NO. 1862,
 HOUSE BILL NO. 1885,
 HOUSE BILL NO. 1909,
 HOUSE BILL NO. 2045,
 SENATE BILL NO. 5040,
 SENATE BILL NO. 5054,
 SUBSTITUTE SENATE BILL NO. 5098,
 SUBSTITUTE SENATE BILL NO. 5126,
 SUBSTITUTE SENATE BILL NO. 5127,
 SENATE BILL NO. 5137,
 SENATE BILL NO. 5150,
 SENATE BILL NO. 5156,
 SUBSTITUTE SENATE BILL NO. 5168,
 SENATE BILL NO. 5353,
 SUBSTITUTE SENATE BILL NO. 5488,
 SENATE BILL NO. 5502,
 SUBSTITUTE SENATE BILL NO. 5531,
 SENATE BILL NO. 5590,
 SUBSTITUTE SENATE BILL NO. 5641,
 SECOND SUBSTITUTE SENATE BILL NO. 5660,
 SENATE BILL NO. 5731,
 SENATE BILL NO. 5824,
 SUBSTITUTE SENATE BILL NO. 5891,
 SUBSTITUTE SENATE BILL NO. 5933.

The Speaker declared the House to be at ease until 1:30 p.m.

AFTERNOON SESSION

The Speaker called the House to order.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5026, by Committee on Children & Family Services (originally sponsored by Senators Kreidler, Smith, Stratton, Rinehart, Wojahn and Sutherland)

Expanding child care resources and information.

The bill was read the second time. Committee on Human Services recommendation: Majority, do pass as amended. (For committee amendments, see Journal, 82nd Day, March 31, 1989.)

Mr. Bristow moved adoption of the committee amendment and spoke in favor of it. The committee amendment was adopted.

Mr. Bristow moved adoption of the following amendment:

Strike everything after the enacting clause and insert the following:

*NEW SECTION, Sec. 1. The purpose of this act is to:

(1) Increase the availability of child care services in Washington state through the provision of start-up and expansion grant funds to persons and organizations providing child care services;

(2) Make affordable child care services available to low-income families in Washington state; and

(3) Improve the quality of child care services in Washington state through the provision of training and support services to child care providers.

Sec. 2. Section 30, chapter 228, Laws of 1963 as amended by section 111, chapter 154, Laws of 1973 1st ex. sess. and RCW 74.12.340 are each amended to read as follows:

The department is authorized to promulgate rules and regulations governing the provision of ~~((day)) child care ((as a part of child welfare services))~~ when the secretary determines that a need exists for such ~~((day)) child care~~ and that it is in the best interests of the child, the parents, or the custodial parent and in determining the need for such ~~((day)) child care~~ priority shall be given to geographical areas having the greatest need for such care and to members of low income groups in the population: PROVIDED, That where the family is financially able to

pay part or all of the costs of such care, fees shall be imposed and paid according to the financial ability of the family.

Sec. 3, Section 1, chapter 213, Laws of 1988 and RCW 74.13.085 are each amended to read as follows:

It shall be the policy of the state of Washington to:

(1) Recognize the family as the most important social and economic unit of society and support the central role parents play in child rearing. All parents are encouraged to care for and nurture their children through the traditional methods of parental care at home. However, ((to the extent child care services are used;)) there has been a dramatic increase in participation of women in the workforce which has made the availability of quality, affordable child care a critical concern for the state and its citizens. There are not enough child care services and facilities to meet the needs of working parents, the costs of care are often beyond the resources of working parents, and child care facilities are not located conveniently to work places and neighborhoods. Parents are encouraged to participate fully in the effort to improve the quality of child care services.

(2) Promote a variety of culturally and developmentally appropriate child care settings and services of the highest possible quality in accordance with the basic principle of continuity of care. These settings shall include, but not be limited to, family day care homes, mini-centers, centers and schools.

(3) Promote the growth, development and safety of children by working with community groups including providers and parents to establish standards for quality service, training of child care providers, fair and equitable monitoring, and salary levels commensurate with provider responsibilities and support services.

(4) Promote equal access to quality, affordable, socio-economically integrated child care for all children and families.

(5) Facilitate broad community and private sector involvement in the provision of quality child care services to foster economic development and assist industry.

Sec. 4, Section 3, chapter 213, Laws of 1988 and RCW 74.13.095 are each amended to read as follows:

(1) The legislature ((recognizes)) finds that a severe shortage of affordable, quality child care services exists to the detriment of all families and employers throughout the state. Many workers are unable to enter or remain in the work force due to a shortage of child care ((resources)) services. The high costs of starting ((a child care business)) or expanding a child care facility create a barrier to the creation of new slots, especially for children with special needs. The legislature further finds that increasing the availability of affordable, quality child care services for the state's working parents, especially those who are low income or have handicapped children, is a recognized governmental function. The provision of grants to child care providers who, in consideration for receiving such grant, agree to serve special needs or low-income children for a fixed period of years, is a means of increasing the availability of child care services in this state.

(2) A child care expansion grant fund is created in the custody of the secretary of the department of social and health services. Grants shall be awarded on a one-time only basis to persons, organizations, or schools needing assistance to start a child care ((center or mini-center)) facility, including a family day care home, as defined by the department by rule, or to make capital improvements in existing licensed child care ((providers)) facilities, including family day care homes ((providers, for the purpose of making capital improvements in order to accommodate handicapped children as defined under chapter 72.40 RCW, sick children, or infant care, or children needing night time care)). As a condition of receiving a grant under this section, a person, organization, or school requesting a grant, shall make a commitment to serve a reasonable number of the following children:

(a) Handicapped children as defined under chapter 72.40 RCW;

(b) Sick children;

(c) Infants;

(d) Children requiring night time or weekend care;

(e) Children whose costs of care are subsidized by the department of social and health services; or

(f) Children of parents whose household income is at or below two hundred percent of the federal poverty level, adjusted for family size, as determined annually by the federal department of health and human services.

For each grant awarded under this section, the department shall designate the specific number or percentage of children under (a) through (f) of this subsection that the child care provider must be willing to accept in its program.

No grant may exceed ((ten)) twenty-five thousand dollars. Start-up costs shall not include operational costs after the first three months of business.

(3) Child care expansion grants shall be awarded on the basis of need for the proposed services in the community, within appropriated funds. Every effort shall be made to ensure that the distribution of grants is balanced geographically throughout the state.

(4) Where the grant is made to a private person or organization, the grant shall be repaid to the fund if the child care facility using the grant to start up or expand ceases to provide child care earlier than the following time periods from when the grant is made: (a) Twelve months for a grant up to five thousand dollars; (b) twenty-four months for a grant over five thousand dollars up to ten thousand dollars; (c) thirty-six months for a grant over ten thousand dollars up to fifteen thousand dollars; (d) forty-eight months for a grant over fifteen thousand dollars up to twenty thousand dollars; and (e) sixty months for a grant over twenty thousand dollars up to twenty-five thousand dollars.

(5) The department shall adopt rules under chapter ~~((34-04))~~ 34.05 RCW setting forth criteria, application procedures, and methods to assure compliance with the purposes described in this section.

NEW SECTION. Sec. 5. A new section is added to chapter 74.— RCW (as created in section 6 of this act) to read as follows:

The department of social and health services shall, within appropriated funds:

(1) Staff and assist the child care coordinating committee in the implementation of its duties under RCW 74.13.090;

(2) Work with local governments, nonprofit organizations, businesses, and community child care advocates to create local child care resource and referral organizations. These organizations may carry out needs assessments, resource development, provider training, technical assistance, and parent information and training;

(3) Actively seek public and private money for distribution as grants to potential or existing local child care resource and referral organizations. No grant shall be distributed that is greater than twenty-five thousand dollars;

(4) Adopt rules regarding the application for and distribution of grants to local child care resource and referral organizations;

(5) Provide staff support and technical assistance to local child care resource and referral organizations;

(6) Organize the local child care resource and referral organizations into a state-wide system;

(7) Maintain a state-wide child care referral data bank and work with department of social and health services licensors to provide information to local child care resource and referral organizations about licensed child care providers in the state;

(8) Through local resource and referral organizations, compile data about local child care needs and availability for future planning and development;

(9) Coordinate the provision of training and technical assistance to child care providers; and

(10) Collect and assemble information regarding the availability of insurance and of federal and other child care funding to assist state and local agencies, businesses, and other child care providers in offering child care services.

NEW SECTION. Sec. 6. RCW 74.12.340, 74.13.085, 74.13.090, 74.13.095, and 74.15.200 are recodified into a new chapter in Title 74 RCW relating to child care."

Representatives Bristow and Moyer spoke in favor of adoption of the amendment, and it was adopted.

With consent of the House, the following amendment by Representative Bristow to the title was adopted:

On page 1, line 1 of the title, after "care;" strike the remainder of the title and insert "amending RCW 74.12.340, 74.13.085, and 74.13.095; adding a new section to Title 74 RCW; recodifying RCW 74.12.340, 74.13.085, 74.13.090, 74.13.095, and 74.15.200; and creating a new section."

With consent of the House, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Mr. Bristow spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute Senate Bill No. 5026 as amended by the House, and the bill passed the House by the following vote: Yeas, 94; absent, 3; excused, 1.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Baugher, Beck, Belcher, Betzoff, Bowman, Braddock, Brekke, Bristow, Brooks, Brough, Brumsickle, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Fuhrman, Grant, Hankins, Hargrove, Heavey, Hine, Holland, Horn, Insee, Jacobsen, Jesernig, Jones, King P, King R, Kremen, Leonard, Locke, May, McLean, Meyers R, Miller, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Padden, Patrick, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rayburn, Rector, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith, Sommers D, Sommers H, Spanel, Sprenkle, Tate, Todd, Valle, Van Luven, Vekich, Walk, Walker, Wang,

Wilson K. Wilson S. Wineberry, Winsley, Wolfe, Wood, Youngsman, Zellinsky, and Mr. Speaker - 94.

Absent: Representatives Fraser, Haugen, Rasmussen - 3.

Excused: Representative Gallagher - 1.

Engrossed Substitute Senate Bill No. 5026 as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SENATE BILL NO. 5701, by Senators von Reichbauer, Moore and Sellar; by request of Department of General Administration

Regulating financial institutions.

The bill was read the second time.

With consent of the House, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Representatives Dellwo and Chandler spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 5701, and the bill passed the House by the following vote: Yeas, 97; excused, 1.

Voting ye: Representatives Anderson, Appelwick, Ballard, Basich, Baugher, Beck, Belcher, Betrozoff, Bowman, Braddock, Brekke, Bristow, Brooks, Brough, Brumsickle, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Fraser, Fuhrman, Grant, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Inslee, Jacobsen, Jesernig, Jones, King P, King R, Kremen, Leonard, Locke, May, McLean, Meyers R, Miller, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Padden, Patrick, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith, Sommers D, Sommers H, Spanel, Sprenkle, Tate, Todd, Valle, Van Luven, Vekich, Walk, Walker, Wang, Wilson K, Wilson S, Wineberry, Winsley, Wolfe, Wood, Youngsman, Zellinsky, and Mr. Speaker - 97.

Excused: Representative Gallagher - 1.

Senate Bill No. 5701, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

Mr. Heavey moved that the House consider the following bills on the second reading calendar in the following order: House Bill No. 1176, Senate Bill No. 5246, Senate Bill No. 5737, Senate Bill No. 5738, and Substitute Senate Bill No. 5776. The motion was carried.

HOUSE BILL NO. 1176, by Representatives Nelson, May, Jacobsen, Crane and Miller; by request of Washington State Energy Office

Creating the energy efficiency account.

The bill was read the second time.

With consent of the House, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Representatives Nelson and Hankins spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1176, and the bill passed the House by the following vote: Yeas, 97; excused, 1.

Voting ye: Representatives Anderson, Appelwick, Ballard, Basich, Baugher, Beck, Belcher, Betrozoff, Bowman, Braddock, Brekke, Bristow, Brooks, Brough, Brumsickle, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Fraser, Fuhrman, Grant, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Inslee, Jacobsen, Jesernig, Jones, King P, King R, Kremen, Leonard, Locke, May, McLean, Meyers R, Miller, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Padden, Patrick, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith, Sommers D, Sommers H, Spanel, Sprenkle, Tate, Todd, Valle, Van Luven, Vekich, Walk, Walker, Wang, Wilson K, Wilson S, Wineberry, Winsley, Wolfe, Wood, Youngsman, Zellinsky, and Mr. Speaker - 97.

Excused: Representative Gallagher - 1.

House Bill No. 1176, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SENATE BILL NO. 5246, by Senators Pullen, Newhouse and Madsen

Foreclosing on deeds of trust.

The bill was read the second time.

With consent of the House, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Mr. Crane spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 5246, and the bill passed the House by the following vote: Yeas, 97; excused, 1.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Baugher, Beck, Belcher, Betrozoff, Bowman, Braddock, Brekke, Bristow, Brooks, Brough, Brumsickle, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Fraser, Fuhrman, Grant, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Insee, Jacobsen, Jesernig, Jones, King P, King R, Kremen, Leonard, Locke, May, McLean, Meyers R, Miller, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Padden, Patrick, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith, Sommers D, Sommers H, Spanel, Sprenkle, Tate, Todd, Valle, Van Luven, Vekich, Walk, Walker, Wang, Wilson K, Wilson S, Wineberry, Winsley, Wolfe, Wood, Youngsman, Zellinsky, and Mr. Speaker - 97.

Excused: Representative Gallagher - 1.

Senate Bill No. 5246, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SENATE BILL NO. 5737, by Senators Bailey, Rinehart, Lee, Fleming, Smitherman, Bender, Metcalf and Murray; by request of Superintendent of Public Instruction

Providing for annual leave for employees of educational service districts.

The bill was read the second time.

With consent of the House, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Representatives G. Fisher and Betrozoff spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 5737, and the bill passed the House by the following vote: Yeas, 97; excused, 1.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Baugher, Beck, Belcher, Betrozoff, Bowman, Braddock, Brekke, Bristow, Brooks, Brough, Brumsickle, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Fraser, Fuhrman, Grant, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Insee, Jacobsen, Jesernig, Jones, King P, King R, Kremen, Leonard, Locke, May, McLean, Meyers R, Miller, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Padden, Patrick, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith, Sommers D, Sommers H, Spanel, Sprenkle, Tate, Todd, Valle, Van Luven, Vekich, Walk, Walker, Wang, Wilson K, Wilson S, Wineberry, Winsley, Wolfe, Wood, Youngsman, Zellinsky, and Mr. Speaker - 97.

Excused: Representative Gallagher - 1.

Senate Bill No. 5737, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SENATE BILL NO. 5738, by Senators Bailey, Rinehart, Gaspard, Smitherman, Bender, Lee, Fleming, Metcalf and Murray; by request of Superintendent of Public Instruction

Changing requirements of student motivation, retention, and retrieval program.

The bill was read the second time.

With consent of the House, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Representatives G. Fisher, Brumsickle and Betzoff spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 5738, and the bill passed the House by the following vote: Yeas, 97; excused, 1.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Baugher, Beck, Belcher, Betzoff, Bowman, Braddock, Brekke, Bristow, Brooks, Brough, Brumsickle, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Fraser, Fuhrman, Grant, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Inslee, Jacobsen, Jesernig, Jones, King P, King R, Kremen, Leonard, Locke, May, McLean, Meyers R, Miller, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Padden, Patrick, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith, Sommers D, Sommers H, Spanel, Sprengle, Tate, Todd, Valle, Van Luvan, Vekich, Walk, Walker, Wang, Wilson K, Wilson S, Wineberry, Winsley, Wolfe, Wood, Youngsman, Zellinsky, and Mr. Speaker - 97.

Excused: Representative Gallagher - 1.

Senate Bill No. 5738, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SUBSTITUTE SENATE BILL NO. 5776, by Committee on Law & Justice (originally sponsored by Senator Pullen)

Regarding training for law enforcement officers and establishing a fund for drug training.

The bill was read the second time. Committee on Local Government recommendation: Majority, do pass as amended. (For committee amendments, see Journal, 82nd Day, March 31, 1989.)

Ms. Haugen moved adoption of the committee amendment and spoke in favor of it. The committee amendment was adopted.

With consent of the House, the committee amendment to the title was adopted.

With consent of the House, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Representatives Haugen and Horn spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5776 as amended by the House, and the bill passed the House by the following vote: Yeas, 97; excused, 1.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Baugher, Beck, Belcher, Betzoff, Bowman, Braddock, Brekke, Bristow, Brooks, Brough, Brumsickle, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Fraser, Fuhrman, Grant, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Inslee, Jacobsen, Jesernig, Jones, King P, King R, Kremen, Leonard, Locke, May, McLean, Meyers R, Miller, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Padden, Patrick, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith, Sommers D, Sommers H, Spanel, Sprengle, Tate, Todd, Valle, Van Luvan, Vekich, Walk, Walker, Wang, Wilson K, Wilson S, Wineberry, Winsley, Wolfe, Wood, Youngsman, Zellinsky, and Mr. Speaker - 97.

Excused: Representative Gallagher - 1.

Substitute Senate Bill No. 5776 as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

Mr. Heavey moved that the House consider the following bills on the second reading calendar in the following order: Substitute Senate Bill No. 5348 and Substitute Senate Bill No. 5293. The motion was carried.

SUBSTITUTE SENATE BILL NO. 5348, by Committee on Environment & Natural Resources (originally sponsored by Senator Owen)

Relating to the regulating of fishing.

The bill was read the second time.

With consent of the House, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Representatives R. King and S. Wilson spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5348, and the bill passed the House by the following vote: Yeas, 94; nays, 3; excused, 1.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Baugher, Beck, Belcher, Betzoff, Bowman, Braddock, Brekke, Bristow, Brooks, Brough, Brumsickle, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Fraser, Fuhrman, Grant, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Inlee, Jacobsen, Jesernig, Jones, King P, King R, Kremen, Leonard, Locke, May, McLean, Meyers R, Miller, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Padden, Patrick, Peery, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith, Sommers D, Sommers H, Sprengle, Tate, Todd, Valle, Van Luven, Vekich, Walk, Walker, Wang, Wilson K, Wilson S, Wineberry, Winsley, Wolfe, Wood, Zellinsky, and Mr. Speaker - 94.

Voting nay: Representatives Phillips, Spanel, Youngsman - 3.

Excused: Representative Gallagher - 1.

Substitute Senate Bill No. 5348, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SUBSTITUTE SENATE BILL NO. 5293, by Committee on Higher Education (originally sponsored by Senator Conner)

Establishing college classes in Clallam or Jefferson county.

The bill was read the second time. Committee on Higher Education recommendation: Majority, do pass as amended. (For committee amendments, see Journal, 82nd Day, March 31, 1989.)

Mr. Jacobsen moved adoption of the committee amendment.

Mr. Jacobsen moved adoption of the following amendment by Representatives Jacobsen, Peery and Brough to the committee amendment:

On page 3, after line 7 of the striking amendment, insert the following:

*Sec. 4. Section 222, chapter 518, Laws of 1987 and RCW 28A.58.217 are each amended to read as follows:

(1) ~~((School districts are hereby authorized to))~~ The superintendent of public instruction shall contract with the University of Washington for the education of eligible academically highly capable high school students at such early entrance or transition schools as are now or hereafter established and maintained by the university.

(2) ~~((School districts may authorize))~~ The superintendent of public instruction ~~((to))~~ shall allocate all or a portion of the state basic education allocation moneys, state categorical moneys and federal moneys generated by a student attending a University of Washington early entrance or transition school pursuant to this section directly to the university: PROVIDED, That such state moneys shall be expended exclusively for instruction and related activities necessary for students to fulfill the high school graduation requirements established by their school district of enrollment.

(3) The superintendent of public instruction shall adopt rules pursuant to chapter ~~((34.04))~~ 34.05 RCW implementing subsection (2) of this section.

(4) State and federal funds provided to the early entrance program or transition school at the University of Washington may be supplemented with additional payments by other parties as necessary to cover the actual and full costs of instruction and related activities."

Representatives Jacobsen and Brough spoke in favor of adoption of the amendment to the committee amendment, and it was adopted.

Mr. Sayan moved adoption of the following amendment by Representatives Sayan, Prince, Heavey and Van Luven to the committee amendment:

On page 3, after line 7 of the striking amendment, insert the following:

"Sec. 4. Section 22, chapter 279, Laws of 1971 ex. sess. as last amended by section 1, chapter 307, Laws of 1983 and RCW 28B.15.620 are each amended to read as follows:

Notwithstanding any other provision of law, veterans of the Vietnam conflict who have served in the southeast Asia theater of operations attending institutions of higher learning shall be exempted from the payment of any increase in tuition and fees otherwise applicable to any other resident or nonresident student at any institution of higher education, and shall not be required to pay more than the total amount of tuition and fees paid by veterans of the Vietnam conflict on October 1, 1977: PROVIDED, That for the purposes of this exemption, 'veterans of the Vietnam conflict' shall be those persons who have been on active federal service as a member of the armed military or naval forces of the United States between a period commencing August 5, 1964, and ending on May 7, 1975, and who qualify as a resident student under RCW 28B.15.012, and who have enrolled in state institutions of higher education on or before May 7, ((1989)) 1990. This section shall expire June 30, 1995."

Representatives Sayan and Van Luven spoke in favor of adoption of the amendment to the committee amendment.

POINT OF INQUIRY

Mr. Sayan yielded to question by Mr. Braddock.

Mr. Braddock: Do you have an estimate of what the cost of this tuition break would be over the next six years?

Mr. Sayan: This is not a tuition break. It is simply an extension of the opportunity to apply for existing benefits. It does not extend the eligibility period beyond the period of June 30, 1995. It gives the counselors an opportunity to work individual case problems, getting them into the system as options for Vietnam veterans. It does not change the expiration date of the law.

Mr. Braddock: What is the need, then, for this amendment?

Mr. Sayan: The need for this is that, in the past recession, it has been deemed that a number of Vietnam veterans, who would have been eligible, have not gotten into the system or gotten their lives in order. There is a strong sympathy to give them an opportunity to seek counseling to determine if, indeed, they will take advantage of the existing law.

Representatives Locke, Braddock and H. Sommers spoke against adoption of the amendment to the committee amendment, and Representatives Sayan and Van Luven again spoke in favor of it. Representatives Heavey and Wolfe spoke in favor of the amendment.

POINT OF ORDER

Mr. Nelson: Mr. Speaker, I believe the gentleman is straying widely from the mark on this amendment. I think it is an important amendment, but let's discuss the amendment and not extemporaneous matters, historical matters perhaps.

SPEAKER'S RULING

The Speaker: Representative Wolfe, could you please limit your remarks to the subject of the amendment before us.

Mr. Wolfe concluded his remarks in favor of the amendment to the committee amendment, and Mr. Jacobsen spoke in favor of it.

Mr. Fuhrman demanded an electric roll call vote, and the demand was sustained.

Mr. Crane demanded the previous question, and the demand was sustained.

ROLL CALL

The Clerk called the roll on the adoption of the amendment by Representative Sayan and others to the committee amendment to Substitute Senate Bill No. 5293, and the amendment to the committee amendment was adopted by the following vote: Yeas, 83; nays, 14; excused, 1.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Baugher, Beck, Betzoff, Bowman, Brekke, Bristow, Brooks, Brough, Brumsickle, Cantwell, Chandler, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ferguson, Fisher G, Fisher R, Fraser, Fuhrman, Hankins, Hargrove, Haugen, Heavey, Holland, Horn, Insee, Jacobsen, Jesernig, Jones, King P, King R, Kremen, Leonard, May, McLean, Meyers R, Miller, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Padden, Patrick, Peery, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Sayan, Schmidt, Schoon, Scott, Silver, Smith, Sommers D, Sprenkle, Tate, Todd, Van Luven, Vekich, Walk, Walker, Wilson S, Wineberry, Winsley, Wolfe, Wood, Youngsman, Zellinsky, and Mr. Speaker - 83.

Voting nay: Representatives Belcher, Braddock, Cole, Ebersole, Grant, Hine, Locke, Phillips, Rust, Sommers H, Spanel, Valle, Wang, Wilson K - 14.

Excused: Representative Gallagher - 1.

Representatives Jacobsen, Van Luven and Jones spoke in favor of adoption of the committee amendment as amended, and it was adopted.

With consent of the House, the following amendments to the committee amendment to the title were adopted:

On page 3, line 14 of the title amendment, after "amending RCW" insert "28A.58.217 and"

On page 3, line 14 of the title amendment, after "RCW 28B.15.014" insert "and 28B.15.620 and"

With consent of the House, the committee amendment as amended to the title was adopted.

With consent of the House, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5293 as amended by the House, and the bill passed the House by the following vote: Yeas, 97; excused, 1.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Baugher, Beck, Belcher, Betzoff, Bowman, Braddock, Brekke, Bristow, Brooks, Brough, Brumsickle, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Fraser, Fuhrman, Grant, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Insee, Jacobsen, Jesernig, Jones, King P, King R, Kremen, Leonard, Locke, May, McLean, Meyers R, Miller, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Padden, Patrick, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith, Sommers D, Sommers H, Spanel, Sprenkle, Tate, Todd, Valle, Van Luven, Vekich, Walk, Walker, Wang, Wilson K, Wilson S, Wineberry, Winsley, Wolfe, Wood, Youngsman, Zellinsky, and Mr. Speaker - 97.

Excused: Representative Gallagher - 1.

Substitute Senate Bill No. 5293 as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SENATE AMENDMENTS TO HOUSE BILL

April 4, 1989

Mr. Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 1065 with the following amendments:

NEW SECTION, Sec. 6. The legislature finds that treatment of the emotional problems of child sexual abuse victims may be impaired by lengthy delay in trial of the accused and the resulting delay in testimony of the child victim. The trauma of the abusive incident is likely to be exacerbated by requiring testimony from a victim who has substantially completed therapy and is forced to relive the incident. The legislature finds that it is necessary to prevent, to the extent reasonably possible, lengthy and unnecessary delays in trial of a person charged with abuse of a minor.

NEW SECTION, Sec. 7. A new section is added to chapter 10.46 RCW to read as follows:

When a defendant is charged with a crime which constitutes a violation of RCW 9A.64.020 or chapter 9.68, 9.68A, or 9A.44 RCW, and the alleged victim of the crime is a person under the

age of eighteen years, neither the defendant nor the prosecuting attorney may agree to extend the originally scheduled trial date unless the court within its discretion finds that there are substantial and compelling reasons for a continuance of the trial date and that the benefit of the postponement outweighs the detriment to the victim. The court may consider the testimony of lay witnesses and of expert witnesses, if available, regarding the impact of the continuance on the victim."

On page 1, line 2 of the title, after "9.94A.120;" insert "adding a new section to chapter 10.46 RCW;"

and the same is herewith transmitted.

W. D. Naismith, Assistant Secretary.

MOTION

Mr. Appelwick moved that the House do concur in the Senate amendments to Substitute House Bill No. 1065.

Representatives Appelwick and Padden spoke in favor of the motion, and it was carried.

FINAL PASSAGE OF HOUSE BILL AS AMENDED BY THE SENATE

The Speaker stated the question before the House to be the final passage of Substitute House Bill No. 1065 as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1065 as amended by the Senate, and the bill passed the House by the following vote: Yeas, 97; excused, 1.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Baugher, Beck, Belcher, Betzoff, Bowman, Braddock, Brøkke, Bristow, Brooks, Brough, Brumsickle, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Fraser, Fuhrman, Grant, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Inslee, Jacobsen, Jesernig, Jones, King P, King R, Kremen, Leonard, Locke, May, McLean, Meyers R, Miller, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Padden, Patrick, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith, Sommers D, Sommers H, Spanel, Sprengle, Tate, Todd, Valle, Van Luven, Vekich, Walk, Walker, Wang, Wilson K, Wilson S, Wineberry, Winsley, Wolfe, Wood, Youngsman, Zellinsky, and Mr. Speaker - 97.

Excused: Representative Gallagher - 1.

Substitute House Bill No. 1065 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

Mr. Heavey moved that the House immediately consider Substitute Senate Bill No. 5889 on the second reading calendar. The motion was carried.

SUBSTITUTE SENATE BILL NO. 5889, by Committee on Agriculture (originally sponsored by Senators Barr, Talmadge, Benitz, Madsen and Hansen)

Authorizing entities furnishing utility services to assist their customers in water conservation.

The bill was read the second time. Committee on Natural Resources & Parks recommendation: Majority, do pass as amended. (For committee amendments, see Journal, 82nd Day, March 31, 1989.)

Ms. K. Wilson moved adoption of the committee amendment on page 1, line 10, and spoke in favor of it. The committee amendment was adopted.

Ms. K. Wilson moved adoption of the committee amendment on page 1, after line 20, and spoke in favor of it. The committee amendment was adopted.

Ms. K. Wilson moved adoption of the committee amendment on page 4, after line 35, and spoke in favor of it. The committee amendment was adopted.

With consent of the House, the committee amendment to the title was adopted.

With consent of the House, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Ms. K. Wilson spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5889 as amended by the House, and the bill passed the House by the following vote: Yeas, 97; excused, 1.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Baugher, Beck, Belcher, Betzoff, Bowman, Braddock, Brekke, Bristow, Brooks, Brough, Brumsickle, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Fraser, Fuhrman, Grant, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Inslee, Jacobsen, Jesernig, Jones, King P, King R, Kremen, Leonard, Locke, May, McLean, Meyers R, Miller, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Padden, Patrick, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith, Sommers D, Sommers H, Spanel, Sprenkle, Tate, Todd, Valle, Van Luven, Vekich, Walk, Walker, Wang, Wilson K, Wilson S, Wineberry, Winsley, Wolfe, Wood, Youngsman, Zellinsky, and Mr. Speaker - 97.

Excused: Representative Gallagher - 1.

Substitute Senate Bill No. 5889 as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SUBSTITUTE SENATE BILL NO. 5903, by Committee on Health Care & Corrections (originally sponsored by Senators Kreidler and Bauer)

Providing nursing home care for medically fragile children.

The bill was read the second time.

With consent of the House, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5903, and the bill passed the House by the following vote: Yeas, 97; excused, 1.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Baugher, Beck, Belcher, Betzoff, Bowman, Braddock, Brekke, Bristow, Brooks, Brough, Brumsickle, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Fraser, Fuhrman, Grant, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Inslee, Jacobsen, Jesernig, Jones, King P, King R, Kremen, Leonard, Locke, May, McLean, Meyers R, Miller, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Padden, Patrick, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith, Sommers D, Sommers H, Spanel, Sprenkle, Tate, Todd, Valle, Van Luven, Vekich, Walk, Walker, Wang, Wilson K, Wilson S, Wineberry, Winsley, Wolfe, Wood, Youngsman, Zellinsky, and Mr. Speaker - 97.

Excused: Representative Gallagher - 1.

Senate Bill No. 5903, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5905, by Committee on Energy & Utilities (originally sponsored by Senators Benitz, Bender, Amondson, Smitherman, Owen and Anderson)

Modifying building code council authority.

The bill was read the second time. Committee on Housing recommendation: Majority, do pass as amended. (For committee amendments, see Journal, 82nd Day, March 31, 1989.) Committee on Appropriations recommendation: Majority, do pass as amended by Committee on Housing as amended by Committee on Appropriations. (For committee amendment, see Journal, 85th Day, April 3, 1989.)

Ms. Nutley moved adoption of the committee amendment by Committee on Housing.

Mr. Grant moved that the House do not adopt the committee amendment by Committee on Appropriations to the committee amendment by Committee on Housing. Mr. Grant spoke in favor of the motion, and it was carried.

On motion of Ms. Nutley, the following amendments by Representatives Nutley, Leonard and Winsley to the committee amendment were adopted:

On page 1, line 12 of the striking amendment, strike "~~(and)~~" and insert "and"

On page 1, line 21 of the striking amendment, after "units" strike all material through "edition" on page 2, line 4

On motion of Ms. Nutley, the following amendment by Representatives Nutley, Leonard and Winsley to the committee amendment was adopted:

On page 6, beginning on line 15 of the striking amendment, strike all of subsection (c) and renumber the remaining subsections consecutively

On motion of Ms. Nutley, the following amendment by Representatives Nutley, Leonard and Winsley to the committee amendment was adopted:

On page 9, line 25 of the striking amendment, after "ordinances" insert ", as defined by the state building code council."

The Clerk read the following amendment by Representatives Nutley, Todd, Winsley, Padden, Ballard, Leonard, Anderson, Rector and Inslee to the committee amendment:

On page 1, at the beginning of line 26 of the amendment, strike "to" and insert "as they apply to fire extinguishing systems, area separation, exits and emergency escapes, fire flows, fire alarm systems, access to buildings, maximum building height, fire resistive substitution, fire resistive standards for"

With consent of the House, Representative Nutley withdrew the amendment to the committee amendment.

The Clerk read the following amendment by Representatives Horn, Wood, Ferguson and Haugen to the committee amendment:

On page 6, line 10 of the Housing Committee amendment, strike "or enacted"

With consent of the House, Representative Horn withdrew the amendment to the committee amendment.

The Clerk read the following amendment by Representatives Nutley, Todd, Winsley, Padden and Rector to the committee amendment:

On page 6, line 28 of the amendment, after "(iii)" insert "After July 1, 1990, if during the review of the fire suppression ordinance, the state building code council provides a written finding to the county or city that portions of the fire suppression ordinance adds or alters construction requirements to single family or multifamily residential buildings as defined in RCW 19.27.015(2), that portion of the fire suppression ordinance shall not be in effect unless approved by the state building code council pursuant to RCW 19.27.074(1)(b)."

(iv)"

With consent of the House, Representative Nutley withdrew the amendment to the committee amendment.

Ms. Nutley moved adoption of the following amendment by Representatives Nutley, Winsley and Leonard to the committee amendment:

On page 10, beginning on line 33 of the striking amendment, strike all of section 8 and renumber the remaining section consecutively.

Ms. Nutley spoke in favor of adoption of the amendment to the committee amendment, and it was adopted.

Mr. Horn moved adoption of the following amendment to the committee amendment:

On page 6, line 11, strike "~~(all)~~ proposed or enacted" and insert "all"

Mr. Horn spoke in favor of adoption of the amendment to the committee amendment, and it was adopted.

Ms. Nutley spoke in favor of adoption of the committee amendment by Committee on Housing as amended, and it was adopted.

With consent of the House, the following amendments to the committee amendment to the title were adopted:

On page 11, line 16 of the title amendment, strike "19.27.015,"

On page 11, line 18 of the title amendment, after "creating" strike "new sections" and insert "a new section"

With consent of the House, the committee amendment as amended to the title was adopted.

With consent of the House, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute Senate Bill No. 5905 as amended by the House, and the bill passed the House by the following vote: Yeas, 97; excused, 1.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Baugher, Beck, Belcher, Betzoff, Bowman, Braddock, Brekke, Bristow, Brooks, Brough, Brumsickle, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Fraser, Fuhrman, Grant, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Insee, Jacobsen, Jesernig, Jones, King P, King R, Kremen, Leonard, Locke, May, McLean, Meyers R, Miller, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Padden, Patrick, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith, Sommers D, Sommers H, Spanel, Sprenkle, Tate, Todd, Valle, Van Luven, Vekich, Walk, Walker, Wang, Wilson K, Wilson S, Wineberry, Winsley, Wolfe, Wood, Youngsman, Zellinsky, and Mr. Speaker - 97.

Excused: Representative Gallagher - 1.

Substitute Senate Bill No. 5905 as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SENATE BILL NO. 5991, by Senators Pullen, Talmadge, Amondson and Rasmussen

Protecting state employees from assaults by juvenile offenders.

The bill was read the second time. Committee on Judiciary recommendation: Majority, do pass as amended. (For committee amendment, see Journal, 82nd Day, March 31, 1989.) Committee on Appropriations recommendation: Majority, do pass as amended by Committee on Judiciary.

Mr. Crane moved adoption of the committee amendment and spoke in favor of it. The committee amendment was adopted.

With consent of the House, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Representatives Crane and Padden spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 5991 as amended by the House, and the bill passed the House by the following vote: Yeas, 94; nays, 2; absent, 1; excused, 1.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Baugher, Beck, Belcher, Betzoff, Bowman, Braddock, Bristow, Brooks, Brough, Brumsickle, Cantwell, Chandler, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Fraser, Fuhrman, Grant, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Insee, Jacobsen, Jesernig, Jones, King P, King R, Kremen, Leonard, Locke, May, McLean, Meyers R, Miller, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Padden, Patrick, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Schoon, Silver, Smith, Sommers D, Sommers H, Spanel, Sprenkle, Tate, Todd, Valle, Van Luven, Vekich, Walk, Walker, Wang, Wilson K, Wilson S, Wineberry, Winsley, Wolfe, Wood, Youngsman, Zellinsky, and Mr. Speaker - 94.

Voting nay: Representatives Brekke, Cole - 2.

Absent: Representative Scott - 1.

Excused: Representative Gallagher - 1.

Senate Bill No. 5991 as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

The Speaker called on Representative R. King to preside.

There being no objection, the House advanced to the eighth order of business.

MOTION

Mr. Ebersole moved that Committee on Rules be relieved of House Bill No. 2221 and House Bill No. 2222 and that the bills be placed on the second reading calendar. The motion was carried.

There being no objection, the House reverted to the sixth order of business.

SECOND READING

SUBSTITUTE SENATE BILL NO. 6009, by Committee on Law & Justice (originally sponsored by Senators Owen, Nelson, Warnke, Moore and Smith)

Pertaining to custodial interference.

The bill was read the second time. Committee on Judiciary recommendation: Majority, do pass as amended. (For committee amendments, see Journal, 82nd Day, March 31, 1989.)

Mr. Appelwick moved adoption of the committee amendment and spoke against it. The committee amendment was not adopted.

Mr. Appelwick moved adoption of the following amendment by Representatives Appelwick and Padden:

Strike everything after the enacting clause and insert the following:

"Sec. 1. Section 16, chapter 157, Laws of 1973 1st ex. sess. as amended by section 12, chapter 460, Laws of 1987 and RCW 26.09.160 are each amended to read as follows:

(1) The performance of parental functions and the duty to provide child support are distinct responsibilities in the care of a child. If a party fails to comply with a provision of a decree or temporary order of injunction, the obligation of the other party to make payments for support or maintenance or to permit contact with children is not suspended. An attempt by a parent, in either the negotiation or the performance of a parenting plan, to condition one aspect of the parenting plan upon another (~~may be deemed to be in bad faith. If the court finds that a parent acted in bad faith in an attempt to condition parental functions, in a refusal~~), to refuse to perform the duties provided in the parenting plan, or (~~in the hindrance of~~) to hinder the performance by the other parent (~~the court has broad discretion to punish the conduct by a punitive award or other remedies, including civil or criminal contempt, and may consider the conduct in awarding attorneys' fees~~) of duties provided in the parenting plan, may be punished by the court by holding the party in contempt of court and by awarding to the aggrieved party reasonable attorneys' fees and costs incidental in bringing a motion for contempt of court.

(2)(a) A motion may be filed without notice to initiate a contempt action to coerce a parent to comply with an order establishing residential provisions for a child. If the court finds there is reasonable cause to believe the parent has not complied with the order, the court may issue an order to show cause why the relief requested should not be granted.

(b) If, based on all the facts and circumstances, the court finds after hearing that the parent has not complied with the order establishing residential provisions for the child, the court may find the parent in contempt of court. Upon a finding of contempt, the court shall order:

(i) The noncomplying parent to provide the moving party additional time with the child. The additional time shall be equal to the time missed with the child, due to the parent's noncompliance;

(ii) The parent to pay, to the moving party, all court costs and reasonable attorneys' fees incurred as a result of the noncompliance, and any reasonable expenses incurred in locating or returning a child; and

(iii) The parent to pay, to the moving party, a civil penalty, not less than the sum of one hundred dollars.

The court may also order the parent to be imprisoned in the county jail, if the parent is presently able to comply with the provisions of the court-ordered parenting plan and is presently unwilling to comply. The parent may be imprisoned until he or she agrees to comply with the order, but in no event for more than one hundred eighty days.

(3) On a second failure within three years to comply with a residential provision of a court-ordered parenting plan, a motion may be filed to initiate contempt of court proceedings according to the procedure set forth in subsection (2) (a) and (b) of this section. On a finding of contempt under this subsection, the court shall order:

(a) The noncomplying parent to provide the other parent or party additional time with the child. The additional time shall be twice the amount of the time missed with the child, due to the parent's noncompliance;

(b) The noncomplying parent to pay, to the other parent or party, all court costs and reasonable attorneys' fees incurred as a result of the noncompliance, and any reasonable expenses incurred in locating or returning a child; and

(c) The noncomplying parent to pay, to the moving party, a civil penalty of not less than two hundred fifty dollars.

The court may also order the parent to be imprisoned in the county jail, if the parent is presently able to comply with the provisions of the court-ordered parenting plan and is presently unwilling to comply. The parent may be imprisoned until he or she agrees to comply with the order but in no event for more than one hundred eighty days.

(4) For purposes of subsections (1), (2), and (3) of this section, the parent shall be deemed to have the present ability to comply with the order establishing residential provisions unless he or she establishes otherwise by a preponderance of the evidence. The parent shall establish a reasonable excuse for failure to comply with the residential provision of a court-ordered parenting plan by a preponderance of the evidence.

(5) Any monetary award ordered under subsections (1), (2), and (3) of this section may be enforced, by the party to whom it is awarded, in the same manner as a civil judgment.

(6) Subsections (1), (2), and (3) of this section authorize the exercise of the court's power to impose remedial sanctions for contempt of court and is in addition to any other contempt power the court may possess.

(7) Upon motion for contempt of court under subsections (1) through (3) of this section, if the court finds the motion was brought without reasonable basis, the court shall order the moving party to pay to the nonmoving party, all costs, reasonable attorneys' fees, and a civil penalty of not less than one hundred dollars.

Sec. 2. Section 2, chapter 95, Laws of 1984 and RCW 9A.40.070 are each amended to read as follows:

(1) A relative of a person is guilty of custodial interference in the second degree if, with the intent to deny access to such person by a parent, guardian, institution, agency, or other person having a lawful right to physical custody of such person, the relative takes, entices, retains, detains, or conceals the person from a parent, guardian, institution, agency, or other person having a lawful right to physical custody of such person. This subsection shall not apply to a parent's noncompliance with a court-ordered parenting plan.

(2) A parent of a child is guilty of custodial interference in the second degree if: (a) The parent takes, entices, retains, detains, or conceals the child, with the intent to deny access, from the other parent having the lawful right to time with the child pursuant to a court-ordered parenting plan; or (b) the parent has not complied with the residential provisions of a court-ordered parenting plan after a finding of contempt under section 1(3) of this act; or (c) if the court finds that the parent has engaged in a pattern of willful violations of the court-ordered residential provisions.

(3) Nothing in (b) of this subsection prohibits conviction of custodial interference in the second degree under (a) or (c) of this subsection in absence of findings of contempt.

(4) The first conviction of custodial interference in the second degree is a gross misdemeanor. The second or subsequent conviction of custodial interference in the second degree is a class C felony.

Sec. 3. Section 26, chapter 157, Laws of 1973 1st ex. sess. as amended by section 19, chapter 460, Laws of 1987 and RCW 26.09.260 are each amended to read as follows:

(1) The court shall not modify a prior custody decree or a parenting plan unless it finds, upon the basis of facts that have arisen since the prior decree or plan or that were unknown to the court at the time of the prior decree or plan, that a substantial change has occurred in the circumstances of the child or the parents and that the modification is necessary to serve the best interests of the child. In applying these standards, the court shall retain the residential schedule established by the decree or parenting plan unless:

(a) The parents agree to the modification;

(b) The child has been integrated into the family of the petitioner with the consent of the other parent in substantial deviation from the parenting plan; ~~(or)~~

(c) The child's present environment is detrimental to the child's physical, mental, or emotional health and the harm likely to be caused by a change of environment is outweighed by the advantage of a change to the child; ~~or~~

(d) The court has found the nonmoving parent in contempt of court at least twice within three years because the parent failed to comply with the residential time provisions in the court-ordered parenting plan, or the parent has been convicted of custodial interference in the first or second degree under RCW 9A.40.060 or 9A.40.070.

(2) A conviction of custodial interference in the first or second degree under RCW 9A.40.060 or 9A.40.070 shall constitute a substantial change of circumstances for the purposes of this section.

~~((2))~~ (3) If the court finds that a motion to modify a prior decree or parenting plan has been brought in bad faith, the court shall assess the attorney's fees and court costs of the non-moving parent against the moving party.

NEW SECTION. Sec. 4. A new section is added to chapter 26.09 RCW to read as follows:

All court orders containing parenting plan provisions or orders of contempt, entered pursuant to section 1 of this act, shall include the following language:

WARNING: VIOLATION OF THE RESIDENTIAL PROVISIONS OF THIS ORDER WITH ACTUAL KNOWLEDGE OF ITS TERMS IS PUNISHABLE BY CONTEMPT OF COURT, AND MAY BE A CRIMINAL OFFENSE UNDER RCW 9A.40.070(2). VIOLATION OF THIS ORDER MAY SUBJECT A VIOLATOR TO ARREST.

Sec. 5. Section 3, chapter 95, Laws of 1984 and RCW 9A.40.080 are each amended to read as follows:

(1) Any reasonable expenses incurred in locating or returning a child or incompetent person shall be assessed against a defendant convicted under RCW 9A.40.060 or 9A.40.070.

(2) In any prosecution of custodial interference in the first or second degree, it is a complete defense, if established by the defendant by a preponderance of the evidence, that:

(a) The defendant's purpose was to protect the child, incompetent person, or himself or herself from imminent physical harm, (and) that the belief in the existence of the imminent physical harm was reasonable, and that the defendant sought the assistance of the police, sheriff's office, protective agencies, or the court of any state before committing the acts giving rise to the charges or within a reasonable time thereafter;

(b) The complainant had, prior to the defendant committing the acts giving rise to the crime, for a protracted period of time, failed to exercise his or her rights to physical custody or access to the child under a court-ordered parenting plan or order granting visitation rights, provided that such failure was not the direct result of the defendant's denial of access to such person;

(c) The acts giving rise to the charges were consented to by the complainant; or

(d) The offender, after providing or making a good faith effort to provide notice to the person entitled to access to the child, failed to provide access to the child due to reasons that a reasonable person would believe were directly related to the welfare of the child, and allowed access to the child in accordance with the court order within a reasonable period of time. The burden of proof that the denial of access was reasonable is upon the person denying access to the child.

(3) Consent of a child less than sixteen years of age or of an incompetent person does not constitute a defense to an action under RCW 9A.40.060 or 9A.40.070.

NEW SECTION. Sec. 6. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected."

Mr. Appelwick moved adoption of the following amendment by Representatives Appelwick and Padden to the amendment:

On page 2, beginning on line 14 of the amendment, strike "without notice"

Mr. Appelwick spoke in favor of adoption of the amendment to the amendment, and it was adopted.

Representatives Appelwick and Padden spoke in favor of adoption of the amendment as amended, and it was adopted.

With consent of the House, the following amendment to the title was adopted:

On page 1, line 2 of the title, after "child;" strike the remainder of the title and insert "amending RCW 26.09.160, 9A.40.070, 26.09.260, and 9A.40.080; adding a new section to chapter 26.09 RCW; and prescribing penalties."

With consent of the House, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 6009 as amended by the House, and the bill passed the House by the following vote: Yeas, 96; nays, 1; excused, 1.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Baugher, Beck, Belcher, Betzoff, Bowman, Braddock, Bristow, Brooks, Brough, Brumsickle, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Fraser, Fuhrman, Grant, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Insee, Jacobsen, Jesernig, Jones, King P, King R, Kremen, Leonard, Locke, Mary, McLean, Meyers R, Miller, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Padden, Patrick, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith, Sommers D, Sommers H, Spanel, Sprenkle, Tate, Todd, Valle, Van Luven, Vekich, Walk, Walker, Wang, Wilson K, Wilson S, Wineberry, Winsley, Wolfe, Wood, Youngsman, Zellinsky, and Mr. Speaker - 96.

Voting nay: Representative Brekke - 1.

Excused: Representative Gallagher - 1.

Substitute Senate Bill No. 6009 as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SENATE JOINT MEMORIAL NO. 8010, by Senators West, Smitherman, Warnke, Anderson, Lee, Saling, Matson and Smith

Requesting Idaho and Oregon to enter into the joint trade compact.

The memorial was read the second time.

With consent of the House, the rules were suspended, the second reading considered the third, and the memorial was placed on final passage.

Representatives Cantwell, Padden and Doty spoke in favor of passage of the memorial.

ROLL CALL

The Clerk called the roll on the final passage of Senate Joint Memorial No. 8010, and the memorial passed the House by the following vote: Yeas, 97; excused, 1.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Baugher, Beck, Belcher, Betzoff, Bowman, Braddock, Brekke, Bristow, Brooks, Brough, Brumsickle, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Fraser, Fuhrman, Grant, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Inslee, Jacobsen, Jesernig, Jones, King P, King R, Kremen, Leonard, Locke, May, McLean, Meyers R, Miller, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Padden, Patrick, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith, Sommers D, Sommers H, Spanel, Sprengle, Tate, Todd, Valle, Van Luven, Vekich, Walk, Walker, Wang, Wilson K, Wilson S, Wineberry, Winsley, Wolfe, Wood, Youngsman, Zellinsky, and Mr. Speaker - 97.

Excused: Representative Gallagher - 1.

Senate Joint Memorial No. 8010, having received the constitutional majority, was declared passed.

SENATE JOINT RESOLUTION NO. 8210, by Senators Barr, Talmadge, Hansen, Benitz and Williams

Modifying the Constitution to allow for entities engaged in water sale or distribution to undertake conservation.

The resolution was read the second time.

With consent of the House, the rules were suspended, the second reading considered the third, and the resolution was placed on final passage.

Ms. K. Wilson spoke in favor of passage of the resolution.

ROLL CALL

The Clerk called the roll on the final passage of Senate Joint Resolution No. 8210, and the resolution passed the House by the following vote: Yeas, 97; excused, 1.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Baugher, Beck, Belcher, Betzoff, Bowman, Braddock, Brekke, Bristow, Brooks, Brough, Brumsickle, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Fraser, Fuhrman, Grant, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Inslee, Jacobsen, Jesernig, Jones, King P, King R, Kremen, Leonard, Locke, May, McLean, Meyers R, Miller, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Padden, Patrick, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith, Sommers D, Sommers H, Spanel, Sprengle, Tate, Todd, Valle, Van Luven, Vekich, Walk, Walker, Wang, Wilson K, Wilson S, Wineberry, Winsley, Wolfe, Wood, Youngsman, Zellinsky, and Mr. Speaker - 97.

Excused: Representative Gallagher - 1.

Senate Joint Resolution No. 8210, having received the constitutional majority, was declared passed.

SECOND SUBSTITUTE SENATE BILL NO. 5073, by Committee on Ways & Means (originally sponsored by Senators Pullen and Talmadge)

Establishing a central repository for collection and analysis of information on crimes involving bigotry and bias.

The bill was read the second time. Committee on Judiciary recommendation: Majority, do pass as amended. (For committee amendments, see Journal, 82nd Day, March 31, 1989.)

Mr. Appelwick moved adoption of the committee amendment and spoke in favor of it.

MOTION

Mr. Heavey moved that the House defer further consideration of Second Substitute Senate Bill No. 5073 and that the bill hold its place on the second reading calendar. The motion was carried.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5107, by Committee on Children & Family Services (originally sponsored by Senators Smith, Stratton and Craswell)

Regarding abuse or exploitation of vulnerable adults/registry.

The bill was read the second time. Committee on Judiciary recommendation: Majority, do pass as amended. (For committee amendments, see Journal, 82nd Day, March 31, 1989.)

Mr. Appelwick moved adoption of the committee amendments and spoke in favor of them. The committee amendments were adopted.

With consent of the House, the committee amendment to the title was adopted.

With consent of the House, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Representatives Appelwick and Padden spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute Senate Bill No. 5107 as amended by the House, and the bill passed the House by the following vote: Yeas, 97; excused, 1.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Baugher, Beck, Belcher, Betrozoff, Bowman, Braddock, Brekke, Bristow, Brooks, Brough, Brumsickle, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Fraser, Fuhrman, Grant, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Inslee, Jacobsen, Jesernig, Jones, King P, King R, Kremen, Leonard, Locke, May, McLean, Meyers R, Miller, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Padden, Patrick, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith, Sommers D, Sommers H, Spanel, Sprenkle, Tate, Todd, Valle, Van Luven, Vekich, Walk, Walker, Wang, Wilson K, Wilson S, Wineberry, Winsley, Wolfe, Wood, Youngsman, Zellinsky, and Mr. Speaker - 97.

Excused: Representative Gallagher - 1.

Engrossed Substitute Senate Bill No. 5107 as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SUBSTITUTE SENATE BILL NO. 5128, by Committee on Governmental Operations (originally sponsored by Senator McCaslin)

Specifying notice requirements for local improvements.

The bill was read the second time. Committee on Local Government recommendation: Majority, do pass as amended. (For committee amendments, see Journal, 82nd Day, March 31, 1989.)

Ms. Haugen moved that the House do not adopt the committee amendments. The motion was carried.

Ms. Haugen moved adoption of the following amendment by Representatives Haugen and Ferguson:

Strike everything after the enacting clause and insert the following:

*Sec. 1. Section 35.43.120, chapter 7, Laws of 1965 as last amended by section 1, chapter 323, Laws of 1981 and RCW 35.43.120 are each amended to read as follows:

Any local improvement may be initiated upon a petition signed by the owners of property aggregating a majority of the area within the proposed district. The petition must briefly describe: (1) The nature of the proposed improvement, (2) the territorial extent of the proposed improvement, ~~(and)~~ (3) what proportion of the area within the proposed district is owned by the petitioners as shown by the records in the office of the county auditor, and (4) the fact that actual assessments may vary from assessment estimates so long as they do not exceed a figure equal to the increased true and fair value the improvement, or street lighting, adds to the property.

If any of the property within the area of the proposed district stands in the name of a deceased person, or of any person for whom a guardian has been appointed and not discharged, the signature of the executor, administrator, or guardian, as the case may be, shall be equivalent to the signature of the owner of the property on the petition. The petition must be filed with the clerk or with such other officer as the city or town by charter or ordinance may require.

Sec. 2. Section 35.43.140, chapter 7, Laws of 1965 as last amended by section 29, chapter 469, Laws of 1985 and RCW 35.43.140 are each amended to read as follows:

Any local improvement to be paid for in whole or in part by the levy and collection of assessments upon the property within the proposed improvement district may be initiated by a resolution of the city or town council or other legislative authority of the city or town, declaring its intention to order the improvement, setting forth the nature and territorial extent of the improvement, containing a statement that actual assessments may vary from assessment estimates so long as they do not exceed a figure equal to the increased true and fair value the improvement, or street lighting, adds to the property, and notifying all persons who may desire to object thereto to appear and present their objections at a time to be fixed therein.

In the case of trunk sewers and trunk water mains the resolution must describe the routes along which the trunk sewer, subsewer and branches of trunk water main and laterals are to be constructed.

In case of dikes or other structures to protect the city or town or any part thereof from overflow or to open, deepen, straighten, or enlarge watercourses, waterways and other channels the resolution must set forth the place of commencement and ending thereof and the route to be used.

In the case of auxiliary water systems, or extensions thereof or additions thereto for protection of the city or town or any part thereof from fire, the resolution must set forth the routes along which the auxiliary water system or extensions thereof or additions thereto are to be constructed and specifications of the structures or works necessary thereto or forming a part thereof.

The resolution shall be published in at least two consecutive issues of the official newspaper of the city or town, the first publication to be at least fifteen days before the day fixed for the hearing.

The hearing herein required may be held before the city or town council, or other legislative authority, or before a committee thereof. The legislative authority of a city having a population of fifteen thousand or more may designate an officer to conduct the hearings. The committee or hearing officer shall report recommendations on the resolution to the legislative authority for final action.

Sec. 3. Section 35.43.150, chapter 7, Laws of 1965 as amended by section 2, chapter 303, Laws of 1983 and RCW 35.43.150 are each amended to read as follows:

Notice of the hearing upon a resolution declaring the intention of the legislative authority of a city or town to order an improvement shall be given by mail at least fifteen days before the day fixed for hearing to the owners or reputed owners of all lots, tracts, and parcels of land or other property to be specially benefited by the proposed improvement, as shown on the rolls of the county assessor, directed to the address thereon shown.

The notice shall set forth the nature of the proposed improvement, the estimated cost, a statement that actual assessments may vary from assessment estimates so long as they do not exceed a figure equal to the increased true and fair value the improvement, or street lighting, adds to the property, and the estimated benefits of the particular lot, tract, or parcel.

NEW SECTION. Sec. 4. A new section is added to chapter 36.69 RCW to read as follows:

Any notice given to the public or to the owners of specific lots, tracts, or parcels of land relating to the formation of a local improvement district shall contain a statement that actual assessments may vary from assessment estimates so long as they do not exceed a figure equal to the increased true and fair value the improvement adds to the property.

NEW SECTION. Sec. 5. A new section is added to chapter 36.88 RCW to read as follows:

Any notice given to the public or to the owners of specific lots, tracts, or parcels of land relating to the formation of a county road improvement district shall contain a statement that actual assessments may vary from assessment estimates so long as they do not exceed a figure equal to the increased true and fair value the improvement adds to the property.

NEW SECTION. Sec. 6. A new section is added to chapter 36.94 RCW to read as follows:

Any notice given to the public or to the owners of specific lots, tracts, or parcels of land relating to the formation of a local improvement district or utility local improvement district shall contain a statement that actual assessments may vary from assessment estimates so long as they do not exceed a figure equal to the increased true and fair value the improvement adds to the property.

NEW SECTION. Sec. 7. A new section is added to chapter 52.20 RCW to read as follows:

Any notice given to the public or to the owners of specific lots, tracts, or parcels of land relating to the formation of a local improvement district shall contain a statement that actual assessments may vary from assessment estimates so long as they do not exceed a figure equal to the increased true and fair value the improvement adds to the property.

NEW SECTION. Sec. 8. A new section is added to chapter 53.08 RCW to read as follows:

Any notice given to the public or to the owners of specific lots, tracts, or parcels of land relating to the formation of a local improvement district shall contain a statement that actual assessments may vary from assessment estimates so long as they do not exceed a figure equal to the increased true and fair value the improvement adds to the property.

NEW SECTION. Sec. 9. A new section is added to chapter 54.16 RCW to read as follows:

Any notice given to the public or to the owners of specific lots, tracts, or parcels of land relating to the formation of a local utility district shall contain a statement that actual assessments may vary from assessment estimates so long as they do not exceed a figure equal to the increased true and fair value the improvement, or street lighting, adds to the property.

NEW SECTION. Sec. 10. A new section is added to chapter 56.20 RCW to read as follows:

Any notice given to the public or to the owners of specific lots, tracts, or parcels of land relating to the formation of a utility local improvement district shall contain a statement that actual assessments may vary from assessment estimates so long as they do not exceed a figure equal to the increased true and fair value the improvement adds to the property.

NEW SECTION. Sec. 11. A new section is added to chapter 57.16 RCW to read as follows:

Any notice given to the public or to the owners of specific lots, tracts, or parcels of land relating to the formation of a local improvement district or utility local improvement district shall contain a statement that actual assessments may vary from assessment estimates so long as they do not exceed a figure equal to the increased true and fair value the improvement adds to the property.

NEW SECTION. Sec. 12. A new section is added to chapter 87.03 RCW to read as follows:

Any notice given to the public or to the owners of specific lots, tracts, or parcels of land relating to the formation of a local improvement district shall contain a statement that actual assessments may vary from assessment estimates so long as they do not exceed a figure equal to the increased true and fair value the improvement adds to the property.

Sec. 13. Section 1, chapter 20, Laws of 1963 as amended by section 14, chapter 234, Laws of 1971 ex. sess. and RCW 79.44.003 are each amended to read as follows:

As used in this chapter 'assessing district' means:

- (1) Incorporated cities and towns;
- (2) Diking districts;
- (3) Drainage districts;
- (4) Port districts;
- (5) Irrigation districts;
- (6) Water districts;
- (7) Sewer districts;
- (8) Counties; and
- (9) Any municipal corporation or public agency having power to levy local improvement or other assessments, rates, or charges which by statute are expressly made applicable to lands of the state.

Sec. 14. Section 4, chapter 164, Laws of 1919 as last amended by section 177, chapter 151, Laws of 1979 and RCW 79.44.040 are each amended to read as follows:

Notice of the intention to make such improvement, or impose any assessment, together with the estimate of the amount to be charged to each lot, tract or parcel of land, or other property owned by the state to be assessed ~~((for said improvement))~~, shall be forwarded by registered or certified mail to the director of financial management and to the chief administrative officer of the agency of state government occupying, using, or having jurisdiction over such lands at least thirty days prior to the date fixed for hearing on the resolution or petition initiating said ~~((improvement))~~ assessment. Such assessing district, shall not have jurisdiction to order such improvement as to the interest of the state in harbor areas and state tidelands until the written consent of the commissioner of public lands to the making of such improvement shall have been obtained, unless other means be provided for paying that portion of the cost which would otherwise be levied on the interest of the state of Washington in and to said tidelands, and nothing herein shall prevent the city from assessing the proportionate cost of said improvement against any leasehold, contractual or possessory interest in and to any tideland or harbor area owned by the state: PROVIDED, HOWEVER, That in the case of tidelands and harbor areas within the boundaries of any port district, notice of intention to make such improvement shall also be forwarded to the commissioners of said port district.

Sec. 15. Section 5, chapter 164, Laws of 1919 as last amended by section 178, chapter 151, Laws of 1979 and RCW 79.44.050 are each amended to read as follows:

Upon the approval and confirmation of the assessment roll (~~(for any local improvement)~~) ordered by the proper authorities of any assessing district, the treasurer of such assessing district shall certify and forward to the director of financial management and to the chief administrative officer of the agency of state government occupying, using, or having jurisdiction over the lands. In accordance with such rules and regulations as the director of financial management may provide, a statement of all the lots or parcels of land held or owned by the state and charged on such assessment roll (~~(for the cost of such improvement)~~), separately describing each such lot or parcel of the state's land, with the amount of the local assessment charged against it, or the proportionate amount assessed against the fee simple interest of the state, in case said land has been leased. The chief administrative officer upon receipt of such statement shall cause a proper record to be made in his office of the cost of such (~~(improvement)~~) assessment upon the lands occupied, used, or under the jurisdiction of his agency.

No penalty shall be provided or enforced against the state, and the interest upon such assessments shall be computed and paid at the rate paid by other property situated in the same (~~(improvement)~~) assessing district.

NEW SECTION. Sec. 16. A new section is added to chapter 79.44 RCW to read as follows:

As used in this chapter, 'assessment' shall mean any assessment, rate or charge levied, assessed, imposed, or charged by any assessing district as defined in RCW 79.44.003, and which assessments, rates or charges by statute are expressly made applicable to lands of the state."

Ms. Haugen spoke in favor of adoption of the amendment, and it was adopted.

With consent of the House, the following amendment to the title was adopted:

On page 1, line 1 of the title, after "improvements;" strike the remainder of the title and insert "amending RCW 35.43.120, 35.43.140, 35.43.150, 79.44.003, 79.44.040, and 79.44.050; adding a new section to chapter 36.69 RCW; adding a new section to chapter 36.88 RCW; adding a new section to chapter 36.94 RCW; adding a new section to chapter 52.20 RCW; adding a new section to chapter 53.08 RCW; adding a new section to chapter 54.16 RCW; adding a new section to chapter 56.20 RCW; adding a new section to chapter 57.16 RCW; adding a new section to chapter 79.44 RCW; and adding a new section to chapter 87.03 RCW."

With consent of the House, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Ms. Haugen spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5128 as amended by the House, and the bill passed the House by the following vote: Yeas, 97; excused, 1.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Baugher, Beck, Belcher, Betzozoff, Bowman, Braddock, Brekke, Bristow, Brooks, Brough, Brumsickle, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Fraser, Fuhrman, Grant, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Insee, Jacobsen, Jesernig, Jones, King P, King R, Kremen, Leonard, Locke, May, McLean, Meyers R, Miller, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Padden, Patrick, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith, Sommers D, Sommers H, Spanel, Sprengle, Tate, Todd, Valle, Van Luvan, Vekich, Walk, Walker, Wang, Wilson K, Wilson S, Wineberry, Winsley, Wolfe, Wood, Youngsman, Zellinsky, and Mr. Speaker - 97.

Excused: Representative Gallagher - 1.

Substitute Senate Bill No. 5128 as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SUBSTITUTE SENATE BILL NO. 5147, by Committee on Financial Institutions & Insurance (originally sponsored by Senators von Reichbauer, Rasmussen, Johnson, Smitherman, McMullen, McCaslin and West)

Revising definition of credit services organization.

The bill was read the second time. Committee on Financial Institutions & Insurance recommendation: Majority, do pass as amended. (For committee amendments, see Journal, 82nd Day, March 31, 1989.)

On motion of Mr. Dellwo, the committee amendment was adopted.

With consent of the House, the committee amendment to the title was adopted.

With consent of the House, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Mr. Dellwo spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5147 as amended by the House, and the bill passed the House by the following vote: Yeas, 97; excused, 1.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Baugher, Beck, Belcher, Betzoff, Bowman, Braddock, Brekke, Bristow, Brooks, Brough, Brumsickle, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Fraser, Fuhrman, Grant, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Inslee, Jacobsen, Jesernig, Jones, King P, King R, Kremen, Leonard, Locke, May, McLean, Meyers R, Miller, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Padden, Patrick, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith, Sommers D, Sommers H, Spanel, Sprenkle, Tate, Todd, Valle, Van Luven, Vekich, Walk, Walker, Wang, Wilson K, Wilson S, Wineberry, Winsley, Wolfe, Wood, Youngsman, Zellinsky, and Mr. Speaker - 97.

Excused: Representative Gallagher - 1.

Substitute Senate Bill No. 5147 as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SENATE BILL NO. 5154, by Senators West and Kreidler; by request of Department of Social and Health Services

Providing for sanitary control of shellfish.

The bill was read the second time.

With consent of the House, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Mr. Braddock spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 5154, and the bill passed the House by the following vote: Yeas, 95; absent, 2; excused, 1.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Baugher, Beck, Belcher, Betzoff, Bowman, Braddock, Brekke, Bristow, Brooks, Brough, Brumsickle, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Fraser, Fuhrman, Grant, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Inslee, Jacobsen, Jesernig, Jones, King P, King R, Kremen, Leonard, Locke, May, McLean, Meyers R, Miller, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Padden, Patrick, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schoon, Scott, Silver, Smith, Sommers D, Sommers H, Spanel, Sprenkle, Tate, Todd, Valle, Vekich, Walk, Walker, Wang, Wilson K, Wilson S, Wineberry, Winsley, Wolfe, Wood, Youngsman, Zellinsky, and Mr. Speaker - 95.

Absent: Representatives Schmidt, Van Luven - 2.

Excused: Representative Gallagher - 1.

Senate Bill No. 5154, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SENATE BILL NO. 5329, by Senators Lee, Warnke, Matson and Smitherman; by request of Department of Licensing

Establishing a master license delinquency fee.

The bill was read the second time.

With consent of the House, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Ms. Cole spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 5329, and the bill passed the House by the following vote: Yeas, 96; absent, 1; excused, 1.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Baugher, Beck, Belcher, Betzoff, Bowman, Braddock, Brekke, Bristow, Brooks, Brough, Brumsickle, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Fraser, Fuhrman, Grant, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Inslee, Jacobsen, Jesernig, Jones, King P, King R, Kremen, Leonard, Locke, May, McLean, Meyers R, Miller, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Padden, Patrick, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Schoon, Silver, Smith, Sommers D, Sommers H, Spanel, Sprengle, Tate, Todd, Valle, Van Luven, Vekich, Waik, Walker, Wang, Wilson K, Wilson S, Wineberry, Winsley, Wolfe, Wood, Youngsman, Zellinsky, and Mr. Speaker - 96.

Absent: Representative Scott - 1.

Excused: Representative Gallagher - 1.

Senate Bill No. 5329, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SUBSTITUTE SENATE BILL NO. 5369, by Committee on Economic Development & Labor (originally sponsored by Senators Bluechel, Warnke, Smith, Lee and von Reichbauer)

Increasing mobile home space availability.

The bill was read the second time. Committee on Housing recommendation: Majority, do pass as amended. (For committee amendments, see Journal, 80th Day, March 29, 1989.)

Ms. Leonard moved adoption of the committee amendment and spoke in favor of it. The committee amendment was adopted.

With consent of the House, the committee amendment to the title was adopted.

With consent of the House, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Representatives Leonard and Winsley spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5369 as amended by the House, and the bill passed the House by the following vote: Yeas, 97; excused, 1.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Baugher, Beck, Belcher, Betzoff, Bowman, Braddock, Brekke, Bristow, Brooks, Brough, Brumsickle, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Fraser, Fuhrman, Grant, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Inslee, Jacobsen, Jesernig, Jones, King P, King R, Kremen, Leonard, Locke, May, McLean, Meyers R, Miller, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Padden, Patrick, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith, Sommers D, Sommers H, Spanel, Sprengle, Tate, Todd, Valle, Van Luven, Vekich, Walk, Walker, Wang, Wilson K, Wilson S, Wineberry, Winsley, Wolfe, Wood, Youngsman, Zellinsky, and Mr. Speaker - 97.

Excused: Representative Gallagher - 1.

Substitute Senate Bill No. 5369 as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

Mr. Heavey moved that the House consider the following bills on the second reading calendar in the following order: Senate Bill No. 5950 and Engrossed Substitute Senate Bill No. 5810. The motion was carried.

SENATE BILL NO. 5950, by Senators Talmadge, Bailey and Bauer

Extending the statute of limitations in child sexual abuse cases.

The bill was read the second time. Committee on Judiciary recommendation: Majority, do pass as amended. (For committee amendments, see Journal, 82nd Day, March 31, 1989.)

Mr. Appelwick moved that the House do not adopt the committee amendments. The motion was carried.

Mr. Appelwick moved adoption of the following amendment:

Strike everything after the enacting clause and insert the following:

NEW SECTION. Sec. 1. (1) The legislature finds that possible confusion may exist in interpreting the statute of limitations provisions for child sexual abuse civil actions in RCW 4.16.190 and 4.16.340 regarding the accrual of a cause of action for a person under age eighteen. The legislature finds that amending RCW 4.16.340 will clarify that the time limit for commencement of an action under RCW 4.16.340 is tolled until the child reaches age eighteen. The 1989 amendment to RCW 4.16.340 is intended as a clarification of existing law and is not intended to be a change in the law.

(2) The legislature further finds that the enactment of chapter 145, Laws of 1988, which deleted specific reference to RCW 9A.44.070, 9A.44.080, and 9A.44.100(1)(b) from RCW 9A.04.080 and also deleted those specific referenced provisions from the laws of Washington, did not intend to change the statute of limitations governing those offenses from seven to three years.

Sec. 2. Section 1, chapter 144, Laws of 1988 and RCW 4.16.340 are each amended to read as follows:

(1) All claims or causes of action based on intentional conduct brought by any person for recovery of damages for injury suffered as a result of childhood sexual abuse shall be commenced within three years of the act alleged to have caused the injury or condition, or three years of the time the victim discovered or reasonably should have discovered that the injury or condition was caused by said act, whichever period expires later: PROVIDED, That the time limit for commencement of an action under this section is tolled for a child until the child reaches the age of eighteen years.

(2) The victim need not establish which act in a series of continuing sexual abuse or exploitation incidents caused the injury complained of, but may compute the date of discovery from the date of discovery of the last act by the same perpetrator which is part of a common scheme or plan of sexual abuse or exploitation.

(3) The knowledge of a custodial parent or guardian shall not be imputed to a person under the age of eighteen years.

(4) For purposes of this section, 'child' means a person under the age of eighteen years.

(5) As used in this section, 'childhood sexual abuse' means any act committed by the defendant against a complainant who was less than eighteen years of age at the time of the act and which act would have been a violation of chapter 9A.44 RCW or RCW 9.68A.040 or prior laws of similar effect at the time the act was committed.

Sec. 3. Section 14, chapter 145, Laws of 1988 and RCW 9A.04.080 are each amended to read as follows:

(1) Prosecutions for criminal offenses shall not be commenced after the periods prescribed in this section.

(a) The following offenses may be prosecuted at any time after their commission:

(i) Murder;

(ii) Arson if a death results.

(b) The following offenses shall not be prosecuted more than ten years after their commission:

(i) Any felony committed by a public officer if the commission is in connection with the duties of his or her office or constitutes a breach of his or her public duty or a violation of the oath of office;

(ii) Arson if no death results.

(c) Violations of the following ((offenses)) statutes shall not be prosecuted more than three years after the victim's eighteenth birthday or more than seven years after their commission, whichever is later: ((Rape of a child in the first or second degree or child molestation in the first or second degree.))

(i) RCW 9A.44.073, 9A.44.076, 9A.44.083, 9A.44.086, 9A.44.070, 9A.44.080, or 9A.44.100(1)(b);

or
(ii) If the victim was under the age of fourteen years of age at the time of the commission of the offense, RCW 9A.44.040, 9A.44.050, or 9A.64.020.

(d) The following offenses shall not be prosecuted more than six years after their commission: Violations of RCW 9A.82.060 or 9A.82.080.

(e) The following offenses shall not be prosecuted more than five years after their commission: Any class C felony under chapter 7A.09 RCW.

(f) Bigamy shall not be prosecuted more than three years after the time specified in RCW 9A.64.010.

(g) No other felony may be prosecuted more than three years after its commission.

(h) No gross misdemeanor may be prosecuted more than two years after its commission.

(i) No misdemeanor may be prosecuted more than one year after its commission.

(2) The periods of limitation prescribed in subsection (1) of this section do not run during any time when the person charged is not usually and publicly resident within this state.

(3) If, before the end of a period of limitation prescribed in subsection (1) of this section, an indictment has been found or a complaint or an information has been filed, and the indictment, complaint, or information is set aside, then the period of limitation is extended by a period equal to the length of time from the finding or filing to the setting aside.

NEW SECTION. Sec. 4. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect immediately."

Mr. Appelwick spoke in favor of adoption of the amendment.

MOTION

Mr. Heavey moved that the House defer further consideration of Senate Bill No. 5950 and that the bill hold its place on the second reading calendar. The motion was carried.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5810, by Committee on Agriculture (originally sponsored by Senators Barr, Madsen, Sutherland and Benitz)

Modifying responsibility for hazardous material incidents.

The bill was read the second time. Committee on Environmental Affairs recommendation: Majority, do pass as amended. (For committee amendment, see Journal, 82nd Day, March 31, 1989.)

Ms. Rust moved adoption of the committee amendment and spoke in favor of it. The committee amendment was adopted.

With consent of the House, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Ms. Rust spoke in favor of passage of the bill.

POINT OF INQUIRY

Ms. Rust yielded to question by Mr. D. Sommers.

Mr. D. Sommers: This bill establishes different standards of liability for "extraordinary costs" incurred by governmental entities responding to hazardous material incidents. Transporters, who cause such an incident, are liable for extraordinary costs incurred by the state or any of its political subdivisions. Nontransporters of hazardous materials responsible for an incident are liable only for costs incurred by a municipal fire department or fire district. Is there any provision in this bill which would require a transporter to pay for extraordinary costs, if the transporter were involved in an incident but not responsible for it?

Ms. Rust: No, there is not.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute Senate Bill No. 5810 as amended by the House, and the bill passed the House by the following vote: Yeas, 97; excused, 1.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Baugher, Beck, Belcher, Betzoff, Bowman, Braddock, Brekke, Bristow, Brooks, Brough, Brumsickle, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Fraser, Fuhrman, Grant, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Insee, Jacobsen, Jesernig, Jones, King P, King R, Kremen, Leonard, Locke, May, McLean, Meyers R, Miller, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Padden, Patrick, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith, Sommers D, Sommers H, Spanel, Sprengle, Tate, Todd, Valle, Van Luven, Vekich, Walk, Walker, Wang, Wilson K, Wilson S, Wineberry, Winsley, Wolfe, Wood, Youngsman, Zellinsky, and Mr. Speaker - 97.

Excused: Representative Gallagher - 1.

Engrossed Substitute Senate Bill No. 5810 as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

Mr. Heavey moved that the House resume consideration of Senate Bill No. 5950 on the second reading calendar. The motion was carried.

SENATE BILL NO. 5950, by Senators Talmadge, Bailey and Bauer

Extending the statute of limitations in child sexual abuse cases.

The Speaker (Mr. R. King presiding) stated the question before the House to be adoption of the amendment by Representative Appelwick.

Mr. Appelwick moved adoption of the following amendments to the amendment:

On page 3, line 11 of the amendment, after "1988" insert "as amended by section 3, chapter --, Laws of 1989."

On page 4, line 4 of the amendment, after "degree:" strike ")))"

On page 4, line 4 of the amendment, after "degree" insert ",-or rape in the first degree if the victim was under fourteen years of age at the commission of the offense, rape in the second degree if the victim was under fourteen years of age at the commission of the offense, or incest))"

Mr. Appelwick spoke in favor of adoption of the amendments to the amendment, and they were adopted.

The amendment by Representative Appelwick as amended was adopted.

With consent of the House, the following amendment to the title was adopted:

On page 1, line 1 of the title, after "abuse;" strike the remainder of the title and insert "amending RCW 4.16.340 and 9A.04.080; creating a new section; and declaring an emergency."

With consent of the House, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Representatives Fraser and Bowman spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 5950 as amended by the House, and the bill passed the House by the following vote: Yeas, 97; excused, 1.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Baugher, Beck, Belcher, Betzoff, Bowman, Braddock, Brekke, Bristow, Brooks, Brough, Brumsickle, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Fraser, Fuhrman, Grant, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Insee, Jacobsen, Jesernig, Jones, King P, King R, Kremen, Leonard, Locke, May, McLean, Meyers R, Miller, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Padden, Patrick, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith, Sommers D, Sommers H, Spanel, Sprenkle, Tate, Todd, Valle, Van Luven, Vekich, Walk, Walker, Wang, Wilson K, Wilson S, Wineberry, Winsley, Wolfe, Wood, Youngsman, Zellinsky, and Mr. Speaker - 97.

Excused: Representative Gallagher - 1.

Senate Bill No. 5950 as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

The Speaker (Mr. R. King presiding) declared the House to be at ease.

The Speaker called the House to order.

SUBSTITUTE SENATE BILL NO. 5474, by Committee on Law & Justice (originally sponsored by Senators Newhouse, Vognild and Talmadge; by request of Administrator for the Courts)

Requiring testing and certification of English language interpreters in court.

The bill was read the second time. Committee on Appropriations recommendation: Majority, do pass as amended. (For committee amendments, see Journal, 82nd Day, March 31, 1989.)

Mr. Grant moved adoption of the committee amendment and spoke in favor of it. The committee amendment was adopted.

With consent of the House, the committee amendment to the title was adopted.

With consent of the House, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Mr. Appelwick spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5474 as amended by the House, and the bill passed the House by the following vote: Yeas, 96; absent, 1; excused, 1.

Voiting yea: Representatives Anderson, Appelwick, Ballard, Basich, Baugher, Beck, Belcher, Betrozoff, Bowman, Braddock, Brekke, Bristow, Brooks, Brough, Brumsickle, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Fraser, Fuhrman, Grant, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Insee, Jacobsen, Jesernig, Jones, King P, Kremen, Leonard, Locke, May, McLean, Meyers R, Miller, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Padden, Patrick, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith, Sommers D, Sommers H, Spanel, Sprenkle, Tate, Todd, Valle, Van Luven, Vekich, Walk, Walker, Wang, Wilson K, Wineberry, Winsley, Wolfe, Wood, Youngsman, Zellinsky, and Mr. Speaker - 96.

Absent: Representative King R - 1.

Excused: Representative Gallagher - 1.

Substitute Senate Bill No. 5474 as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SUBSTITUTE SENATE BILL NO. 5543, by Committee on Economic Development & Labor (originally sponsored by Senators Lee, Smitherman, Kreidler and Niemi)

Regulating annual reports of nonprofit corporations.

The bill was read the second time. Committee on Commerce & Labor recommendation: Majority, do pass as amended. (For committee amendments, see Journal, 82nd Day, March 31, 1989.)

Ms. Cole moved adoption of the committee amendment and spoke in favor of it. The committee amendment was adopted.

With consent of the House, the committee amendment to the title was adopted.

With consent of the House, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Representatives Cole and Bowman spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5543 as amended by the House, and the bill passed the House by the following vote: Yeas, 97; excused, 1.

Voiting yea: Representatives Anderson, Appelwick, Ballard, Basich, Baugher, Beck, Belcher, Betrozoff, Bowman, Braddock, Brekke, Bristow, Brooks, Brough, Brumsickle, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Fraser, Fuhrman, Grant, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Insee, Jacobsen, Jesernig, Jones, King P, King R, Kremen, Leonard, Locke, May, McLean, Meyers R, Miller, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Padden, Patrick, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith, Sommers D, Sommers H, Spanel, Sprenkle, Tate, Todd, Valle, Van Luven, Vekich,

Walk, Walker, Wang, Wilson K, Wilson S, Wineberry, Winsley, Wolfe, Wood, Youngsman, Zellinsky, and Mr. Speaker - 97.

Excused: Representative Gallagher - 1.

Substitute Senate Bill No. 5543 as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SENATE BILL NO. 5552, by Senators Patterson, Hansen, Madsen and Benitz; by request of Utilities and Transportation Commission

Repealing filing requirements for interstate tariffs.

The bill was read the second time.

With consent of the House, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 5552, and the bill passed the House by the following vote: Yeas, 97; excused, 1.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Baugher, Beck, Belcher, Betrozoff, Bowman, Braddock, Brekke, Bristow, Brooks, Brough, Brumsickle, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Fraser, Fuhrman, Grant, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Inslee, Jacobsen, Jesernig, Jones, King P, King R, Kremen, Leonard, Locke, May, McLean, Meyers R, Miller, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Padden, Patrick, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith, Sommers D, Sommers H, Spanel, Sprenkle, Tate, Todd, Valle, Van Luven, Vekich, Walk, Walker, Wang, Wilson K, Wilson S, Wineberry, Winsley, Wolfe, Wood, Youngsman, Zellinsky, and Mr. Speaker - 97.

Excused: Representative Gallagher - 1.

Senate Bill No. 5552, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SENATE BILL NO. 5592, by Senators Patterson, DeJarnatt and Sellar; by request of Department of Transportation

Limiting liability for damages to facilities on state highways.

The bill was read the second time.

With consent of the House, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Mr. Baugher spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 5592, and the bill passed the House by the following vote: Yeas, 97; excused, 1.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Baugher, Beck, Belcher, Betrozoff, Bowman, Braddock, Brekke, Bristow, Brooks, Brough, Brumsickle, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Fraser, Fuhrman, Grant, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Inslee, Jacobsen, Jesernig, Jones, King P, King R, Kremen, Leonard, Locke, May, McLean, Meyers R, Miller, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Padden, Patrick, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith, Sommers D, Sommers H, Spanel, Sprenkle, Tate, Todd, Valle, Van Luven, Vekich, Walk, Walker, Wang, Wilson K, Wilson S, Wineberry, Winsley, Wolfe, Wood, Youngsman, Zellinsky, and Mr. Speaker - 97.

Excused: Representative Gallagher - 1.

Senate Bill No. 5592, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SENATE BILL NO. 5679, by Senators von Reichbauer, Moore, Sellar and McMullen; by request of Insurance Commissioner

Revising provisions for industrial insurance funds.

The bill was read the second time.

With consent of the House, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Ms. Cole spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 5679, and the bill passed the House by the following vote: Yeas, 97; excused, 1.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Baugher, Beck, Belcher, Betrozoff, Bowman, Braddock, Brekke, Bristow, Brooks, Brough, Brumsickle, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Fraser, Fuhrman, Grant, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Insee, Jacobsen, Jesernig, Jones, King P, King R, Kremen, Leonard, Locke, May, McLean, Meyers R, Miller, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Padden, Patrick, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith, Sommers D, Sommers H, Spanel, Sprenkle, Tate, Todd, Valle, Van Luven, Vekich, Walk, Walker, Wang, Wilson K, Wilson S, Wineberry, Winsley, Wolfe, Wood, Youngsman, Zellinsky, and Mr. Speaker - 97.

Excused: Representative Gallagher - 1.

Senate Bill No. 5679, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

ENGROSSED SENATE BILL NO. 5808, by Senators Lee, Matson, McMullen, Warnke and Vognil

Authorizing the use of an irrevocable letter of credit by an employer choosing to self-insure under the industrial insurance act.

The bill was read the second time. Committee on Commerce & Labor recommendation: Majority, do pass as amended. (For committee amendments, see Journal, 82nd Day, March 31, 1989.)

Ms. Cole moved adoption of the committee amendment and spoke in favor of it. The committee amendment was adopted.

MOTION

Mr. Ebersole moved that the House defer further consideration of Engrossed Senate Bill No. 5808 and that the bill hold its place on the second reading calendar. The motion was carried.

SUBSTITUTE SENATE BILL NO. 5071, by Committee on Children & Family Services (originally sponsored by Senators Smith, Craswell and Stratton)

Regarding surrogate parenting.

The bill was read the second time. Committee on Health Care recommendation: Majority, do pass as amended. (For committee amendments, see Journal, 82nd Day, March 31, 1989.)

Mr. Braddock moved adoption of the committee amendment and spoke in favor of it. The committee amendment was adopted.

Mr. Appelwick moved adoption of the following amendment by Representatives Appelwick and Padden:

Strike everything after the enacting clause and insert the following:

NEW SECTION, Sec. 1. The legislature finds that the legal status of children born under surrogate parenting arrangements is currently uncertain, and that there remain many ethical and legal problems and issues concerning rights and responsibilities of the parents, child, and the surrogate mother and her husband, if any. There are further concerns about the risk of exploitation and coercion which may arise from the commercialization of surrogate parenting.

NEW SECTION, Sec. 2. As used in this chapter:

(1) 'Assisted conception' means a pregnancy resulting from insemination of an egg of a woman with sperm of a man: (a) By means other than sexual intercourse; or (b) by removal and implantation of an embryo after sexual intercourse; but does not include the pregnancy of a wife resulting from the insemination of her egg using her husband's sperm.

(2) 'Donor' means an individual whose body produces sperm or egg used for the purpose of assisted conception, whether or not a payment is made for the sperm or egg used, but does not include a woman who gives birth to a resulting child.

(3) 'Surrogate' means an adult woman who enters into an agreement to bear a child conceived through assisted conception for intended parents.

(4) 'Child' includes children.

NEW SECTION, Sec. 3. A woman who gives birth to a child is the child's mother.

NEW SECTION, Sec. 4. The husband of a woman who bears a child through assisted conception is the father of the child, notwithstanding any declaration of invalidity or annulment of the marriage obtained after the assisted conception, unless within two years after learning of the child's birth he commences an action in which the mother and child are parties and in which it is determined that he did not consent to the assisted conception.

NEW SECTION, Sec. 5. (1) A donor is not the parent of a child conceived through assisted conception.

(2) A person who dies before a conception using his sperm or her egg is not a parent of any resulting child born of the conception.

NEW SECTION, Sec. 6. A child whose status as a child is declared or negated by this chapter is the child, legal heir, and lawful issue only of his or her parent or parents as determined under this chapter for all purposes under the laws of the state of Washington.

NEW SECTION, Sec. 7. Any agreement in which a woman agrees to become a surrogate or to relinquish her rights and duties as parent of a child conceived through assisted conception is void. The surrogate, however, is the mother of a resulting child and the surrogate's husband, if a party to the agreement, is the father of the child. If the surrogate's husband is not a party to the agreement or the surrogate is unmarried, paternity of the child is governed by chapter 26.26 RCW, the uniform parentage act.

NEW SECTION, Sec. 8. A person, with or without compensation, shall not enter into, induce, arrange, procure, or otherwise assist in the formation of a surrogate parentage contract under which an unemancipated minor female or a female diagnosed as having a mental illness or developmental disability is the surrogate mother.

NEW SECTION, Sec. 9. No person, organization, or agency, with or without compensation, shall enter into, induce, arrange, procure, or otherwise assist in the formation of a surrogate parentage contract, written or unwritten.

NEW SECTION, Sec. 10. Every person who violates the provisions of section 8 of this act shall be subject to a civil penalty of not more than fifty thousand dollars. Every person who violates the provisions of section 9 of this act shall be subject to a civil penalty of not more than twenty thousand dollars. The prosecuting attorney may seek recovery of such penalties in a civil action.

NEW SECTION, Sec. 11. This chapter shall be applied and construed to effectuate its general purpose to make uniform the law with respect to the subject of this chapter among states enacting it.

NEW SECTION, Sec. 12. This chapter applies prospectively only and not retroactively.

Sec. 13. Section 4, chapter 30, Laws of 1985 and RCW 11.02.005 are each amended to read as follows:

When used in this title, unless otherwise required from the context:

(1) 'Personal representative' includes executor, administrator, special administrator, and guardian or limited guardian and special representative.

(2) 'Net estate' refers to the real and personal property of a decedent exclusive of homestead rights, exempt property, the family allowance and enforceable claims against, and debts of, the estate.

(3) 'Representation' refers to a method of determining distribution in which the takers are in unequal degrees of kinship with respect to the intestate, and is accomplished as follows: After first determining who, of those entitled to share in the estate, are in the nearest degree of kinship, the estate is divided into equal shares, the number of shares being the sum of the number of persons who survive the intestate who are in the nearest degree of kinship and the number of persons in the same degree of kinship who died before the intestate but who left issue surviving the intestate; each share of a deceased person in the nearest degree shall be divided among those of the intestate's issue who survive the intestate and have no ancestor then living who is in the line of relationship between them and the intestate, those more remote in degree taking together the share which their ancestor would have taken had he or she survived the intestate. Posthumous children are considered as living at the death of their parent.

(4) 'Issue' includes all the lawful lineal descendants of the ancestor ((and)), all lawfully adopted children, and all children whose status as children are declared under sections 2 through 7 of this act.

(5) 'Degree of kinship' means the degree of kinship as computed according to the rules of the civil law; that is, by counting upward from the intestate to the nearest common ancestor and then downward to the relative, the degree of kinship being the sum of these two counts.

(6) 'Heirs' denotes those persons, including the surviving spouse, who are entitled under the statutes of intestate succession to the real and personal property of a decedent on the decedent's death intestate.

(7) 'Real estate' includes, except as otherwise specifically provided herein, all lands, tenements, and hereditaments, and all rights thereto, and all interest therein possessed and claimed in fee simple, or for the life of a third person.

(8) 'Will' means an instrument validly executed as required by RCW 11.12.020 and includes all codicils.

(9) 'Codicil' means an instrument that is validly executed in the manner provided by this title for a will and that refers to an existing will for the purpose of altering or changing the same, and which need not be attached thereto.

(10) 'Guardian' or 'limited guardian' means a personal representative of the person or estate of an incompetent or disabled person as defined in RCW 11.88.010 and the term may be used in lieu of 'personal representative' wherever required by context.

(11) 'Administrator' means a personal representative of the estate of a decedent and the term may be used in lieu of 'personal representative' wherever required by context.

(12) 'Executor' means a personal representative of the estate of a decedent appointed by will and the term may be used in lieu of 'personal representative' wherever required by context.

(13) 'Special administrator' means a personal representative of the estate of a decedent appointed for limited purposes and the term may be used in lieu of 'personal representative' wherever required by context.

(14) 'Trustee' means an original, added, or successor trustee and includes the state, or any agency thereof, when it is acting as the trustee of a trust to which chapter 11.98 RCW applies.

(15) Words that import the singular number may also be applied to the plural of persons and things.

(16) Words importing the masculine gender only may be extended to females also.

Sec. 14. Section 2, chapter 291, Laws of 1977 ex. sess. as amended by section 1, chapter 155, Laws of 1979 and RCW 13.04.011 are each amended to read as follows:

For purposes of this title:

(1) Except as specifically provided in RCW 13.40.020 and chapter 13.24 RCW, as now or hereafter amended, 'juvenile,' 'youth,' and 'child' mean any individual who is under the chronological age of eighteen years;

(2) 'Juvenile offender' and 'juvenile offense' have the meaning ascribed in RCW 13.40.010 through 13.40.240;

(3) 'Court' when used without further qualification means the juvenile court judge(s) or commissioner(s);

(4) 'Parent' or 'parents,' except as used in chapter 13.34 RCW, as now or hereafter amended, means that parent or parents who have the right of legal custody of the child. 'Parent' or 'parents' as used in chapter 13.34 RCW, means the biological ((or)), adoptive parents of a child, or parents whose status as parents are declared under sections 2 through 7 of this act, unless the legal rights of that person have been terminated by judicial proceedings;

(5) 'Custodian' means that person who has the legal right to custody of the child.

NEW SECTION. Sec. 15. This chapter may be cited as the uniform status of children of assisted conception act.

NEW SECTION. Sec. 16. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 17. Sections 2 through 12 and 15 of this act shall constitute a new chapter in Title 26 RCW.

NEW SECTION. Sec. 18. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect immediately."

Representatives Appelwick and Padden spoke in favor of adoption of the amendment, and it was adopted.

With consent of the House, the following amendment to the title was adopted:

On page 1, line 1 of the title, after "parenting;" strike the remainder of the title and insert "amending RCW 11.02.005 and 13.04.011; adding a new chapter to Title 26 RCW; creating new sections; prescribing penalties; and declaring an emergency."

With consent of the House, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Representatives Braddock, Morris and Moyer spoke in favor of passage of the bill, and Mr. Phillips opposed it.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5071 as amended by the House, and the bill passed the House by the following vote: Yeas, 75; nays, 22; excused, 1.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Baugher, Beck, Betzoff, Bowman, Braddock, Bristow, Brunsickle, Cantwell, Chandler, Cole, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Ferguson, Fraser, Fuhrman, Grant, Hankins, Hargrove, Heavey, Hine, Holland, Horn, Inslee, Jacobsen, Jesernig, Jones, King P, Kremen, Locke, May, McLean, Meyers R, Miller, Morris, Moyer, Myers H, Nelson, O'Brien, Padden, Patrick, Peery, Prince, Rasmussen, Rayburn, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith, Sommers D, Sommers H, Sprenkle, Tate, Todd, Valle, Van Luven, Waik, Walker, Wilson K, Wilson S, Winsley, Wolfe, Wood, Youngsman, Zellinsky - 75.

Voting nay: Representatives Belcher, Brekke, Brooks, Brough, Cooper, Fisher G, Fisher R, Haugen, King R, Leonard, Nealey, Nutley, Phillips, Prentice, Pruitt, Raiter, Rector, Spanel, Vekich, Wang, Wineberry, and Mr. Speaker - 22.

Excused: Representative Gallagher - 1.

Substitute Senate Bill No. 5071 as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

The Speaker declared the House to be at ease.

The Speaker called the House to order.

There being no objection, the House reverted to the fourth order of business.

INTRODUCTION AND FIRST READING

HB 2237 by Representative Anderson

Enacting the Antibigotry and Bias Act of 1989. (t.o.)

Referred to Committee on Rules.

The Speaker referred the bill listed on today's introduction sheet under the fourth order of business to the committee so designated.

MESSAGE FROM THE SENATE

April 13, 1989

Mr. Speaker:

The President has signed:

HOUSE BILL NO. 1027,
HOUSE BILL NO. 1032,
HOUSE BILL NO. 1033,
SUBSTITUTE HOUSE BILL NO. 1067,
HOUSE BILL NO. 1096,
HOUSE BILL NO. 1220,
HOUSE BILL NO. 1239,
SUBSTITUTE HOUSE BILL NO. 1252,
HOUSE BILL NO. 1573,
HOUSE BILL NO. 1718,
HOUSE BILL NO. 1885,
HOUSE BILL NO. 1909,
HOUSE BILL NO. 2045,

and the same are herewith transmitted.

Gordon A. Golob, Secretary.

SIGNED BY THE SPEAKER

The Speaker announced he was signing:

SUBSTITUTE SENATE BILL NO. 5009,
SECOND SUBSTITUTE SENATE BILL NO. 5011,
SENATE BILL NO. 5022,
SUBSTITUTE SENATE BILL NO. 5033,
SUBSTITUTE SENATE BILL NO. 5066.

SENATE BILL NO. 5090,
 SECOND SUBSTITUTE SENATE BILL NO. 5111,
 SUBSTITUTE SENATE BILL NO. 5138,
 SUBSTITUTE SENATE BILL NO. 5142,
 SUBSTITUTE SENATE BILL NO. 5151,
 SENATE BILL NO. 5231,
 SUBSTITUTE SENATE BILL NO. 5234,
 SUBSTITUTE SENATE BILL NO. 5252,
 SUBSTITUTE SENATE BILL NO. 5275,
 SENATE BILL NO. 5301,
 SUBSTITUTE SENATE BILL NO. 5362,
 SENATE BILL NO. 5393,
 SENATE BILL NO. 5403,
 SUBSTITUTE SENATE BILL NO. 5419,
 SENATE BILL NO. 5440,
 SUBSTITUTE SENATE BILL NO. 5441,
 SENATE BILL NO. 5464,
 SUBSTITUTE SENATE BILL NO. 5472,
 SENATE BILL NO. 5480,
 SUBSTITUTE SENATE BILL NO. 5481,
 SENATE BILL NO. 5579,
 SUBSTITUTE SENATE BILL NO. 5614,
 SENATE BILL NO. 5636,
 SUBSTITUTE SENATE BILL NO. 5644,
 SENATE BILL NO. 5676,
 SENATE BILL NO. 5680,
 SENATE BILL NO. 5715,
 SUBSTITUTE SENATE BILL NO. 5746,
 SENATE BILL NO. 5756,
 SUBSTITUTE SENATE BILL NO. 5782,
 SUBSTITUTE SENATE BILL NO. 5790,
 SENATE BILL NO. 5809,
 SENATE BILL NO. 5871,
 SUBSTITUTE SENATE BILL NO. 5886,
 SENATE BILL NO. 5887,
 SENATE BILL NO. 5987,
 SENATE BILL NO. 5990,
 SENATE BILL NO. 6012,
 SENATE BILL NO. 6057,
 SENATE JOINT MEMORIAL NO. 8011.

There being no objection, the House advanced to the eleventh order of business.

MOTION

On motion of Mr. Padden, the House adjourned until 9:30 a.m., Friday, April 14, 1989.

JOSEPH E. KING, Speaker

ALAN THOMPSON, Chief Clerk

NINETY-SIXTH DAY

MORNING SESSION

House Chamber, Olympia, Friday, April 14, 1989

The House was called to order at 9:30 a.m. by the Speaker (Mr. O'Brien presiding). The Clerk called the roll and all members were present except Representatives Gallagher, Haugen, Locke, R. Meyers, H. Sommers and Wineberry. On motion of Ms. Fraser, Representatives Gallagher and Haugen were excused.

The flag was escorted to the rostrum by a Sergeant at Arms Color Guard. Pages Aimee Czerniski and Matt Grahn. Prayer was offered by The Reverend Peter Webster, Minister of Roosevelt Heights Christian Church of Tacoma.

Reading of the Journal of the previous day was dispensed with and it was ordered to stand approved.

CENTENNIAL MESSAGE FROM THE WASHINGTON STATE HISTORICAL SOCIETY

April 14, 1989

On this day in 1889, a shootout between two robbers and a sheriff and his constable left one robber dead. The Sheriff and Constable had overtaken the two robbers while pursuing them about ten miles east of Wallula. And orchardists in Columbia County reported success in raising five thousand fruit trees and were planting more.

On April 14, 1925 William H. Paulhamus, leading farmer in Sumner and a founder of the Washington State Fair in Puyallup, died. He came to Washington in 1890 and actively promoted farming. He was elected to the Washington State Historical Society's Centennial Hall of Honor in 1983.

MESSAGES FROM THE SENATE

April 13, 1989

Mr. Speaker:

The Senate has passed:

ENGROSSED HOUSE BILL NO. 1342,
ENGROSSED HOUSE BILL NO. 1395,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1430,
SUBSTITUTE HOUSE BILL NO. 1455,
SUBSTITUTE HOUSE BILL NO. 1572,
SUBSTITUTE HOUSE BILL NO. 1630,
HOUSE BILL NO. 1729,
ENGROSSED HOUSE BILL NO. 1844,
HOUSE BILL NO. 1993,
HOUSE BILL NO. 2118.

and the same are herewith transmitted.

W. D. Naismith, Assistant Secretary.

April 13, 1989

Mr. Speaker:

The President has signed:

SENATE BILL NO. 5023,
SENATE BILL NO. 5143,
SECOND SUBSTITUTE SENATE BILL NO. 5174,
SUBSTITUTE SENATE BILL NO. 5197,
SENATE BILL NO. 5368,
SENATE BILL NO. 5452.

SUBSTITUTE SENATE BILL NO. 5469,
 SUBSTITUTE SENATE BILL NO. 5486,
 SUBSTITUTE SENATE BILL NO. 5501,
 SUBSTITUTE SENATE BILL NO. 5553,
 SENATE BILL NO. 5583,
 SENATE BILL NO. 5595,
 SUBSTITUTE SENATE BILL NO. 5681,
 SUBSTITUTE SENATE BILL NO. 5868,
 SENATE JOINT MEMORIAL NO. 8002,

and the same are herewith transmitted.

Gordon A. Golob, Secretary.

There being no objection, the House advanced to the sixth order of business.

SECOND READING

MOTION

Mr. Heavey moved that the House immediately consider Substitute Senate Bill No. 5812 on the second reading calendar. The motion was carried.

SUBSTITUTE SENATE BILL NO. 5812, by Committee on Governmental Operations (originally sponsored by Senators McCaslin, Warnke, Lee and Johnson)

Prohibiting local regulation of public liability insurance for motor vehicle common carriers to the state.

The bill was read the second time. Committee on Transportation recommendation: Majority, do pass as amended. (For committee amendments, see Journal, 80th Day, March 29, 1989.)

Mr. Baugher moved adoption of the committee amendments and spoke in favor of them. The committee amendments were adopted.

Ms. R. Fisher moved adoption of the following amendment:

On page 1, line 7 after "personal," strike the remainder of the section and insert "It is therefore necessary and desirable for the state to prevent each city or county from applying its own separate insurance regulations in addition to those required by the commission."

Ms. R. Fisher spoke in favor of adoption of the amendment, and it was adopted.

With consent of the House, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Mr. Baugher spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5812 as amended by the House, and the bill passed the House by the following vote: Yeas, 92; absent, 4; excused, 2.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Baugher, Beck, Belcher, Betrozoff, Bowman, Braddock, Brekke, Bristow, Brooks, Brough, Brumsickle, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Fraser, Fuhrman, Grant, Hankins, Hargrove, Heavey, Hine, Holland, Horn, Inslee, Jacobsen, Jesernig, Jones, King P, King R, Kremen, Leonard, May, McLean, Miller, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Padden, Patrick, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith, Sommers D, Spanel, Sprengle, Tate, Todd, Valle, Van Luven, Vekich, Walk, Walker, Wang, Wilson K, Wilson S, Winsley, Wolfe, Wood, Youngsman, Zellinsky, and Mr. Speaker - 92.

Absent: Representatives Locke, Meyers R, Sommers H, Wineberry - 4.

Excused: Representatives Gallagher, Haugen - 2.

Substitute Senate Bill No. 5812 as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Ms. Cole, Representative R. Meyers was excused.

ENGROSSED SENATE BILL NO. 5826, by Senators Bauer, Bailey, West, Rinehart, Saling, Barr, Patterson, Gaspard, Murray, Anderson, Fleming and Bender

Extending the student teaching pilot projects until December 1990.

The bill was read the second time.

With consent of the House, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Representatives G. Fisher and Betrozoff spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Senate Bill No. 5826, and the bill passed the House by the following vote: Yeas, 92; absent, 3; excused, 3.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Baugher, Beck, Belcher, Betrozoff, Bowman, Braddock, Brekke, Bristow, Brooks, Brough, Brumsickle, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Fraser, Fuhrman, Grant, Hankins, Hargrove, Heavey, Hine, Holland, Horn, Inslee, Jacobsen, Jesernig, Jones, King P, King R, Kremen, Leonard, May, McLean, Miller, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Padden, Patrick, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith, Sommers D, Spanel, Sprengle, Tate, Todd, Valle, Van Luven, Vekich, Walk, Walker, Wang, Wilson K, Wilson S, Winsley, Wolfe, Wood, Youngsman, Zellinsky, and Mr. Speaker - 92.

Absent: Representatives Locke, Sommers H, Wineberry - 3.

Excused: Representatives Gallagher, Haugen, Meyers R - 3.

Engrossed Senate Bill No. 5826, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SUBSTITUTE SENATE BILL NO. 5857, by Committee on Governmental Operations (originally sponsored by Senators Bailey, DeJarnatt, McCaslin, McCaslin, Bender, Matson, Bauer and Lee)

Authorizing transfer of fixed assets acquired under bonds authorized for facilities for the developmentally disabled.

The bill was read the second time.

With consent of the House, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Ms. K. Wilson spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5857, and the bill passed the House by the following vote: Yeas, 92; absent, 3; excused, 3.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Baugher, Beck, Belcher, Betrozoff, Bowman, Braddock, Brekke, Bristow, Brooks, Brough, Brumsickle, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Fraser, Fuhrman, Grant, Hankins, Hargrove, Heavey, Hine, Holland, Horn, Inslee, Jacobsen, Jesernig, Jones, King P, King R, Kremen, Leonard, May, McLean, Miller, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Padden, Patrick, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith, Sommers D, Spanel, Sprengle, Tate, Todd, Valle, Van Luven, Vekich, Walk, Walker, Wang, Wilson K, Wilson S, Winsley, Wolfe, Wood, Youngsman, Zellinsky, and Mr. Speaker - 92.

Absent: Representatives Locke, Sommers H, Wineberry - 3.

Excused: Representatives Gallagher, Haugen, Meyers R - 3.

Substitute Senate Bill No. 5857, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SENATE BILL NO. 5926, by Senators Benitz, Williams and Stratton

Requiring development of contingency plans relating to the Hanford facility's low-level radioactive waste.

The bill was read the second time. Committee on Energy & Utilities recommendation: Majority, do pass as amended. (For committee amendments, see Journal, 82nd Day, March 31, 1989.)

Mr. Nelson moved that the House do not adopt the committee amendments. Representatives Nelson and Hankins spoke in favor of the motion, and it was carried.

Ms. Hankins moved adoption of the following amendment by Representatives Hankins, Nelson, Jacobsen, Jesernig, Brooks, Cooper, H. Myers and May:

Strike everything after the enacting clause and insert the following:

***NEW SECTION.** Sec. 1. The legislature finds that the possibility exists for a drastic reduction in the volume of low-level radioactive waste disposed at Hanford in several years if waste from outside the region is denied access to the facility. The legislature further finds that the state has become dependent upon the millions of dollars of revenue generated by the waste site, funds which are annually deposited in the state general fund and other state accounts, and that proper analysis of the impacts of a loss of these funds has not been conducted, leaving the state in a potentially vulnerable position.

Sec. 2. Section 8, chapter 19, Laws of 1983 1st ex. sess. as amended by section 1, chapter 2, Laws of 1986 and RCW 43.200.080 are each amended to read as follows:

The director of ecology shall, in addition to the powers and duties otherwise imposed by law, have the following special powers and duties:

(1) To fulfill the responsibilities of the state under the lease between the state of Washington and the federal government executed September 10, 1964, covering one thousand acres of land lying within the Hanford reservation near Richland, Washington. The department of ecology may sublease to private or public entities all or a portion of the land for specific purposes or activities which are determined, after public hearing, to be in agreement with the terms of the lease and in the best interests of the citizens of the state consistent with any criteria that may be developed as a requirement by the legislature;

(2) To assume the responsibilities of the state under the perpetual care agreement between the state of Washington and the federal government executed July 29, 1965 and the sublease between the state of Washington and the site operator of the Hanford low-level radioactive waste disposal facility. In order to finance perpetual surveillance and maintenance under the agreement and ensure site closure under the sublease, the department of ecology shall impose and collect fees from parties holding radioactive materials for waste management purposes. The fees shall be established by rule adopted under chapter ~~((34-04))~~ 34.05 RCW and shall be an amount determined by the department of ecology to be necessary to defray the estimated liability of the state. Such fees shall reflect equity between the disposal facilities of this and other states. All such fees, when received by the department of ecology, shall be transmitted to the state treasurer, who shall act as custodian. The perpetual maintenance fund is created in the the state treasury. The treasurer shall place the money in a special ((account)) fund which may be designated the 'perpetual maintenance ((account)) fund.' ~~((Appropriations are required to permit expenditures and payment of obligations from this account, and the condition of the account and its administration shall be reported biennially to the legislature by the director.))~~ The perpetual maintenance fund shall be comprised of a site closure account and a perpetual surveillance and maintenance account. The site closure account shall be exclusively available to reimburse, to the extent that moneys are available in the account, the site operator for its costs plus a reasonable profit as agreed by the operator and the state, or to reimburse the state licensing agency and any agencies under contract to the state licensing agency for their costs in final closure and decommissioning of the Hanford low-level radioactive waste disposal facility. If a balance remains in the account after satisfactory performance of closure and decommissioning, this balance shall be transferred to the perpetual surveillance and maintenance account. The perpetual surveillance and maintenance account shall be used exclusively by the state to meet post-closure surveillance and maintenance costs, or for otherwise satisfying surveillance and maintenance obligations. Appropriations are required to permit expenditures and payment of obligations from the site closure account and the perpetual surveillance and maintenance account. All moneys currently administered by the department of ecology for closure of the Hanford low-level radioactive waste disposal facility shall be transferred to the site closure account within the perpetual maintenance fund. All future moneys contributed to the perpetual maintenance fund shall be directed to the site closure account until December 31, 1992. Thereafter receipts shall be directed to the perpetual maintenance fund as specified by the department. Moneys in the perpetual maintenance ((account)) fund shall be invested by the state investment board in the same manner as other state moneys. Any interest accruing as a result of investment shall accrue to the perpetual maintenance

((account)) fund. Additional moneys specifically appropriated by the legislature or received from any public or private source may be placed in the perpetual maintenance ~~((account. The perpetual maintenance account shall be used exclusively for surveillance and maintenance costs, or for otherwise satisfying surveillance and maintenance obligations))~~ fund;

(3) To assure maintenance of such insurance coverage by state licensees, lessees, or sub-lessees as will adequately, in the opinion of the director, protect the citizens of the state against nuclear accidents or incidents that may occur on privately or state-controlled nuclear facilities;

(4) To institute a user permit system and issue site use permits, consistent with regulatory practices, for generators, packagers, or brokers using the Hanford low-level radioactive waste disposal facility. The costs of administering the user permit system shall be borne by the applicants for site use permits. The site use permit fee shall be set at a level that is sufficient to fund completely the executive and legislative participation in activities related to the Northwest Interstate Compact on Low-Level Radioactive Waste Management; and

(5) To make application for or otherwise pursue any federal funds to which the state may be eligible, through the federal resource conservation and recovery act or any other federal programs, for the management, treatment or disposal, and any remedial actions, of wastes that are both radioactive and hazardous at all Hanford low-level radioactive waste disposal facilities; and

(6) To develop contingency plans for duties and options for the department and other state agencies related to the Hanford low-level radioactive waste disposal facility based on various projections of annual levels of waste disposal. These plans shall include an analysis of expected revenue to the state in various taxes and funds related to low-level radioactive waste disposal and the resulting implications that any increase or decrease in revenue may have on state agency duties or responsibilities. The initial set of plans shall be completed by October 1, 1989, and shall be updated annually. The department shall report annually on the plans and on the balances in the site closure and perpetual surveillance accounts to the energy and utilities committees of the senate and the house of representatives.

Representatives Hankins and Nelson spoke in favor of adoption of the amendment, and it was adopted.

On motion of Ms. Hankins, the following amendment to the title was adopted:

On page 1, line 1 of the title, after "waste," strike the remainder of the title and insert "amending RCW 43.200.080; and creating a new section."

With consent of the House, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 5926 as amended by the House, and the bill passed the House by the following vote: Yeas, 92; absent, 3; excused, 3.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Baugher, Beck, Belcher, Betzoff, Bowman, Braddock, Brekke, Bristow, Brooks, Brough, Brumsickle, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Fraser, Fuhrman, Grant, Hankins, Hargrove, Heavey, Hine, Holland, Horn, Inslee, Jacobsen, Jesernig, Jones, King P, King R, Kremen, Leonard, May, McLean, Miller, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Padden, Patrick, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith, Sommers D, Spanel, Sprenkle, Tate, Todd, Valle, Van Luven, Vekich, Walk, Walker, Wang, Wilson K, Wilson S, Winsley, Wolfe, Wood, Youngsman, Zellinsky, and Mr. Speaker - 92.

Absent: Representatives Locke, Sommers H, Wineberry - 3.

Excused: Representatives Gallagher, Haugen, Meyers R - 3.

Senate Bill No. 5926 as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SUBSTITUTE SENATE BILL NO. 5947, by Committee on Law & Justice (originally sponsored by Senators McMullen, Pullen, Niemi, Talmadge, Murray and Anderson)

Establishing a procedure for considering abuse suffered by a defendant as a mitigating circumstance for an exceptional sentence.

The bill was read the second time. Committee on Judiciary recommendation: Majority, do pass as amended. (For committee amendment, see Journal, 82nd Day, March 31, 1989.)

Mr. Crane moved adoption of the committee amendment and spoke in favor of it. The committee amendment was adopted.

With consent of the House, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Representatives Crane, Padden and Spanel spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5947 as amended by the House, and the bill passed the House by the following vote: Yeas, 92; absent, 3; excused, 3.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Baugher, Beck, Belcher, Betrozoff, Bowman, Braddock, Brekke, Bristow, Brooks, Brough, Brumsickle, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Fraser, Fuhrman, Grant, Hankins, Hargrove, Heavey, Hine, Holland, Horn, Inslee, Jacobsen, Jesernig, Jones, King P, King R, Kremen, Leonard, May, McLean, Miller, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Padden, Patrick, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith, Sommers D, Spanel, Sprenkle, Tate, Todd, Valle, Van Luven, Vekich, Walk, Walker, Wang, Wilson K, Wilson S, Winsley, Wolfe, Wood, Youngsman, Zellinsky, and Mr. Speaker - 92.

Absent: Representatives Locke, Sommers H, Wineberry - 3.

Excused: Representatives Gallagher, Haugen, Meyers R - 3.

Substitute Senate Bill No. 5947 as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

Representatives Haugen, Locke, R. Meyers, H. Sommers and Wineberry appeared at the bar of the House.

MOTION

Mr. Heavey moved that the House immediately consider Senate Bill No. 6095 on the second reading calendar. The motion was carried.

SENATE BILL NO. 6095, by Senators Benitz, Saling, Bluechel, Cantu, Smitherman, Stratton, Gaspard, Patterson, Bauer, von Reichbauer, Hayner, Smith, Rasmussen, West, Thorsness, Bailey, Johnson and Nelson

Providing for branch campuses.

The bill was read the second time. Committee on Higher Education recommendation: Majority, do pass as amended. (For committee amendments, see Journal, 82nd Day, March 31, 1989.)

Mr. Jacobsen moved adoption of the committee amendment.

Mr. Jacobsen moved adoption of the following amendment by Representatives Jacobsen, Miller, Jesernig, Grant, Hankins, Brooks, Prince and Nealey to the committee amendment:

On page 4, line 27 of the striking amendment, after "area," insert "The branch campus shall replace and supersede the Tri-cities university center. All land, facilities, equipment, and personnel of the Tri-cities university center shall be transferred from the University of Washington to Washington State University."

Representatives Jacobsen and Van Luven spoke in favor of adoption of the amendment to the committee amendment, and it was adopted.

Ms. Rector moved adoption of the following amendment by Representatives Rector, Silver, Doty, Dellwo, Day, Heavey, Jesernig, Inslee, Van Luven, Prince, Grant, Moyer, Wolfe and Padden to the committee amendment:

On page 6, after line 27 of the amendment, insert the following:

"NEW SECTION, Sec. 10. A new section is added to chapter 28B.10 RCW to read as follows:

(1) The Spokane intercollegiate research and technology institute is hereby created.

(2) The institute shall be operated and administered as a multi-institutional education and research center, housing appropriate programs conducted in Spokane under the authority of Washington State University, Eastern Washington University, and the community colleges of Spokane. Gonzaga University and Whitworth College may participate as full partners in any academic and research activities of the institute. Washington State University shall act as administrative and fiscal agent for the institute.

(3) The institute shall be operated and administered through a cooperative arrangement of the institutions of higher education participating in the institute.

(4) The institute shall house education and research programs specifically designed to meet the needs of the greater Spokane area.

(5) The coordination of programs and activities at the institute shall be subject to the authority of the Spokane joint center for higher education under RCW 28B.25.020.

(6) The establishment of any education or research programs at the institute and the lease, purchase, or construction of any site or facility for the institute shall be subject to the approval of the higher education coordinating board pursuant to RCW 28B.80.340.

Sec. 11. Section 98, chapter 370, Laws of 1985 and RCW 28B.25.020 are each amended to read as follows:

(1) The joint center for higher education shall coordinate all undergraduate and graduate degree programs, and all other seminars, courses, and programs of any type offered in the Spokane area by Washington State University and by Eastern Washington University outside of its Cheney campus. The joint center for higher education shall not coordinate the intercollegiate center for nursing.

(2) The joint center for higher education shall coordinate the following higher education activities in the Spokane area outside of the Eastern Washington University Cheney campus:

(a) Articulation between lower division and upper division programs;

(b) The participation of Washington State University in its joint engineering program with Gonzaga University and in its joint engineering management program with Eastern Washington University and Gonzaga University; ~~((and))~~

(c) All contractual negotiations between public and independent colleges and universities; and

(d) Programs offered through the intercollegiate research and technology institute created by section 10 of this act.

(3) The participating institutions in the joint center for higher education shall maintain jurisdiction over the content of the course offerings and the entitlement to degrees.

(4) Disputes regarding which programs are to be coordinated by the joint center for higher education shall be arbitrated by the ~~((council for postsecondary education))~~ higher education coordinating board or its successor agency. The decision of the arbitrating agency shall be binding.

NEW SECTION, Sec. 12. A new section is added to chapter 28B.80 RCW to read as follows:

Eligible students residing in the areas to be served by the branch campuses created by sections 3 through 7 of this act may participate in a demonstration project administered by the higher education coordinating board. The educational opportunity grant project will be designed to permit the students to complete their upper division coursework at any eligible accredited baccalaureate institution of higher education, as defined in RCW 28B.10.802(1) and as further identified by the board. Each participating student may receive up to two thousand five hundred dollars per academic year, not to exceed the student's demonstrated financial need, for that coursework.

NEW SECTION, Sec. 13. A new section is added to chapter 28B.80 RCW to read as follows:

In order to be eligible for the demonstration project outlined in section 12 of this act, students must be placebound residents of the state of Washington who are needy as defined in RCW 28B.10.802(3), and have completed the associate of arts degree or its equivalent."

Renumber the sections consecutively and correct internal references.

Representatives Rector, Silver, Ebersole, Bristow, Moyer, Van Luven, D. Sommers and Heavey spoke in favor of adoption of the amendment to the committee amendment, and it was adopted.

The committee amendment as amended was adopted.

With consent of the House, the following amendments to the committee amendment to the title were adopted:

On page 7, line 12 of the title amendment, before "adding" insert "amending RCW 28B.25.020:"

On page 7, line 13 of the title amendment, after "RCW:" insert "adding a new section to chapter 28B.10 RCW:"

On motion of Mr. Jacobsen, the committee amendment as amended to the title was adopted.

With consent of the House, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Representatives Jacobsen, Van Luven, Ebersole, Hankins, Grant, Dorn, May, Brough, Tate, Horn, K. Wilson and Hine spoke in favor of passage of the bill, and Representatives Zellinsky, Jones, S. Wilson, Crane, Smith, Kremen, Spanel and Insee opposed it. Mr. Jacobsen again spoke in favor of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 6095 as amended by the House, and the bill passed the House by the following vote: Yeas, 68; nays, 29; excused, 1.

Voting yea: Representatives Anderson, Appelwick, Betzoff, Bristow, Brooks, Brough, Cantwell, Cole, Cooper, Day, Dellwo, Dorn, Ebersole, Ferguson, Fisher G, Fisher R, Fraser, Grant, Hankins, Heavey, Hine, Holland, Horn, Jacobsen, Jesernig, King P, King R, Leonard, May, Meyers R, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Padden, Patrick, Peery, Phillips, Prentice, Prince, Pruitt, Rafter, Rasmussen, Rector, Rust, Schoon, Scott, Silver, Sommers D, Sommers H, Sprengle, Tate, Todd, Valle, Van Luven, Vekich, Walk, Walker, Wang, Wilson K, Wineberry, Winsley, Wolfe, Wood, and Mr. Speaker - 68.

Voting nay: Representatives Ballard, Basich, Baugher, Beck, Belcher, Bowman, Braddock, Brekke, Brumsickle, Chandler, Crane, Doly, Fuhrman, Hargrove, Haugen, Inslee, Jones, Kremen, Locke, McLean, Miller, Rayburn, Sayan, Schmidt, Smith, Spanel, Wilson S, Youngsman, Zellinsky - 29.

Excused: Representative Gallagher - 1.

Senate Bill No. 6095 as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

Mr. Heavey moved that the House immediately consider the following bills on the second reading calendar in the following order: Engrossed Senate Bill No. 5808, Substitute Senate Bill No. 5383, Senate Bill No. 5853, Senate Bill No. 5907, and Second Substitute Senate Bill No. 6051. The motion was carried.

ENGROSSED SENATE BILL NO. 5808, by Senators Lee, Matson, McMullen, Warnke and Vognilid

Authorizing the use of an irrevocable letter of credit by an employer choosing to self-insure under the industrial insurance act.

The House resumed consideration of Engrossed Senate Bill No. 5808 on the second reading calendar. (See Journal, 95th Day, April 13, 1989, Afternoon Session, for previous action.)

Mr. Vekich moved adoption of the following amendment by Representatives Vekich and Patrick:

Strike everything after the enacting clause and insert the following:

*Sec. 1. Section 27, chapter 289, Laws of 1971 ex. sess. as last amended by section 1, chapter 57, Laws of 1986 and RCW 51.14.020 are each amended to read as follows:

(1) An employer may qualify as a self-insurer by establishing to the director's satisfaction that he or she has sufficient financial ability to make certain the prompt payment of all compensation under this title and all assessments which may become due from such employer. Each application for certification as a self-insurer submitted by an employer shall be accompanied by payment of a fee of one hundred fifty dollars or such larger sum as the director shall find necessary for the administrative costs of evaluation of the applicant's qualifications. Any employer who has formerly been certified as a self-insurer and thereafter ceases to be so certified may not apply for certification within three years of ceasing to have been so certified.

(2) A self-insurer may be required by the director to supplement existing financial ability by depositing in an escrow account in a depository designated by the director, money and/or corporate or governmental securities approved by the director, or a surety bond written by any company admitted to transact surety business in this state, or provide an irrevocable letter of credit issued by a federally or state chartered commercial banking institution authorized to conduct business in the state of Washington filed with the department. The money, securities, ~~((or)) bond, or letter of credit~~ shall be in an amount reasonably sufficient in the director's discretion to insure payment of reasonably foreseeable compensation and assessments but not less than the employer's normal expected annual claim liabilities and in no event less than one hundred thousand dollars. In arriving at the amount of money, securities, ~~((or)) bond, or letter of credit~~ required under this subsection, the director shall take into consideration the financial ability of the employer to pay compensation and assessments and his or her probable continuity of operation. However, a letter of credit shall be acceptable only if the self-insurer has a net worth of not less than five hundred million dollars as evidenced in an annual financial statement prepared by a qualified, independent auditor using generally accepted accounting principles. The money, securities, ~~((or)) bond, or letter of credit~~ so deposited shall be held by the director to secure the payment of compensation by the self-insurer and to secure payment of his or her assessments. The amount of security may be increased or decreased from time to

time by the director. The income from any securities deposited may be distributed currently to the self-insurer.

(3) Securities or money deposited by an employer pursuant to subsection (2) of this section shall be returned to him or her upon his or her written request provided the employer files the bond required by such subsection.

(4) If the employer seeking to qualify as a self-insurer has previously insured with the state fund, the director shall require the employer to make up his or her proper share of any deficit or insufficiency in the state fund as a condition to certification as a self-insurer.

(5) A self-insurer may reinsure a portion of his or her liability under this title with any reinsurer authorized to transact such reinsurance in this state: PROVIDED, That the reinsurer may not participate in the administration of the responsibilities of the self-insurer under this title. Such reinsurance may not exceed eighty percent of the liabilities under this title.

(6) For purposes of the application of this section, the department may adopt separate rules establishing the security requirements applicable to units of local government. In setting such requirements, the department shall take into consideration the ability of the governmental unit to meet its self-insured obligations, such as but not limited to source of funds, permanency, and right of default.

(7) The director shall adopt rules to carry out the purposes of this section including, but not limited to, rules respecting the terms and conditions of letters of credit and the establishment of the appropriate level of net worth of the self-insurer to qualify for use of the letter of credit. Only letters of credit issued in strict compliance with the rules shall be deemed acceptable.

Sec. 2. Section 51.44.070, chapter 23, Laws of 1961 as last amended by section 1, chapter 312, Laws of 1983 and RCW 51.44.070 are each amended to read as follows:

(1) For every case resulting in death or permanent total disability the department shall transfer on its books from the accident fund of the proper class and/or appropriate account to the 'reserve fund' a sum of money for that case equal to the estimated present cash value of the monthly payments provided for it, to be calculated upon the basis of an annuity covering the payments in this title provided to be made for the case. Such annuity values shall be based upon rates of mortality, disability, remarriage, and interest as determined by the ~~((state insurance commissioner))~~ department, taking into account the experience of the reserve fund in such respects.

Similarly, a self-insurer in these circumstances shall pay into the reserve fund a sum of money computed in the same manner, and the disbursements therefrom shall be made as in other cases.

(2) As an alternative to payment procedures otherwise provided under law, in the event of death or permanent total disability to workers of self-insured employers, a self-insured employer may upon establishment of such obligation file with the department a bond, or an assignment of account from a federally or state chartered commercial banking institution authorized to conduct business in the state of Washington, or purchase an annuity, in an amount deemed by the ~~((insurance commissioner))~~ department to be reasonably sufficient to insure payment of the pension benefits provided by law. The department shall adopt rules governing assignments of account or annuities. Such rules shall ensure that the funds are available if needed, even in the case of failure of the banking institution, the institution authorized to provide annuities, or ~~((of))~~ the employer's business.

The annuity value for every such case shall be determined by the ~~((insurance commissioner))~~ department based upon the ~~((commissioner's))~~ department's experience as to rates of mortality, disability, remarriage, and interest. The amount of the required bond ~~((or))~~, assignment of account, or annuity may be reviewed and adjusted periodically by the department, based upon periodic redeterminations by the ~~((insurance commissioner))~~ department as to the outstanding annuity value for the case.

Under such alternative, the ~~((department))~~ self-insurer shall ~~((make the monthly payments from the pension reserve fund))~~ provide for the benefits provided for by RCW 51.32.050 and 51.32.060 to the self-insured beneficiary or beneficiaries ~~((and the department shall be reimbursed for all such payments from the particular self-insured employer through periodic charges not less than quarterly in a manner to be determined by the director.~~

~~Any self-insured employer electing this alternative method of providing for payment to the beneficiary or beneficiaries shall additionally pay to the department a deposit equal to the first three months' payments otherwise required under RCW 51.32.050 and 51.32.060. Such deposit shall be placed in the reserve fund in accordance with RCW 51.44.140 and shall be returned to the respective self-insured employer when monthly payments are no longer required for such particular obligation.~~

~~If a self-insurer delays or refuses to reimburse the department beyond fifteen days after the reimbursement charges become due, there shall be a penalty paid by the self-insurer upon order of the director of an additional amount equal to twenty-five percent of the amount then due which shall be paid into the pension reserve fund. Such an order shall conform to the requirements of RCW 51.52.050).~~

Sec. 3. Section 51.28.070, chapter 23, Laws of 1961 as last amended by section 36, chapter 350, Laws of 1977 ex. sess. and RCW 51.28.070 are each amended to read as follows:

Information contained in the claim files and records of injured workers, under the provisions of this title, shall be deemed confidential and shall not be open to public inspection (other than to public employees in the performance of their official duties), but representatives of a claimant, be it an individual or an organization, may review a claim file or receive specific information therefrom upon the presentation of the signed authorization of the claimant. A claimant may review his or her claim file if the director determines, pursuant to criteria adopted by rule, that the review is in the claimant's interest. Employers or their duly authorized representatives may review any files of their own injured workers in connection with any pending claims. Physicians treating or examining workers claiming benefits under this title, or physicians giving medical advice to the department regarding any claim may, at the discretion of the department, inspect the claim files and records of injured workers, and other persons may make such inspection, at the (~~departments~~) department's discretion, when such persons are rendering assistance to the department at any stage of the proceedings on any matter pertaining to the administration of this title.

NEW SECTION. Sec. 4. A new section is added to chapter 51.32 RCW to read as follows:

(1) Whenever an application for benefits is filed that requires a determination of whether benefits shall be paid pursuant to the reopening of an accepted claim under RCW 51.32.160 or by allowance of a claim for new injury or occupational disease, the department shall make the determination in a single order. Pending entry of the order, benefits shall be paid promptly pursuant to this title by either the department or the self-insurer, as the case may be, as determined by the department. Benefits shall be paid at the lesser of the two benefit entitlements that may apply to the claim.

(2) If, upon final determination, the entity that paid benefits under subsection (1) of this section is determined not to be responsible for payment of the benefits, such entity shall be reimbursed by the responsible entity for all amounts paid, unless subsection (3) of this section applies.

(3) If, upon final determination, neither the department nor a self-insurer is determined to be responsible for the benefits, the recipient of benefits shall repay the entity having paid the benefits and recoupment may be made from future payments due the recipient on any claim with the state fund or self-insurer, as the case may be. The director may exercise his or her discretion to waive, in whole or in part, the amount of any such repayments where the recovery would be against equity and good conscience.

(4) If the department's determination under this section is appealed, benefits shall continue to be paid until the responsible entity is finally determined.

NEW SECTION. Sec. 5. A new section is added to chapter 51.32 RCW to read as follows:

When a worker insured by the state fund or a self-insured employer has received compensation for temporary total disability pursuant to RCW 51.32.090 for thirteen consecutive weeks of disability, the department shall notify the employment security department in accordance with the requirements of chapter 50.06 RCW. The notice shall be given within ten working days of the commencement of the fourteenth week in which the worker receives temporary total disability compensation. The department may adopt rules under chapter 34.05 RCW establishing reporting requirements for self-insured employers to carry out the purposes of this section.

NEW SECTION. Sec. 6. The legislature finds that delays and inefficiencies in the administration of the industrial insurance system are detrimental to the system and to the welfare of injured workers. It is the intent of the legislature that the department and self-insurers act promptly on industrial insurance claims and on requests from injured workers. The purpose of section 7 of this act is to minimize the delay and uncertainty that injured workers frequently experience from the industrial insurance system.

NEW SECTION. Sec. 7. A new section is added to chapter 51.32 RCW to read as follows:

(1) The self-insurer shall provide a copy of the worker's claim file at no cost within fifteen days of receipt of a request by the worker or the worker's representative. The self-insurer shall provide the contents of the claim file unless the request is for only a particular portion of the file.

(2) The self-insurer shall transmit notice to the department of any written protest by an injured worker to an appealable order relating to the administration of an industrial injury claim under this chapter within ten working days. Receipt of a written notice by the self-insurer shall be deemed to be receipt by the department. Failure of a self-insurer to comply with this notification requirement shall subject the self-insurer to the penalty provisions of RCW 51.48.017.

NEW SECTION. Sec. 8. A new section is added to chapter 51.44 RCW to read as follows:

(1) The industrial insurance premium refund account is created in the state treasury. All industrial insurance refunds earned by state agencies under the state fund retrospective rating program shall be deposited into the account. Interest on the moneys in the account shall be deposited into the general fund. Moneys in the account may be spent only after appropriation. No agency may receive an appropriation for an amount greater than the refund earned by the agency. Expenditures from the account may be used for any program within an agency, but preference shall be given to programs that promote or provide incentives for employee safety and early, appropriate return-to-work for injured employees.

(2) By December 1, 1990, and each December 1st thereafter, the office of financial management shall report to the senate economic development and labor committee and the house of representatives commerce and labor committee on the industrial insurance premium refund account, including the amounts deposited in the fund, the amounts appropriated to the agencies from the fund, and the agencies' use of the appropriated funds.

NEW SECTION. Sec. 9. (1) Section 1 of this act shall take effect January 1, 1990.

(2) Section 8 of this act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect July 1, 1989."

Representatives Vekich and Patrick spoke in favor of adoption of the amendment, and it was adopted.

On motion of Mr. Vekich, the following amendment to the title was adopted:

On page 1, line 1 of the title, after "insurance;" strike the remainder of the title and insert "amending RCW 51.14.020, 51.44.070, and 51.28.070; adding new sections to chapter 51.32 RCW; adding a new section to chapter 51.44 RCW; creating a new section; providing effective dates; and declaring an emergency."

With consent of the House, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Senate Bill No. 5808 as amended by the House, and the bill passed the House by the following vote: Yeas, 93; nays, 4; excused, 1.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Baugher, Belcher, Betrozoff, Bowman, Braddock, Brekke, Bristow, Brooks, Brough, Brumsickle, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Fraser, Grant, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Inslee, Jacobsen, Jesernig, Jones, King P, King R, Kremen, Leonard, Locke, May, Meyers R, Miller, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Padden, Patrick, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Sommers D, Sommers H, Spanel, Sprengle, Tate, Todd, Valle, Van Luven, Vekich, Walk, Walker, Wang, Wilson K, Wilson S, Wineberry, Winsley, Wolfe, Wood, Youngsman, Zellinsky, and Mr. Speaker - 93.

Voting nay: Representatives Beck, Fuhrman, McLean, Smith - 4.

Excused: Representative Gallagher - 1.

Engrossed Senate Bill No. 5808 as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SUBSTITUTE SENATE BILL NO. 5383, by Committee on Economic Development & Labor (originally sponsored by Senators Lee, Smitherman, Anderson, McMullen and Bailey)

Establishing a program for employment and training planning.

The bill was read the second time. Committee on Trade & Economic Development recommendation: Majority, do pass as amended. (For committee amendments, see Journal, 82nd Day, March 31, 1989.) Committee on Appropriations recommendation: Majority, do pass as amended by Committee on Trade & Economic Development.

Ms. Cantwell moved adoption of the committee amendment and spoke in favor of it. The committee amendment was adopted.

On motion of Ms. Cantwell, the committee amendment to the title was adopted.

With consent of the House, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Representatives Cantwell, Schoon and Doty spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5383 as amended by the House, and the bill passed the House by the following vote: Yeas, 92; nays, 5; excused, 1.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Baugher, Belcher, Betzoff, Braddock, Brekke, Bristow, Brooks, Brough, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Fraser, Grant, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Inslée, Jacobsen, Jesernig, Jones, King P, King R, Kremen, Leonard, Locke, May, Meyers R, Miller, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Padden, Patrick, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith, Sommers D, Sommers H, Spanel, Sprenkle, Tate, Todd, Valle, Van Luven, Vekich, Walk, Walker, Wang, Wilson K, Wilson S, Wineberry, Winsley, Wolfe, Wood, Youngsman, Zellinsky, and Mr. Speaker - 92.

Voting nay: Representatives Beck, Bowman, Brumsickle, Fuhrman, McLean - 5.

Excused: Representative Gallagher - 1.

Substitute Senate Bill No. 5383 as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SENATE BILL NO. 5853, by Senators Pullen, Talmadge, McCaslin, Rasmussen, Thorsness, Hayner, Nelson and Cantu

Penalizing use of a machine gun in a felony.

The bill was read the second time.

With consent of the House, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Representatives Crane and Padden spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 5853, and the bill passed the House by the following vote: Yeas, 97; excused, 1.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Baugher, Beck, Belcher, Betzoff, Bowman, Braddock, Brekke, Bristow, Brooks, Brough, Brumsickle, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Fraser, Fuhrman, Grant, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Inslée, Jacobsen, Jesernig, Jones, King P, King R, Kremen, Leonard, Locke, May, McLean, Meyers R, Miller, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Padden, Patrick, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith, Sommers D, Sommers H, Spanel, Sprenkle, Tate, Todd, Valle, Van Luven, Vekich, Walk, Walker, Wang, Wilson K, Wilson S, Wineberry, Winsley, Wolfe, Wood, Youngsman, Zellinsky, and Mr. Speaker - 97.

Excused: Representative Gallagher - 1.

Senate Bill No. 5853, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SENATE BILL NO. 5907, by Senators Hansen, Barr and Benitz

Changing provisions relating to annexations and incorporations involving a portion of a fire protection district.

The bill was read the second time. Committee on Local Government recommendation: Majority, do pass as amended. (For committee amendments, see Journal, 82nd Day, March 31, 1989.)

Ms. Haugen moved adoption of the committee amendment and spoke in favor of it. The committee amendment was adopted.

On motion of Ms. Haugen, the committee amendment to the title was adopted.

With consent of the House, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Representatives Haugen and Ferguson spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 5907 as amended by the House, and the bill passed the House by the following vote: Yeas, 97; excused, 1.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Baugher, Beck, Belcher, Betzoff, Bowman, Braddock, Brekke, Bristow, Brooks, Brough, Brumsickle, Cantwell,

Chandler, Cole, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Fraser, Fuhrman, Grant, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Insee, Jacobsen, Jesernig, Jones, King P, King R, Kremen, Leonard, Locke, May, McLean, Meyers R, Miller, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Padden, Patrick, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith, Sommers D, Sommers H, Spanel, Sprengle, Tate, Todd, Valle, Van Luvan, Vekich, Waik, Walker, Wang, Wilson K, Wilson S, Wineberry, Winsley, Wolfe, Wood, Youngsman, Zellinsky, and Mr. Speaker - 97.

Excused: Representative Gallagher - 1.

Senate Bill No. 5907 as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND SUBSTITUTE SENATE BILL NO. 6051, by Committee on Ways & Means (originally sponsored by Senators Anderson, Cantu, Stratton, Smith, Thorsness, McMullen, Wojahn, Lee and Bailey)

Promoting employer involvement in the development of child care services and facilities.

The bill was read the second time. Committee on Trade & Economic Development recommendation: Majority, do pass as amended. (For committee amendments, see Journal, 82nd Day, March 31, 1989.) Committee on Appropriations recommendation: Majority, do pass as amended by Committee on Trade & Economic Development.

Ms. Cantwell moved adoption of the committee amendment.

Ms. Cantwell moved adoption of the following amendment by Representatives Cantwell and Moyer:

On page 4, after line 17 of the amendment, strike all material through "43.31 RCW." on page 13, line 2, and insert the following:

"NEW SECTION. Sec. 3. A new section is added to chapter 43.168 RCW to read as follows:

(1) The legislature finds that the dramatic increase in the participation of women in the workforce has resulted in a shortage of affordable, quality child care. The economy will continue to need the increasing participation of women in the workforce in the future; therefore affordable and quality child care is important for economic development.

(2) The committee may approve applications for projects to provide child care. The committee may, subject to federal block grant criteria, give higher priority to economic development projects that contain provisions for child care.

(3)(a) A child care facilities loan guarantee fund is created in the custody of the committee. All receipts designated for the guarantee fund shall be placed in the guarantee fund and shall be administered by the committee including:

(i) Premiums and fees for guaranteeing loans;

(ii) Income from investments that the state treasurer, on instruction of the committee, makes for the committee under this section;

(iii) Proceeds from the sale, disposition, lease, or rental of collateral relating to loan guarantees;

(iv) Moneys appropriated by the state to the guarantee fund;

(v) Moneys appropriated by the committee from the development loan fund; and

(vi) Any other moneys made available to the guarantee fund.

Disbursements from the guarantee fund shall be on authorization by the committee. No appropriation shall be required to permit expenditures and payment of obligations from the fund.

(b) The guarantee fund shall be used to pay all expenses and disbursements authorized by the committee for administering the guarantee fund and financing the expansion, renovation, capital improvement or development of child care facilities in this state, including, but not limited to:

(i) Guaranty payments required by loan defaults; and

(ii) Expenses for administrative, legal, actuarial, technical assistance, and other services.

(c) If at any time the amount of money in the guarantee fund exceeds the amount that the committee finds necessary to meet its current expenses and obligations, the excess shall be deposited with the state treasurer to the credit of the fund and invested in the manner provided for by law.

(4)(a) Subject to the restrictions of this subsection (4), the committee, on application, may provide a guarantee of a loan made to an applicant. The committee may guarantee a loan only if the applicant meets the qualifications required by this section and the loan is to be used for expansion, renovation, capital improvement, or financing of a child care facility.

(b) To apply for a loan guarantee, an applicant shall submit an application to the committee on the form required by the committee. The application shall include, at a minimum:

(i) A detailed description of the proposed or existing day care facility, including the categories of children served or to be served and documentation of licensing pursuant to chapter 74.15 RCW;

(ii) An itemization of known and estimated costs;

(iii) The total amount of investment required to expand or develop the day care facility;

(iv) The funds available to the applicant without loan guarantee assistance from the committee;

(v) The amount of loan guarantee assistance sought from the committee;

(vi) Information about the inability of the applicant to obtain the financing necessary for the facility on reasonable terms through conventional lending channels;

(vii) Information on the financial status of the applicant, including, if applicable:

(A) A current balance sheet;

(B) A profit and loss statement;

(C) Credit references; and

(D) Any other relevant information required by the committee.

(c) In guaranteeing loans under this subsection (4), consideration shall be given to:

(i) Geographic distribution of child care facilities;

(ii) Community need in the community in which the facility is or will be located;

(iii) Community income, with special weight given to those communities with the lowest median family income; and

(iv) Commitment by the applicant as a condition of the loan guarantee to serve a reasonable number of: Handicapped children, as defined under chapter 72.40 RCW; sick children; infants; children requiring night time or weekend care; or children whose costs of care are subsidized by the department of social and health services.

(d) Except as otherwise required in this subsection (4), the committee may set the terms and conditions for guarantees of loans. The total aggregate amount of the loan guarantee for any applicant may not exceed eighty percent of the loan.

(5) The total aggregate amount of insurance from the guarantee fund, with respect to the insured portions of loans, may not exceed at any time an amount equal to five times the balance in the guarantee fund.

(6) The committee shall adopt rules setting forth criteria, application procedures, and methods to assure compliance with the purposes described in this section."

Renumber the sections consecutively and correct internal references accordingly.

Representatives Cantwell and Moyer spoke in favor of adoption of the amendment to the committee amendment, and it was adopted.

The committee amendment as amended was adopted.

With consent of the House, the following amendment to the committee amendment to the title was adopted:

On page 14, line 4 of the title amendment, after "43.31.085" strike "and 43.168.050; adding new sections to chapter 43.31 RCW" and insert "; adding a new section to chapter 43.168 RCW"

With consent of the House, the committee amendment as amended to the title was adopted.

With consent of the House, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

ROLL CALL

The Clerk called the roll on the final passage of Second Substitute Senate Bill No. 6051 as amended by the House, and the bill passed the House by the following vote: Yeas, 97; excused, 1.

Voicing yea: Representatives Anderson, Appelwick, Ballard, Basich, Baugher, Beck, Belcher, Betzoff, Bowman, Braddock, Brekke, Bristow, Brooks, Brough, Brumsickle, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Fraser, Fuhrman, Grant, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Inslee, Jacobsen, Jesernig, Jones, King P, King R, Kremen, Leonard, Locke, May, McLean, Meyers R, Miller, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Padden, Patrick, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith, Sommers D, Sommers H, Spanel, Sprenkle, Tate, Todd, Valle, Van Luven, Vekich, Walk, Walker, Wang, Wilson K, Wilson S, Wineberry, Winsley, Wolfe, Wood, Youngsman, Zellinsky, and Mr. Speaker - 97.

Excused: Representative Gallagher - 1.

Second Substitute Senate Bill No. 6051 as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

Mr. Heavey moved that the House immediately consider Substitute Senate Bill No. 6013 on the second reading calendar. The motion was carried.

SUBSTITUTE SENATE BILL NO. 6013, by Committee on Governmental Operations (originally sponsored by Senators Bluechel, Taimadge, Fleming, Conner and McDonald)

Regulating capacity charges imposed by a metropolitan municipal corporation.

The bill was read the second time. Committee on Local Government recommendation: Majority, do pass as amended. (For committee amendments, see Journal, 82nd Day, March 31, 1989.)

Ms. Haugen moved adoption of the committee amendment and spoke in favor of it. The committee amendment was adopted.

On motion of Ms. Haugen, the committee amendment to the title was adopted.

With consent of the House, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Representatives Haugen and Ferguson spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 6013 as amended by the House, and the bill passed the House by the following vote: Yeas, 94; nays, 1; absent, 2; excused, 1.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Baugher, Beck, Belcher, Betrozoff, Bowman, Braddock, Brekke, Bristow, Brooks, Brough, Brumsickle, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Fraser, Fuhrman, Grant, Hankins, Hargrove, Heavey, Hine, Holland, Horn, Inslee, Jacobsen, Jesernig, Jones, King P, King R, Kremen, Leonard, Locke, May, McLean, Meyers R, Miller, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Padden, Patrick, Peery, Phillips, Prince, Pruitt, Raiter, Rasmussen, Rector, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith, Sommers D, Sommers H, Spanel, Sprenkle, Tate, Todd, Valle, Van Luven, Vekich, Walk, Walker, Wang, Wilson K, Wilson S, Wineberry, Winsley, Wolfe, Wood, Youngsman, Zellinsky, and Mr. Speaker - 94.

Voting nay: Representative Haugen - 1.

Absent: Representatives Prentice, Rayburn - 2.

Excused: Representative Gallagher - 1.

Substitute Senate Bill No. 6013 as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Mr. Ebersole, the House recessed until 1:30 p.m.

AFTERNOON SESSION

The Speaker (Mr. Jacobsen presiding) called the House to order at 1:30 p.m. The Clerk called the roll and all members were present except Representatives Gallagher, Hankins and Locke. On motion of Ms. Miller, Representative Hankins was excused. With consent of the House, Representative Gallagher was excused.

The Speaker (Mr. Jacobsen presiding) called on Representative O'Brien to preside.

MESSAGE FROM THE SENATE

April 13, 1989

Mr. Speaker:

The President has signed:

HOUSE BILL NO. 1524,
HOUSE BILL NO. 1545,
HOUSE BILL NO. 1862,

and the same are herewith transmitted.

Gordon A. Golob, Secretary.

MOTION

Mr. Ebersole moved that the House consider the following bills on the second reading calendar in the following order: Senate Bill No. 5916, Senate Bill No. 5966, and Senate Joint Resolution No. 8200. The motion was carried.

SENATE BILL, NO. 5916, by Senators Barr, Newhouse, Hansen, Madsen, Bailey, Anderson and Gaspard

Revising provisions on labeling meat.

The bill was read the second time.

Ms. Cole moved adoption of the following amendments:

On page 1, at the beginning of line 7, insert "(1)"

On page 1, after line 20, strike all material through "unit" on line 23 and insert:

"(2) Nothing in this chapter shall prohibit or authorize the director"

On page 1, line 28, after "unit," insert "The provisions of this subsection do not apply to any authority of a local government."

Ms. Cole spoke in favor of adoption of the amendment.

The Speaker (Mr. O'Brien presiding) stated the question before the House to be the adoption of the amendment by Representative Cole.

The Speaker, being in doubt, called upon the House to divide. The result of the division was: Yeas -28; Nays -65. The amendment was not adopted.

Ms. Rayburn moved adoption of the following amendment by Representatives Rayburn, Chandler, Nealey, Kremen, Rasmussen and Todd:

On page 1, beginning on line 24 after "merely" strike "trims, cuts," and insert "grinds"

Representatives Rayburn and Nealey spoke in favor of adoption of the amendment, and it was adopted.

With consent of the House, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Representatives Rayburn and Wood spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 5916 as amended by the House, and the bill passed the House by the following vote: Yeas, 80; nays, 15; absent, 1; excused, 2.

Voting yea: Representatives Appelwick, Ballard, Basich, Baugher, Beck, Belcher, Betzoff, Bowman, Braddock, Bristow, Brooks, Brough, Brumsickle, Cantwell, Chandler, Cooper, Day, Dellwo, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fraser, Fuhrman, Grant, Hargrove, Haugen, Holland, Horn, Insee, Jesernig, Jones, King P, King R, Kremen, May, McLean, Meyers R, Miller, Morris, Moyer, Myers H, Nealey, Nutley, O'Brien, Padden, Patrick, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Sayan, Schmidt, Schoon, Scott, Silver, Smith, Sommers D, Spanel, Sprenkle, Tate, Van Luven, Walk, Walker, Wang, Wilson K, Wilson S, Wineberry, Winsley, Wolfe, Wood, Youngsman, Zellinsky, and Mr. Speaker - 80.

Voting nay: Representatives Anderson, Brekke, Cole, Crane, Fisher R, Heavey, Hine, Jacobsen, Leonard, Nelson, Rust, Sommers H, Todd, Valle, Vekich - 15.

Absent: Representative Locke - 1.

Excused: Representatives Gallagher, Hankins - 2.

Senate Bill No. 5916 as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

Representative Hankins appeared at the bar of the House.

SENATE BILL NO. 5966, by Senators Rinehart, Murray, Smitherman and McMullen

Providing the same family leave for adoptive parents as for birth parents.

The House resumed consideration of Senate Bill No. 5966 on the second reading calendar. (See Journal, 88th Day, April 6, 1989, Evening Session, for previous action.)

The Speaker (Mr. O'Brien presiding) stated the question before the House to be adoption of the amendments by Representatives Walker, Patrick, Smith and Wolfe.

Ms. Walker again spoke in favor of the amendments, and Mr. Vekich spoke in favor of them.

ROLL CALL

The Clerk called the roll on adoption of the amendments on page 1, lines 6, 10, 21 and 25, by Representative Walker and others to Senate Bill No. 5966, and the amendments were adopted by the following vote: Yeas, 84; nays, 12; absent, 1; excused, 1.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Baugher, Beck, Betrozoff, Bowman, Braddock, Bristow, Brooks, Brough, Brumsickle, Cantwell, Chandler, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fraser, Fuhrman, Grant, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Inslee, Jacobsen, Jesernig, King P, King R, Kremen, May, McLean, Meyers R, Miller, Morris, Moyer, Myers H, Nealey, Nutley, O'Brien, Padden, Patrick, Peery, Phillips, Prince, Raiter, Rasmussen, Rayburn, Rector, Sayan, Schmidt, Schoon, Scott, Silver, Smith, Sommers D, Sommers H, Spanel, Sprenkle, Tate, Todd, Van Luven, Vekich, Walk, Walker, Wang, Wilson K, Wilson S, Winsley, Wolfe, Wood, Youngsman, Zellinsky, and Mr. Speaker - 84.

Voting nay: Representatives Belcher, Brekke, Cole, Fisher R, Jones, Leonard, Nelson, Prentice, Pruitt, Rust, Valle, Wineberry - 12.

Absent: Representative Locke - 1.

Excused: Representative Gallagher - 1.

Ms. Walker moved adoption of the following amendment by Representatives Walker, Patrick, Smith and Wolfe:

On page 2, following line 14 insert:

"NEW SECTION, Sec. 3. This act shall take effect on October 1, 1989, except that the department may immediately take such steps as are necessary to ensure that this act is implemented on its effective date."

Renumber the following sections consecutively and correct internal references.

Ms. Walker spoke in favor of the amendment.

Mr. May demanded an electric roll call vote, and the demand was sustained.

ROLL CALL

The Clerk called the roll on adoption of the amendment on page 2, following line 14, by Representative Walker and others to Senate Bill No. 5966, and the amendments were adopted by the following vote: Yeas, 93; nays, 3; absent, 1; excused, 1.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Baugher, Beck, Belcher, Betrozoff, Bowman, Braddock, Bristow, Brooks, Brough, Brumsickle, Cantwell, Chandler, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Fraser, Fuhrman, Grant, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Inslee, Jacobsen, Jesernig, Jones, King P, King R, Kremen, Leonard, May, McLean, Meyers R, Miller, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Padden, Patrick, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Sayan, Schmidt, Schoon, Scott, Silver, Smith, Sommers D, Sommers H, Spanel, Sprenkle, Tate, Todd, Valle, Van Luven, Vekich, Walk, Walker, Wang, Wilson K, Wilson S, Wineberry, Winsley, Wolfe, Wood, Youngsman, Zellinsky, and Mr. Speaker - 93.

Voting nay: Representatives Brekke, Cole, Rust - 3.

Absent: Representative Locke - 1.

Excused: Representative Gallagher - 1.

Representative Locke appeared at the bar of the House.

The Clerk read the following amendment by Representatives Walker, Patrick, Smith and Wolfe:

On page 1, line 28 after "parents." insert "This section does not apply to employers offering a nondiscriminatory cafeteria plan, as defined by Section 125 of the Internal Revenue Code of 1986."

With consent of the House, Representatives Walker withdrew the amendment.

The Clerk read the following amendment by Representatives Walker, Patrick, Smith and Wolfe:

On page 2, following line 14 insert:

"(7) This section shall apply to collective bargaining agreements or employment benefit programs or plans entered into or renewed after the effective date of this section."

With consent of the House, Representative Walker withdrew the amendment.

The Clerk read the following amendment by Representatives Walker, Patrick, Smith and Wolfe:

On page 2, following line 14 insert:

"Sec. 3. Section 2, chapter 236, Laws of 1988 and RCW 49.12.275 are each amended to read as follows:

The department shall develop and furnish to each employer a poster which describes an employer's obligations and an employee's rights under RCW 49.12.270 through 49.12.295 and section 2 of this act. The poster must include notice about any state law, rule, or regulation governing maternity disability leave and indicate that federal or local ordinances, laws, rules, or regulations may also apply. The poster must also include a telephone number and an address of the department to enable employees to obtain more information regarding RCW 49.12.270 through 49.12.295. Each employer must display this poster in a conspicuous place. Every employer shall also post its leave policies, if any, in a conspicuous place. Nothing in this section shall be construed to create a right to continued employment."

Renumber the following sections consecutively and correct internal references.

With consent of the House, Representative Walker withdrew the amendment.

Mr. Wang moved adoption of the following amendment by Representatives Wang, Vekich, Brough and Miller:

On page 1, after the enacting clause, insert the following:

NEW SECTION. Sec. 1. The legislature finds that the demands of the workplace and the needs of families need to be balanced to promote family stability and economic security. Changes in workplace leave policies are desirable to accommodate changes in the work force such as rising numbers of dual-career couples and working single parents. Further, inadequate job security exists for some employees who experience serious health conditions which prevent them from working for temporary periods. In addition, given the mobility of American society, many people no longer have available community or family support networks and therefore need additional flexibility in the workplace. The legislature declares it to be in the public interest to provide reasonable family leave upon the birth or adoption of a child or to care for a family member with a serious health condition and to provide reasonable temporary medical leave for an employee with a serious health condition.

NEW SECTION. Sec. 2. Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) 'Child' means a biological, adopted, or foster child, a stepchild, or a legal ward, who is:

(a) Under eighteen years of age; or
(b) Eighteen years of age or older and incapable of self-care because of mental or physical disability.

(2) 'Department' means the department of labor and industries.

(3) 'Employee' means a person engaged by an employer:

(a) To work an average of at least eighteen hours per week;

(b) In a job that is not considered temporary or seasonal; and

(c) Who has completed at least one year of employment.

For purposes of this subsection, a job is temporary if the term of employment is less than nine months and the original term has not extended beyond nine months.

(4) 'Employer' means:

(a) Any person, firm, corporation, partnership, business trust, legal representative, or other business entity which engages in any business, industry, profession, or activity in this state, that employed thirty-five or more persons in this state within a twenty-mile radius of the employee's workplace during any calendar quarter of the previous twelve months; PROVIDED, That until October 1, 1991, 'employer' is limited to any person, firm, corporation, partnership, business trust, legal representative, or other business entity which engages in any business, industry, profession, or activity in this state, that employed fifty or more persons in this state within a twenty-mile radius of the employee's workplace during any calendar quarter of the previous twelve months;

(b) The state; and

(c) Any unit of local government including, but not limited to, a county, city, town, municipal corporation, quasi-municipal corporation, or political subdivision, that employed thirty-five or more persons in this state within a twenty-mile radius of the employee's workplace during any calendar quarter of the previous twelve months: PROVIDED, That until October, 1991, 'employer' is limited to any unit of local government including, but not limited to, a county, city, town, municipal corporation, quasi-municipal corporation, or political subdivision, that employed fifty or more persons in this state within a twenty-mile radius of the employee's workplace during any calendar quarter of the previous twelve months.

(5) 'Family leave' means leave from employment to care for a newborn or newly adopted child, or a family member with a serious health condition, as provided in section 3 of this act.

(6) 'Health care provider' means a person licensed as a physician under chapter 18.71 RCW, an advanced registered nurse practitioner under rules adopted by the board of nursing under chapter 18.88 RCW, or an osteopath under chapter 18.57 RCW; a person authorized to practice as a physician's assistant under chapter 18.71A RCW; or any other persons licensed or certified to provide health care services and capable of making the determinations required by this chapter, as determined by the department.

(7) 'Medical leave' means leave from employment because of an employee's serious health condition, as provided in section 4 of this act.

(8) 'Parent' means a biological, foster, or adoptive parent, a stepparent, or a legal guardian.

(9) 'Person' includes one or more individuals, partnerships, associations, organizations, corporations, cooperatives, legal representatives, trustees and receivers, or any group of persons; includes any owner, lessee, proprietor, manager, agent, or employee, whether one or more natural persons; and further includes any political or civil subdivisions of the state and any agency or instrumentality of the state or of any political or civil subdivision.

(10) 'Reduced leave schedule' means leave scheduled for fewer than an employee's usual number of hours per workweek or hours per workday.

(11) 'Serious health condition' means an illness, injury, impairment, or physical or mental condition, whether or not preexisting, which requires:

(a) Inpatient care in a hospital, hospice, or residential medical care facility; or

(b) Continuing treatment or continuing supervision by a health care provider.

NEW SECTION. Sec. 3. (1) Except as provided in subsection (4) of this section, an employee is entitled to thirteen workweeks of family leave during any twenty-four month period under the circumstances in (a) and (b) of this subsection. The leave required by this section is in addition to any leave because of disability as a result of sickness or temporary disability because of pregnancy or childbirth.

(a) An employee may take leave to care for a newborn child of the employee or an adopted child of the employee who is under the age of sixteen at the time of placement for adoption. Leave under this subsection shall be completed within twelve months after the birth or placement for adoption, as applicable.

(b) An employee may take leave to care for any of the following individuals who has a serious health condition:

(i) A child of the employee;

(ii) The spouse of the employee;

(iii) A parent of the employee or the employee's spouse who is dependent for care on the employee; or

(iv) Any other relative of the employee who is dependent for care on the employee and relies on the employee or the employee's spouse for at least twenty-five percent of his or her financial support.

An employee may take leave under this subsection only when the individual requires the care of another person and the employee is an appropriate person to provide the care, as determined by a health care provider.

(2) Leave may be taken on a reduced leave schedule if:

(a) The total period during which the thirteen workweeks is taken does not exceed thirty-six consecutive workweeks; and

(b) The leave is scheduled so as not to disrupt unduly the operations of the employer.

(3) The leave required by this section may be unpaid. If an employer provides paid family leave for fewer than thirteen workweeks, the additional weeks of leave added to attain the thirteen workweek total may be unpaid. An employer may require an employee to first use up the employee's total accumulation of paid vacation leave, personal leave, family leave, or other comparable paid leave to which the employee is otherwise entitled before going on unpaid leave; however, nothing in this section requires more than thirteen total workweeks of leave.

(4) An employer may limit or deny family leave to an employee who receives compensation that is within the top ten percent of compensation of the employer's employees within the state.

NEW SECTION. Sec. 4. (1) Except as provided in subsection (5) of this section, an employee is entitled to thirteen workweeks of medical leave during any twelve-month period when the employee is unable to perform the functions of the employee's position because of a serious health condition. The leave required by this section shall not be construed to limit any leave required as a reasonable accommodation to the sensory, mental, or physical handicap of the employee.

(2) Medical leave may be taken on a reduced leave schedule if:

(a) The total period during which the thirteen workweeks is taken does not exceed fifty-two consecutive workweeks; and

(b) The leave is scheduled so as not to disrupt unduly the operations of the employer.

(3) The leave required by this section may be unpaid. An employer may require an employee to first use up the employee's total accumulation of paid sick leave, disability leave, vacation leave, personal leave, or other comparable paid leave to which the employee is otherwise entitled before going on unpaid leave; however nothing in this section requires more than thirteen total workweeks of leave.

(4) Nothing in this chapter shall be construed to prohibit an employee with a serious health condition and an employer from mutually agreeing to alternative employment for the employee. Any such period of alternative employment shall not cause a reduction in the period of medical leave to which the employee is entitled.

(5) An employer may limit or deny medical leave to an employee who receives compensation that is within the top ten percent of compensation of the employer's employees within the state.

NEW SECTION. Sec. 5. (1) An employee planning to take family leave under section 3(1)(a) of this act shall provide the employer with at least thirty days' written notice of the expected date of delivery or placement for adoption, except that if the placement for adoption is at an unanticipated time and the employee is unable to give thirty days' written notice, the employee shall notify the employer within twenty-four hours of the placement for adoption.

(2) If family leave under section 3(1)(b) of this act or medical leave under section 4 of this act is foreseeable, the employee shall provide the employer with at least fourteen days' written notice of the expected leave and shall make a reasonable effort to schedule the leave so as not to disrupt unduly the operations of the employer.

(3) If family leave under section 3(1)(b) of this act or medical leave under section 4 of this act is not foreseeable fourteen or more days before the leave is to take place, the employee shall notify the employer within twenty-four hours of knowing when the leave is to take place and shall make a reasonable effort to schedule the leave so as not to disrupt unduly the operations of the employer.

NEW SECTION. Sec. 6. (1) An employer may require that a claim for family leave under section 3(1)(b) of this act or medical leave under section 4 of this act be confirmed by a health care provider of the child, spouse, parent, other relative, or employee, whichever is appropriate.

(2) The health care provider shall confirm:

(a) The date on which the serious health condition commenced or was discovered;

(b) The probable duration of the condition; and

(c) That the individual requires the care of another person and the employee is an appropriate person to provide the care.

(3) An employer may require, at the employer's expense, that the employee obtain the opinion of a second health care provider selected by the employer concerning any information required under subsection (2) of this section. If the health care providers disagree on any factor which is determinative of the employee's eligibility for family or medical leave, the two health care providers shall select a third health care provider, whose opinion, obtained at the employer's expense, shall be conclusive.

NEW SECTION. Sec. 7. An employer may limit the combined number of workweeks of family leave and medical leave provided under this chapter to thirteen workweeks during any twelve-month period.

NEW SECTION. Sec. 8. (1) Subject to subsection (2) of this section, an employee who exercises any right provided under section 3 or 4 of this act shall be entitled, upon return from leave or during any reduced leave schedule:

(a) To the same position held by the employee when the leave commenced; or

(b) To a position with equivalent benefits, pay, and other terms and conditions of employment.

(2) The entitlement under subsection (1) of this section does not apply if:

(a) The employer is unable to reinstate the employee due to a bona fide reduction in force; or

(b) The employer is unable to reinstate the employee due to the permanent or temporary shutdown of the employee's workplace for at least thirty days or the transfer of the business of the employee's workplace to a location at least sixty miles from the original location of the workplace.

(3) The taking of leave under this chapter shall not result in the loss of any benefit, including seniority or pension rights, accrued before the date on which the leave commenced.

(4) Except as provided in section 9 of this act, nothing in this chapter shall be construed to require the employer to grant benefits, including seniority or pension rights, during any period of leave.

(5) All policies applied during the period of leave to the classification of employees to which the employee belongs shall apply to the employee on leave.

NEW SECTION. Sec. 9. If the employer provided medical, dental, or disability benefits to an employee prior to leave under section 3 or 4 of this act, and the employee is not eligible for any employer contribution to medical, dental, or disability benefits under the applicable collective bargaining agreement or employer policy during any period of leave, the employer shall allow the employee to elect to continue the employee's medical, dental, and disability benefits, including any spouse and dependent coverage. The coverage shall be identical to the coverage provided to similarly situated persons not on leave and the premium to be paid by the employee shall not exceed one hundred two percent of the applicable premium for the leave period.

NEW SECTION. Sec. 10. The department shall administer the provisions of this chapter.

NEW SECTION. Sec. 11. The department shall adopt rules to carry out the provisions of this chapter.

NEW SECTION. Sec. 12. (1) The rights and remedies under this chapter are in addition to any other rights or remedies provided by law.

(2) Nothing in this chapter shall be construed to discourage employers from adopting policies which provide greater leave rights to employees than those required by this chapter.

(3) The provisions of this chapter shall be construed liberally for the accomplishment of the purposes thereof.

NEW SECTION. Sec. 13. (1) Nothing in this chapter shall be construed to supersede any provision of any local law which provides greater leave rights to employees than the rights established under this chapter.

(2) Nothing in this chapter shall be construed to diminish an employer's obligation to comply with any collective bargaining agreement or any employment benefit program or plan which provides greater leave rights to employees than the rights provided under this chapter.

(3) The rights provided to employees under this chapter may not be diminished by any collective bargaining agreement or any employment benefit program or plan entered into or renewed after the effective date of this section.

NEW SECTION. Sec. 14. This chapter shall apply to collective bargaining agreements or employment benefit programs or plans entered into or renewed after the effective date of this section.

NEW SECTION. Sec. 15. The department has power to hold hearings, subpoena witnesses, compel their attendance, administer oaths, take the testimony of any person under oath, and in connection therewith, to require the production for examination of any books or papers relating to any matter under investigation or in question before the department. The department may make rules as to the issuance of subpoenas under this chapter, as to service of complaints, decisions, orders, recommendations, and other process or papers of the department, either personally or by registered mail, return receipt requested, or by leaving a copy thereof at the principal office or place of business of the person required to be served. The return post office receipt, when service is by registered mail, shall be proof of service of the same.

NEW SECTION. Sec. 16. No person shall be excused from attending and testifying or from producing records, correspondence, documents, or other evidence in obedience to the subpoena of the department, on the ground that the testimony or evidence required of the person may tend to incriminate or subject the person to a penalty or forfeiture, but no person shall be prosecuted or subjected to any penalty or forfeiture for or on account of any transaction, matter, or thing concerning which the person is compelled, after having claimed the privilege against self-incrimination, to testify or produce evidence, except that such person so testifying shall not be exempt from prosecution and punishment for perjury committed in so testifying. The immunity herein provided shall extend only to natural persons so compelled to testify.

NEW SECTION. Sec. 17. In case of contumacy or refusal to obey a subpoena issued to any person, the superior court of any county within the jurisdiction of which the investigation, proceeding, or hearing is carried on or within the jurisdiction of which the person guilty of contumacy or refusal to obey is found or resides or transacts business, upon application by the department, shall have jurisdiction to issue to such person an order requiring such person to appear before the department, there to produce evidence, if so ordered, or there to give testimony touching the matter under investigation or in question. Any failure to obey such order of the court may be punished by the court as a contempt thereof.

NEW SECTION. Sec. 18. Witnesses before the department shall be paid the same fees and mileage that are paid witnesses in the courts of this state. Witnesses whose depositions are taken and the person taking the same shall be entitled to the same fees as are paid for like services in the courts of the state.

NEW SECTION. Sec. 19. Violation of sections 3 through 9 of this act is an unfair practice.

(1) Any person claiming to be aggrieved by an alleged unfair practice may, personally or by his or her attorney, make, sign, and file with the department a complaint in writing under oath. The complaint shall state the name and address of the person alleged to have committed the unfair practice and the particulars thereof, and contain such other information as may be required by the department.

(2) Whenever it has reason to believe that any person has been engaged or is engaging in an unfair practice, the department may issue a complaint.

(3) Any employer or principal whose employees, or agents, or any of them, refuse or threaten to refuse to comply with the provisions of this chapter may file with the department a written complaint under oath asking for assistance by conciliation or other remedial action.

Any complaint filed pursuant to this section must be so filed within six months after the alleged violation of this chapter.

NEW SECTION. Sec. 20. After the filing of any complaint, the department shall refer it to the appropriate staff of the department for investigation and ascertainment of the facts alleged in the complaint. The results of the investigation shall be reduced to written findings of fact, and a finding shall be made that there is or that there is not reasonable cause for believing that an unfair practice has been or is being committed. A copy of said findings shall be furnished to the complainant and to the person named in such complaint, hereinafter referred to as the respondent.

If the finding is made that there is reasonable cause for believing that an unfair practice has been or is being committed, the staff of the department shall endeavor to eliminate the unfair practice by conference, conciliation, and persuasion.

If an agreement is reached for the elimination of such unfair practice as a result of such conference, conciliation and persuasion, the agreement shall be reduced to writing and signed by the respondent, and an order shall be entered by the department setting forth the terms of said agreement. No order shall be entered by the department at this stage of the proceedings except upon such written agreement.

If no such agreement can be reached, a finding to that effect shall be made and reduced to writing, with a copy thereof furnished to the complainant and the respondent.

NEW SECTION. Sec. 21. (1) In case of failure to reach an agreement for the elimination of an unfair practice or upon violation of a final order issued under section 22(5) of this act, and upon the entry of findings to that effect, the department may issue a citation. The form of the citation shall be adopted by rule under chapter 34.05 RCW. The department may assess a civil penalty not to exceed one thousand dollars for each violation against a person issued a citation. Any person who receives a citation shall pay the amount noted on the citation within thirty days of receipt. Monetary penalties collected under this section shall be deposited into the general fund.

(2) Any person aggrieved by any action taken or decision made by the department under subsection (1) of this section may appeal the action or decision to the director by filing notice of the appeal with the director within thirty days of the department's action or decision. Upon receipt of an appeal, a hearing shall be held in accordance with chapter 34.05 RCW. The director shall issue all final orders after the hearing. The final orders are subject to appeal in accordance with chapter 34.05 RCW. Orders not appealed within the time period specified in chapter 34.05 RCW are final and binding.

NEW SECTION. Sec. 22. (1) Upon consideration of the circumstances of the respondent and the person aggrieved by an unfair practice, and after an evaluation of whether a remedy for the person aggrieved or imposing a penalty under section 21 of this act will more effectively accomplish the purposes of this chapter, the department may, in lieu of imposing a civil penalty under section 21 of this act, seek a remedy for the person aggrieved under this section. The director shall thereupon request the appointment of an administrative law judge under Title 34 RCW to hear the complaint and shall cause to be issued and served in the name of the department a written notice, together with a copy of the complaint, as the same may have been amended, requiring the respondent to answer the charges of the complaint at a hearing before the administrative law judge, at a time and place to be specified in such notice.

(2) The place of any such hearing may be the office of the department or another place designated by it. The case in support of the complaint shall be presented at the hearing by counsel for the department; PROVIDED, That the complainant may retain independent counsel and submit testimony and be fully heard. No member or employee of the department who previously made the investigation or caused the notice to be issued shall participate in the hearing except as a witness, nor shall the member or employee participate in the deliberations of the administrative law judge in such case. Any endeavors or negotiations for conciliation shall not be received in evidence.

(3) The respondent shall file a written answer to the complaint and appear at the hearing in person or otherwise, with or without counsel, and submit testimony and be fully heard. The respondent has the right to cross-examine the complainant.

(4) The administrative law judge conducting any hearing may permit reasonable amendment to any complaint or answer. Testimony taken at the hearing shall be under oath and recorded.

(5) If, upon all the evidence, the administrative law judge finds that the respondent has engaged in any unfair practice, the administrative law judge shall state findings of fact and shall issue and file with the department and cause to be served on such respondent an order requiring such respondent to cease and desist from such unfair practice and to take such affirmative action, including, but not limited to, hiring, reinstatement or upgrading of employees, with or without back pay, or to take such other action as, in the judgment of the administrative law judge, will effectuate the purposes of this chapter, including action that could be ordered by a court, except that damages for humiliation and mental suffering shall not exceed one thousand dollars, and including a requirement for report of the matter on compliance.

(6) The final order of the administrative law judge shall include a notice to the parties of the right to obtain judicial review of the order by appeal in accordance with the provisions of RCW 34.05.518 or 34.05.570, and that such appeal must be served and filed within thirty days after the service of the order on the parties.

(7) If, upon all the evidence, the administrative law judge finds that the respondent has not engaged in any alleged unfair practice, the administrative law judge shall state findings of fact and shall similarly issue and file an order dismissing the complaint.

(8) An order dismissing a complaint may include an award of reasonable attorneys' fees in favor of the respondent if the administrative law judge concludes that the complaint was frivolous or brought in bad faith.

(9) The department may impose a civil penalty under section 21(1) of this act upon any person who violates a final order. The respondent may seek review of the penalty under section 21(2) of this act or, if the respondent has sought judicial review of the underlying order, the respondent may seek review of the penalty as part of the review of the underlying order.

(10) The department shall establish rules of practice to govern, expedite and effectuate the foregoing procedure.

NEW SECTION, Sec. 23. (1) The department shall petition the court within the county wherein any unfair practice occurred or wherein any person charged with an unfair practice resides or transacts business for the enforcement of any final order which is not complied with and is issued by the department or an administrative law judge under the provisions of this chapter and for appropriate temporary relief or a restraining order, and shall certify and file in court the final order sought to be enforced. Within five days after filing such petition in court, the department shall cause a notice of the petition to be sent by registered mail to all parties or their representatives.

(2) From the time the petition is filed, the court shall have jurisdiction of the proceedings and of the questions determined thereon, and shall have the power to grant such temporary relief or restraining order as it deems just and suitable.

(3) If the petition shows that there is a final order issued by the department or administrative law judge under section 20, 21, or 22 of this act and that the order has not been complied with in whole or in part, the court shall issue an order directing the person who is alleged to have not complied with the administrative order to appear in court at a time designated in the order, not less than ten days from the date thereof, and show cause why the administrative order should not be enforced according to the terms. The department shall immediately serve the person with a copy of the court order and the petition.

(4) The administrative order shall be enforced by the court if the person does not appear, or if the person appears and the court finds that:

(a) The order is regular on its face;

(b) The order has not been complied with; and

(c) The person's answer discloses no valid reason why the order should not be enforced, or that the reason given in the person's answer could have been raised by review under RCW 34.05.570, and the person has given no valid excuse for failing to use that remedy.

(5) The jurisdiction of the court shall be exclusive and its judgment and decree shall be final, except that the same shall be subject to appellate review by the supreme court or the court of appeals, on appeal, by either party, irrespective of the nature of the decree or judgment. The review shall be taken and prosecuted in the same manner and form and with the same effect as is provided in other cases.

NEW SECTION, Sec. 24. Any respondent or complainant, including the department, aggrieved by a final order of an administrative law judge may obtain judicial review of such order as provided under the administrative procedure act, chapter 34.05 RCW. From the time a petition for review is filed, the court has jurisdiction to grant to any party such temporary relief or restraining order as it deems just and suitable. If the court affirms the order, it shall enter a judgment and decree enforcing the order as affirmed.

NEW SECTION, Sec. 25. Petitions filed under sections 23 and 24 of this act shall be heard expeditiously and determined upon the transcript filed, without requirement of printing. Hearings in the court under this chapter shall take precedence over all other matters, except matters of the same character.

NEW SECTION, Sec. 26. In any case in which the department shall issue an order against any political or civil subdivision of the state, or any agency, or instrumentality of the state or of the foregoing, or any officer or employee thereof, the department shall transmit a copy of such

order to the governor of the state. The governor shall take such action to secure compliance with such order as the governor deems necessary.

NEW SECTION, Sec. 27. It is an unfair practice for any employer, employment agency, labor union, or other person to discharge, expel, or otherwise discriminate against any person because he or she has opposed any practices forbidden by this chapter, or because he or she has filed a charge, testified, or assisted in any proceeding under this chapter.

NEW SECTION, Sec. 28. It is an unfair practice for any person to aid, abet, encourage, or incite the commission of any unfair practice, or to attempt to obstruct or prevent any other person from complying with the provisions of this chapter or any order issued thereunder, or to resist, prevent, impede, or interfere with the department or representatives in the performance of a duty under this chapter. Seeking review of an order shall not constitute an unfair practice.

NEW SECTION, Sec. 29. Any person deeming himself or herself damaged by an act in violation of this chapter shall have a civil action in a court of competent jurisdiction to enjoin further violations or to recover the actual damages sustained by him or her, or both, together with the cost of suit including reasonable attorneys' fees, in addition to any other remedy authorized by this chapter.

NEW SECTION, Sec. 30. The sum of three hundred thousand dollars, or as much thereof as may be necessary, is appropriated for the biennium ending June 30, 1991, from the general fund to the department of labor and industries for the purpose of this act.

NEW SECTION, Sec. 31. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION, Sec. 32. Sections 1 through 29 of this act shall constitute a new chapter in Title 49 RCW.

NEW SECTION, Sec. 33. This act shall take effect September 1, 1989."

Renumber remaining sections consecutively.

POINT OF ORDER

Mr. Patrick: I request a ruling on the scope and object.

MOTION

Mr. Ebersole moved that the House defer further consideration of Senate Bill No. 5966 and that the bill hold its place on the second reading calendar. The motion was carried.

SENATE JOINT RESOLUTION NO. 8200, by Senators Pullen, Talmadge, Thorsness, Newhouse, Madsen, Rasmussen, Benitz and Nelson; by request of Attorney General

Amending the state Constitution to provide for rights of crime victims.

The House resumed consideration of Senate Joint Resolution No. 8200 on the second reading calendar. (See Journal, 93rd Day, April 12, 1989, Afternoon Session, for previous action.)

The Speaker (Mr. O'Brien presiding) stated the question before the House to be the amendment by Representatives Tate, Insee and Padden.

Mr. Phillips moved adoption of the following amendment by Representatives Phillips and Padden to the amendment:

On page 1, line 32 of the amendment, after "informed of and" insert ", subject to the discretion of the individual presiding over the trial or court proceedings."

Representatives Phillips and Padden spoke in favor of adoption of the amendment to the amendment, and it was adopted.

The amendment by Representative Tate and others as amended was adopted.

With consent of the House, the rules were suspended, the second reading considered the third, and the resolution was placed on final passage.

Representatives Appelwick and Tate spoke in favor of passage of the resolution.

POINT OF INQUIRY

Mr. Appelwick yielded to question by Mr. Raiter.

Mr. Raiter: Does this proposed constitutional amendment have any effect on the rights that a victim of a misdemeanor crime would have, one way or the other?

Mr. Appelwick: The constitutional amendment before us has no direct impact on rights, if any and whatever they might be, of any victim of a misdemeanor.

POINT OF INQUIRY

Mr. Appelwick yielded to question by Mr. Inslee.

Mr. Inslee: Representative Appelwick, does the amendment contemplate that a victim can engage an attorney to make the statement contemplated by the amendment, or would the victim be required to make it personally?

Mr. Appelwick: As the bill is before us, the victim would be required to appear and make the statement in person. When the victim is unavailable or deceased, the prosecutor can designate a representative to make the statement. It is not contemplated that an attorney may be hired to make a statement, if the victim is available.

Mr. Padden spoke in favor of passage of the resolution.

ROLL CALL

The Clerk called the roll on the final passage of Senate Joint Resolution No. 8200 as amended by the House, and the resolution passed the House by the following vote: Yeas, 97; excused, 1.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Baugher, Beck, Belcher, Betzoff, Bowman, Braddock, Brekke, Bristow, Brooks, Brough, Brumsickle, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Fraser, Fuhrman, Grant, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Inslee, Jacobsen, Jesernig, Jones, King P, King R, Kremen, Leonard, Locke, May, McLean, Meyers R, Miller, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Padden, Patrick, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith, Sommers D, Sommers H, Spanel, Sprenkle, Tate, Todd, Valle, Van Luven, Vekich, Walk, Walker, Wang, Wilson K, Wilson S, Wineberry, Winsley, Wolfe, Wood, Youngsman, Zellinsky, and Mr. Speaker - 97.

Excused: Representative Gallagher - 1.

Senate Joint Resolution No. 8200 as amended by the House, having received the constitutional two-thirds majority, was declared passed.

On motion of Mr. Heavey, the House advanced to the eighth order of business.

MOTIONS

Mr. Heavey moved that Committee on Rules be relieved of Substitute Senate Bill No. 5350 and that the bill be place on the second reading calendar.

Mr. Heavey spoke in favor of the motion, and it was carried.

Mr. Heavey moved that the rules be suspended, that Committee on Financial Institutions & Insurance be relieved of Substitute Senate Bill No. 6048 and that the bill be place on the second reading calendar.

Mr. Heavey spoke in favor of the motion, and it was carried.

On motion of Mr. Ebersole, the House reverted to the sixth order of business.

SECOND READING

MOTION

Mr. Ebersole moved that the House immediately consider House Bill No. 2222 on the second reading calendar. The motion was carried.

HOUSE BILL NO. 2222, by Representatives Vekich, Prentice, Patrick and Leonard

Regulating the use of pesticides and providing unemployment insurance and industrial welfare coverage for agricultural employees.

The bill was read the second time. Committee on Commerce & Labor recommendation: Majority, do pass as amended. (For committee amendments, see Journal, 95th Day, April 13, 1989.)

Mr. Vekich moved adoption of the committee amendments on page 12, line 12; page 16, beginning on line 5; page 28, line 28; page 54, line 23; and page 64, line 21, and spoke in favor of them. The committee amendments were adopted.

Mr. Vekich moved adoption of the committee amendments on page 66, line 34; page 72, beginning on line 2; and page 73, line 2, and spoke in favor of them. The committee amendments were adopted.

Mr. Chandler moved adoption of the following amendments by Representatives Chandler, Rayburn and Baugher:

On page 44, line 28, after "applicator" insert "or to apply pesticides labeled and intended for home and garden use."

On page 44, line 34, after "applicator" insert "or home and garden pesticide user"

On page 45, line 4, after "applicator" insert "or home and garden pesticide use"

On page 45, line 6, after "applicator" insert "or home and garden pesticide use"

On page 45, line 10, after "applicator" insert "or home and garden pesticide use"

On page 45, line 12, after "applicator" insert "or home and garden pesticide user"

On page 46, line 21, after "commercial applicator" insert "home and garden pesticide user"

Representatives Chandler, Baugher and Wolfe spoke in favor of adoption of the amendments, and Representatives Vekich and Prentice opposed them. The amendments were not adopted.

Ms. Morris moved adoption of the following amendment by Representatives Morris and Vekich:

On page 70, line 22, after "terms, at" strike "a" and insert "an elementary or"

Ms. Morris spoke in favor of adoption of the amendment, and it was adopted.

Mr. Patrick moved adoption of the following amendments:

Beginning on page 70, line 15, strike all of section 84

Renumber the sections consecutively and correct any internal references accordingly, including the effective date reference.

On page 72, after line 18, insert the following:

"NEW SECTION. Sec. 89. (1) A joint select committee on unemployment insurance is established to study and make recommendations for the inclusion of agricultural employees in unemployment insurance coverage. The committee shall consist of three members from each caucus of the senate, selected by the president of the senate, with a least one member of each caucus being a member of the senate economic development and labor committee, and three members from each caucus of the house of representatives, selected by the speaker of the house of representatives, with a least one member of each caucus being a member of the house commerce and labor committee. The committee shall choose its chair and vice-chair from among the committee members.

(2) The employment security department shall provide any information and assistance that may be reasonable requested by the committee chair to enable the committee to carry out its purposes.

(3) The committee shall use legislative staff and facilities, but may hire additional staff with technical expertise if such expertise is deemed necessary to carry out the committee's purposes. All expenses of the committee shall be paid jointly by the senate and the house of representatives. Members of the committee shall be entitled to the allowance specified by RCW 44.04.120 while on committee business. The committee may receive gifts or grants from public or private sources as may be made from time to time for the use and benefit of the purposes of the committee, and may expend these funds according to the terms of the gift or grant.

(4) The committee shall report its findings and recommendations to the legislature and the governor by the commencement of the 1990 regular session of the legislature. The committee shall cease to exist April 1, 1990."

Mr. Patrick spoke in favor of adoption of the amendments, and Mr. Vekich spoke against them.

Mr. May demanded an electric roll call vote, and the demand was sustained.

Representatives Nealey and Smith spoke in favor of the amendments, and Representatives Cole and Jones opposed them. Mr. Patrick again spoke in favor of the amendments, and Mr. Inslee spoke against them.

ROLL CALL

The Clerk called the roll on adoption of the amendments by Representative Patrick and others to House Bill No. 2222, and the amendments were not adopted by the following vote: Yeas, 42; nays, 55; excused, 1.

Voting yea: Representatives Ballard, Baugher, Beck, Betzoff, Bowman, Bristow, Brooks, Brough, Brumsickle, Chandler, Dorn, Doty, Ferguson, Fraser, Fuhrman, Hankins, Haugen, Holland, Horn, Kremen, May, McLean, Miller, Moyer, Nealey, Padden, Patrick, Prince, Rasmussen, Rayburn, Schmidt, Schoon, Silver, Smith, Sommers D. Tate, Van Luven, Walker, Wilson S. Wolfe, Wood, Youngsman - 42.

Voting nay: Representatives Anderson, Appelwick, Basich, Belcher, Braddock, Brekke, Cantwell, Cole, Cooper, Crane, Day, Dellwo, Ebersole, Fisher G, Fisher R, Grant, Hargrove, Heavey, Hine, Inslee, Jacobsen, Jesernig, Jones, King P, King R, Leonard, Locke, Meyers R, Morris, Myers H, Nelson, Nutley, O'Brien, Peery, Phillips, Prentice, Pruitt, Raiter, Rector, Rust, Sayan, Scott, Sommers H, Spanel, Sprenkle, Todd, Valle, Vekich, Walk, Wang, Wilson K, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 55.

Excused: Representative Gallagher - 1.

The bill was ordered engrossed. With consent of the House, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Representatives Vekich, Patrick, Prentice, Jones and Cole spoke in favor of passage of the bill, and Representatives Ballard and Rayburn opposed it.

Mr. Crane demanded the previous question, and the demand was sustained.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 2222, and the bill passed the House by the following vote: Yeas, 85; nays, 12; excused, 1.

Voting yea: Representatives Anderson, Appelwick, Basich, Beck, Belcher, Betzoff, Bowman, Braddock, Brekke, Bristow, Brooks, Brough, Brumsickle, Cantwell, Cole, Cooper, Crane, Day, Dellwo, Dorn, Ebersole, Ferguson, Fisher G, Fisher R, Fraser, Grant, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Inslee, Jacobsen, Jesernig, Jones, King P, King R, Kremen, Leonard, Locke, May, Meyers R, Miller, Morris, Myers H, Nelson, Nutley, O'Brien, Patrick, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rector, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Sommers D, Sommers H, Spanel, Sprenkle, Tate, Todd, Valle, Van Luven, Vekich, Walk, Walker, Wang, Wilson K, Wilson S, Wineberry, Winsley, Wood, Youngsman, Zellinsky, and Mr. Speaker - 85.

Voting nay: Representatives Ballard, Baugher, Chandler, Doty, Fuhrman, McLean, Moyer, Nealey, Padden, Rayburn, Smith, Wolfe - 12.

Excused: Representative Gallagher - 1.

Engrossed House Bill No. 2222, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

Mr. Heavey moved that the House immediately consider Senate Bill No. 5858 on the second reading calendar. The motion was carried.

SENATE BILL NO. 5858, by Senators McCaslin, Murray and Bailey

Regarding meetings of school directors.

The bill was read the second time. Committee on Education recommendation: Majority, do pass as amended. (For committee amendment, see Journal, 82nd Day, March 31, 1989.)

Mr. G. Fisher moved adoption of the committee amendment and spoke in favor of it. The committee amendment was adopted.

Mr. Appelwick moved adoption of the following amendment by Representatives Appelwick, Betzoff and Peery:

On page 1, after line 10, insert the following:

"Sec. 2. Section 1, chapter 10, Laws of 1982 1st ex. sess. and RCW 28A.58.098 are each amended to read as follows:

(1) No school district board of directors or administrators may:

(a) increase an employee's salary or compensation to include a payment in lieu of providing a fringe benefit; or

(b) Allow any payment to an employee which is partially or fully conditioned on the termination or retirement of the employee, except as provided in subsection (2) of this section.

(2) A school district board of directors may compensate an employee for termination of the employee's contract in accordance with the termination provisions of the contract. If no such provisions exist the compensation must be reasonable based on the proportion of the uncompleted contract. Compensation received under this subsection shall not be included for the purposes of computing a retirement allowance under any public retirement system in this state.

(3) Provisions of any contract in force on March 27, 1982, which conflict with the requirements of this section shall continue in effect until contract expiration. After expiration, any new contract including any renewal, extension, amendment or modification of an existing contract executed between the parties shall be consistent with this section.

(4) Notwithstanding any other provision of law, a school district board of directors may compensate an employee for the employee's resignation from district employment. Compensation received under this subsection shall not be included for the purposes of computing a retirement allowance under any public retirement system in this state.

Renumber remaining section consecutively.

Representatives Appelwick and Betzoff spoke in favor of adoption of the amendment, and Ms. Brough spoke against it. Mr. Appelwick again spoke in favor of the amendment.

POINT OF INQUIRY

Mr. Appelwick yielded to question by Ms. Hine.

Ms. Hine: Are you suggesting that a person could go out prior to a normal retirement age or number of years of service?

Mr. Appelwick: Not at all. This, in no way, would have an impact on the retirement system, either in terms of their eligibility for retirement or their benefits. A specific example would be a central administrator, who is age 55 or older and who has determined that he would retire, except that he would not be Medicare-eligible and would have to pay his own insurance benefits, if he quits before the age of 62. He says to the district, "I am going to hang on until I'm 62 to keep my benefits." The district would have some flexibility to negotiate and have that person retire and bring in some new talent, but under the amendment they could not balloon their pension and they could not draw their pension any earlier than allowed by the pension laws. This is only an amendment to Title 28A in terms of clarifying the incentives for retirement.

Ms. Hine: My concern is, under Plan I in the pension system, that is right—they may go out at age 55. Under Plan I it is the number of years of service; under Plan II it is a certain age. Am I correct in assuming this would not affect anyone who is enrolled in Plan II?

Mr. Appelwick: The amendment has no impact on either plan in terms of the employee's eligibility to retire, based on years or age. In fact, the only reason there is a reference to a pension is to clarify that this amendment has no impact on compensation for purposes of calculating pensions. This strictly has to do with compensation for early termination of an employment contract.

Mr. Schoon spoke in favor of passage of the amendment, and Representatives K. Wilson and Hine spoke against it.

POINT OF INQUIRY

Mr. Appelwick yielded to question by Mr. Ferguson.

Mr. Ferguson: Do I read this amendment right that this is going to be a local issue and those funds would be paid locally? There is no limit, I assume. It's open-ended, but it is local?

Mr. Appelwick: Yes, the point of the amendment is to give a school board the discretion to give an incentive to someone to terminate a contract prior to its normal termination date, because it is in their interest to be rid of that employee. This does not tie their hands, so they can make sure the jobs get done.

Representatives Ferguson and Betzoff spoke in favor of adoption of the amendment, and Ms. Haugen spoke against it.

Mr. Crane demanded the previous question, and the demand was sustained.

The Speaker (Mr. O'Brien presiding) stated the question before the House to be adoption of the amendment by Representative Appelwick and others to Senate Bill No. 5858.

The Speaker (Mr. O'Brien presiding), being in doubt, called upon the House to divide. The result of the division was: Yeas - 37; Nays -60. The amendment was not adopted.

With consent of the House, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Mr. G. Fisher spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 5858 as amended by the House, and the bill passed the House by the following vote: Yeas, 97; excused, 1.

Voting yeas: Representatives Anderson, Appelwick, Ballard, Basich, Baugher, Beck, Belcher, Betrozoff, Bowman, Braddock, Brekke, Bristow, Brooks, Brough, Brumsickle, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Fraser, Fuhrman, Grant, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Inslee, Jacobsen, Jesernig, Jones, King P, King R, Kremen, Leonard, Locke, May, McLean, Meyers R, Miller, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Padden, Patrick, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith, Sommers D, Sommers H, Spanel, Sprenkle, Tate, Todd, Valle, Van Luven, Vekich, Walk, Walker, Wang, Wilson K, Wilson S, Wineberry, Winsley, Wolfe, Wood, Youngsman, Zellinsky, and Mr. Speaker - 97.

Excused: Representative Gallagher - 1.

Senate Bill No. 5858 as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

On motion of Mr. Heavey, the House advanced to the eighth order of business.

MOTION

Mr. Heavey moved that Committee on Rules be relieved of Substitute Senate Bill No. 5315 and that the bill be placed on the second reading calendar. The motion was carried.

The Speaker (Mr. O'Brien presiding) declared the House to be at ease.

The Speaker (Mr. O'Brien presiding) called the House to order.

MOTION

Mr. Ebersole moved that the House immediately consider the following bills on the second reading calendar in the following order: Substitute Senate Bill No. 5350 and Substitute Senate Bill No. 6048. The motion was carried.

SUBSTITUTE SENATE BILL NO. 5350, by Committee on Law & Justice (originally sponsored by Senators Newhouse, Talmadge and Madsen; by request of Administrator for the Courts)

Providing for appointment of mental health commissioners.

The bill was read the second time. Committee on Judiciary recommendation: Majority, do pass as amended. (For committee amendments, see Journal, 78th Day, March 27, 1989.)

Mr. Appelwick moved adoption of the amendments, and spoke in favor of them.

MOTION

Ms. Brough moved that the question be divided, and the motion was carried.

The Speaker (Mr. O'Brien presiding) stated the question before the House to be the amendments on page 1, lines 11 and 23, by Committee on Judiciary.

The amendments were adopted.

The Speaker (Mr. O'Brien presiding) stated the question before the House to be the amendment on page 1, line 12 by Committee on Judiciary.

Ms. Brough spoke against adoption of the amendment, and Representatives Appelwick, Crane, Padden and Hargrove spoke in favor of it. Ms. Brough again opposed the amendment.

The amendment was adopted.

Mr. Appelwick spoke in favor of adoption of the amendment on page 2, beginning on line 18, and the amendment was adopted.

Mr. Appelwick spoke in favor of adoption of the amendment on page 3, beginning on line 6, and the amendment was adopted.

With consent of the House, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Mr. Appelwick spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5350 as amended by the House, and the bill passed the House by the following vote: Yeas, 96; nays, 1; excused, 1.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Baugher, Beck, Belcher, Betzoff, Bowman, Braddock, Brekke, Bristow, Brooks, Brumsickie, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Fraser, Fuhrman, Grant, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Inslee, Jacobsen, Jesernig, Jones, King P, King R, Kremen, Leonard, Locke, May, McLean, Meyers R, Miller, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Padden, Patrick, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith, Sommers D, Sommers H, Spanel, Sprengle, Tate, Todd, Valle, Van Luven, Vekich, Walk, Walker, Wang, Wilson K, Wilson S, Wineberry, Winsley, Wolfe, Wood, Youngsman, Zellinsky, and Mr. Speaker - 96.

Voting nay: Representative Brough - 1.

Excused: Representative Gallagher - 1.

Substitute Senate Bill No. 5350 as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SUBSTITUTE SENATE BILL NO. 6048, by Committee on Financial Institutions & Insurance (originally sponsored by Senator von Reichbauer)

Regarding HIV testing under Title 48 RCW.

The bill was read the second time.

Mr. Dellwo moved adoption of the following amendment by Representatives Dellwo, Chandler and Anderson:

Strike everything after the enacting clause and insert the following:

*NEW SECTION, Sec. 1. A new section is added to chapter 70.24 RCW to read as follows:

(1) This section shall apply to counseling and consent for HIV testing administered as part of an application for coverage authorized under Title 48 RCW.

(2) Persons subject to regulation under Title 48 RCW who are requesting an insured, a subscriber, or a potential insured or subscriber to furnish the results of an HIV test for underwriting purposes as a condition for obtaining or renewing coverage under an insurance contract, health care service contract, or health maintenance organization agreement shall:

(a) Provide written information to the individual prior to being tested which explains:

(i) What an HIV test is;

(ii) Behaviors that place a person at risk for HIV infection;

(iii) That the purpose of HIV testing in this setting is to determine eligibility for coverage;

(iv) The potential risks of HIV testing; and

(v) Where to obtain HIV pretest counseling.

(b) Obtain informed specific written consent for an HIV test. The written informed consent shall include:

(i) An explanation of the confidential treatment of the test results which limits access to the results to persons involved in handling or determining applications for coverage or claims of the applicant or claimant and to those persons designated under (c)(iii) of this subsection; and

(ii) Requirements under (c)(iii) of this subsection.

(c) Establish procedures to inform an applicant of the following:

(i) That post-test counseling, as specified under WAC 248-100-209(4), is required if an HIV test is positive or indeterminate;

(ii) That post-test counseling occurs at the time a positive or indeterminate HIV test result is given to the tested individual;

(iii) That the applicant may designate a health care provider or health care agency to whom the insurer, the health care service contractor, or health maintenance organization will provide positive or indeterminate test results for interpretation and post-test counseling. When an applicant does not identify a designated health care provider or health care agency and the applicant's test results are either positive or indeterminate, the insurer, the health care service contractor, or health maintenance organization shall provide the test results to the local health department for interpretation and post-test counseling; and

(iv) That positive or indeterminate HIV test results shall not be sent directly to the applicant.

NEW SECTION, Sec. 2. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect immediately."

Representatives Dellwo and Anderson spoke in favor of adoption of the amendment, and it was adopted.

On motion of Mr. Dellwo, the following amendment to the title was adopted:

On page 1, line 1 of the title, after "48 RCW;" strike the remainder of the title and insert "adding a new section to chapter 70.24 RCW; and declaring an emergency."

With consent of the House, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 6048 as amended by the House, and the bill passed the House by the following vote: Yeas, 97; excused, 1.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Baugher, Beck, Belcher, Betzoff, Bowman, Braddock, Brekke, Bristow, Brooks, Brough, Brumsickle, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Fraser, Fuhrman, Grant, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Inslee, Jacobsen, Jesernig, Jones, King P, King R, Kremen, Leonard, Locke, May, McLean, Meyers R, Miller, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Padden, Patrick, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith, Sommers D, Sommers H, Spanel, Sprengle, Tate, Todd, Vaile, Van Luven, Vekich, Walk, Walker, Wang, Wilson K, Wilson S, Wineberry, Winsley, Wolte, Wood, Youngsman, Zellinsky, and Mr. Speaker - 97.

Excused: Representative Gallagher - 1.

Substitute Senate Bill No. 6048 as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

On motion of Mr. Ebersole, the House advanced to the seventh order of business.

THIRD READING

MOTION

Mr. Ebersole moved that the House immediately consider the following bills on the third reading calendar in the following order: Senate Bill No. 5250 and Senate Bill No. 5381. The motion was carried.

SENATE BILL NO. 5250, by Senators Sutherland and Amondson

Reclaiming land at surface mining sites.

The bill was read the third time and placed on final passage.

Representatives Belcher and Beck spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 5250, and the bill passed the House by the following vote: Yeas, 97; excused, 1.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Baugher, Beck, Belcher, Betzoff, Bowman, Braddock, Brekke, Bristow, Brooks, Brough, Brumsickle, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Fraser, Fuhrman, Grant, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Inslee,

Jacobsen, Jesernig, Jones, King P, King R, Kremen, Leonard, Locke, May, McLean, Meyers R, Miller, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Padden, Patrick, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith, Sommers D, Sommers H, Spanel, Sprenkle, Tate, Todd, Valle, Van Luven, Vekich, Walk, Walker, Wang, Wilson K, Wilson S, Wineberry, Winsley, Wolfe, Wood, Youngsman, Zellinsky, and Mr. Speaker - 97.

Excused: Representative Gallagher - 1.

Senate Bill No. 5250, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SENATE BILL NO. 5381 AS AMENDED BY THE HOUSE, by Senators Sellar, Talmadge, Thorsness, Moore, Newhouse, Anderson, Lee, Saling, Amondson, Cantu, Rasmussen, Nelson, McMullen, West, Craswell and Barr

Increasing penalties for vehicular homicide due to drunken or reckless driving.

The bill was read the third time and placed on final passage.

Representatives Appelwick and Padden spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 5381 as amended by the House, and the bill passed the House by the following vote: Yeas, 96; nays, 1; excused, 1.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Baugher, Beck, Belcher, Betrozoff, Bowman, Braddock, Brekke, Bristow, Brooks, Brough, Brumsickle, Cantwell, Chandler, Cole, Cooper, Crane, Doy, Dellwo, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Fraser, Fuhrman, Grant, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Inslee, Jacobsen, Jesernig, Jones, King P, King R, Kremen, Leonard, Locke, May, McLean, Meyers R, Miller, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Padden, Patrick, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith, Sommers D, Sommers H, Spanel, Sprenkle, Tate, Todd, Valle, Van Luven, Vekich, Walk, Walker, Wilson K, Wilson S, Wineberry, Winsley, Wolfe, Wood, Youngsman, Zellinsky, and Mr. Speaker - 96.

Voting nay: Representative Wang - 1.

Excused: Representative Gallagher - 1.

Senate Bill No. 5381 as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

The Speaker assumed the Chair.

There being no objection, the House reverted to the sixth order of business.

SECOND READING

SENATE BILL NO. 5966, by Senators Rinehart, Murray, Smitherman and McMullen

Providing the same family leave for adoptive parents as for birth parents.

The House resumed consideration of Senate Bill No. 5966 on second reading.

The Speaker stated the question before the House to be the Point of Order by Representative Patrick regarding the scope and object of the amendment by Representative Wang and others to Senate Bill No. 5966.

SPEAKER'S RULING

The Speaker: The Speaker has examined Senate Bill No. 5966 and the amendment by Representative Wang and others. Senate Bill No. 5966 deals with the minimum standards placed on employers in the granting of parental leave to biological and nonbiological parents. The amendment by Representative Wang deals with the minimum amount of parental leave which employers must provide to their employees. While the scope and object question presented by the amendment is a very close call, the Speaker finds that both the amendment and the bill

deal with the subject of state standards for parental leave. Therefore, the amendment falls within the scope and object of the original bill. Your point is not well taken.

Mr. Wang spoke in favor of adoption of the amendment.

Mr. May demanded an electric roll call vote, and the demand was sustained.

Ms. Walker spoke against adoption of the amendment.

ROLL CALL

The Clerk called the roll on adoption of the amendment by Representative Wang and others to Senate Bill No. 5966, and the amendment was adopted by the following vote: Yeas, 57; nays, 39; absent, 1; excused, 1.

Voting yea: Representatives Anderson, Appelwick, Belcher, Braddock, Brekke, Bristow, Brough, Cantwell, Cole, Cooper, Crane, Day, Dellwo, Dorn, Ebersole, Fisher G, Fisher R, Fraser, Hankins, Haugen, Heavey, Hine, Jacobsen, Jesernig, Jones, King P, King R, Kremen, Leonard, Locke, Meyers R, Miller, Nelson, Nutley, O'Brien, Peery, Phillips, Prentice, Pruitt, Raiter, Rasmussen, Rector, Rust, Sayan, Scott, Sommers H, Spanel, Sprenkle, Valle, Vekich, Walk, Wang, Wilson K, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 57.

Voting nay: Representatives Ballard, Basich, Baugher, Beck, Betrozoff, Bowman, Brooks, Brumsickle, Chandler, Doty, Ferguson, Fuhrman, Grant, Hargrove, Holland, Horn, Inslee, May, McLean, Morris, Moyer, Myers H, Nealey, Padden, Patrick, Prince, Rayburn, Schmidt, Schoon, Silver, Smith, Sommers D, Tate, Van Luven, Walker, Wilson S, Wolfe, Wood, Youngsman - 39.

Absent: Representative Todd - 1.

Excused: Representative Gallagher - 1.

With consent of the House, the following amendment by Representative Wang and others to the title was adopted:

On page 1, line 2 of the title, after "women;" insert "adding a new chapter to Title 49 RCW; prescribing penalties; making an appropriation; providing an effective date"

With consent of the House, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 5966 as amended by the House, and the bill passed the House by the following vote: Yeas, 63; nays, 33; absent, 1; excused, 1.

Voting yea: Representatives Anderson, Appelwick, Belcher, Braddock, Brekke, Bristow, Brough, Cantwell, Cole, Cooper, Crane, Day, Dellwo, Dorn, Ebersole, Ferguson, Fisher G, Fisher R, Fraser, Hankins, Haugen, Heavey, Hine, Holland, Jacobsen, Jesernig, Jones, King R, Kremen, Leonard, Locke, McLean, Meyers R, Miller, Nelson, Nutley, O'Brien, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rector, Rust, Sayan, Schmidt, Scott, Sommers H, Spanel, Sprenkle, Todd, Valle, Van Luven, Vekich, Walk, Wang, Wilson K, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 63.

Voting nay: Representatives Ballard, Basich, Baugher, Beck, Betrozoff, Bowman, Brooks, Brumsickle, Chandler, Doty, Fuhrman, Grant, Hargrove, Horn, King P, May, Morris, Moyer, Myers H, Nealey, Padden, Patrick, Rayburn, Schoon, Silver, Smith, Sommers D, Tate, Walker, Wilson S, Wolfe, Wood, Youngsman - 33.

Absent: Representative Inslee - 1.

Excused: Representative Gallagher - 1.

Senate Bill No. 5966 as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SUBSTITUTE SENATE BILL NO. 5648, by Committee on Economic Development & Labor (originally sponsored by Senators Smitherman, Lee, Murray and Vognil))

Authorizing creation of a federation of Washington ports.

The bill was read the second time. Committee on Trade & Economic Development recommendation: Majority, do pass as amended. (For committee amendments, see Journal, 82nd Day, March 31, 1989.) Committee on Appropriations recommendation: Majority, do pass as amended by Committee on Trade & Economic Development as amended by Committee on Appropriations. (For committee amendments, see Journal, 85th Day, April 3, 1989.)

Ms. Cantwell moved adoption of the committee amendment by Committee on Trade & Economic Development.

POINT OF ORDER

Mr. R. Meyers: Thank you, Mr. Speaker. I would like a ruling on the scope and object of the committee amendment, which deals with something outside of the federation's creation.

SPEAKER'S RULING

The Speaker: Representative Meyers, the Speaker has examined Substitute Senate Bill No. 5648 and the amendment offered by the Committee on Trade & Economic Development. The Senate Bill deals with the Washington Public Ports, the establishment of a federation, and the duties and opportunities allowed to the federation. It can operate a trading company, provide a network of services, and provide expertise and assistance to businesses interested in export markets. The amendment deals with the same subjects by creating a temporary task force for the purposes of examining cooperative measures available to ports, improving coordination and increasing efficiency. I find that they deal with the same general subject of trying to allow the ports to cooperate and expand jointly. I find that your point is not well taken. This amendment is within the scope and object of the original bill.

Mr. Grant moved adoption of the committee amendment on page 9, after line 27, by Committee on Appropriations to the committee amendment by Committee on Trade & Economic Development. Mr. Grant spoke in favor of the committee amendment to the committee amendment, and it was adopted.

On motion of Mr. Grant, the committee amendment on page 17, beginning on line 7, by Committee on Appropriations to the committee amendment by Committee on Trade & Economic Development was adopted.

Ms. Brough moved adoption of the following amendment by Representatives Brough and Walk to the committee amendment by Committee on Trade & Economic Development:

On page 14, line 1 of the amendment, after "force" insert ": PROVIDED, That the task force shall not consider, nor shall its findings or recommendations include, matters relating to rates, rate setting, or price-fixing by Washington ports or local associate development organizations"

Ms. Brough spoke in favor of the amendment to the committee amendment.

Mr. Fuhrman demanded an electric roll call vote, and the demand was sustained.

Representatives Haugen and Cantwell spoke against the amendment to the committee amendment, and Representatives R. Meyers and Schoon spoke in favor of it.

ROLL CALL

The Clerk called the roll on adoption of the amendment by Representatives Brough and Walk to the committee amendment by Committee on Trade & Economic Development to Substitute Senate Bill No. 5648, and the amendment was adopted by the following vote: Yeas, 51; nays, 46; excused, 1.

Voting yea: Representatives Ballard, Baugher, Betzoff, Bowman, Brooks, Brough, Brumsickle, Crane, Day, Dorn, Doty, Ebersole, Fisher R, Fraser, Fuhrman, Grant, Hankins, Hargrove, Holland, Horn, Jesernig, Jones, King R, May, McLean, Meyers R, Miller, Nealey, Padden, Patrick, Prince, Pruitt, Rasmussen, Rayburn, Schmidt, Schoon, Silver, Smith, Sommers D, Tate, Todd, Van Luven, Walk, Walker, Wang, Wilson S, Winsley, Wolfe, Wood, Youngsman, Zellinsky - 51.

Voting nay: Representatives Anderson, Appelwick, Basich, Beck, Belcher, Braddock, Brekke, Bristow, Cantwell, Chandler, Cole, Cooper, Dellwo, Ferguson, Fisher G, Haugen, Heavey, Hine, Insløe, Jacobsen, King P, Kremen, Leonard, Locke, Morris, Moyer, Myers H, Nelson, Nutley, O'Brien, Peery, Phillips, Prentice, Raiter, Rector, Rust, Sayan, Scott, Sommers H, Spanel, Sprenkle, Valle, Vekich, Wilson K, Wineberry, and Mr. Speaker - 46.

Excused: Representative Gallagher - 1.

Mr. Baugher moved adoption of the following amendment by Representatives Baugher and Schoon to the committee amendment by Committee on Trade & Economic Development:

On page 15, line 37, after "state," insert "analyzing and recommending on appropriate procedures for ports to expand or add runways."

Representatives Baugher and Schoon spoke in favor of adoption of the amendment to the committee amendment, and Representatives Hine and Ferguson opposed it.

The committee amendment by Committee on Trade & Economic Development as amended was adopted.

With consent of the House, the committee amendment by Committee on Trade & Economic Development to the title was adopted.

With consent of the House, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Representatives Cantwell, Doty, O'Brien and Ebersole spoke in favor of passage of the bill, and Representatives Wang, R. Meyers and Brough opposed it.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5648 as amended by the House, and the bill passed the House by the following vote: Yeas, 76; nays, 20; absent, 1; excused, 1.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Baugher, Beck, Betzoff, Braddock, Brekke, Bristow, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Fraser, Fuhrman, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Inslee, Jacobsen, Jesernig, King P, Kremen, Leonard, Locke, May, McLean, Miller, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Padden, Patrick, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rayburn, Rector, Rust, Sayan, Schoon, Scott, Silver, Smith, Sommers H, Spanel, Sprengle, Todd, Valle, Van Luven, Wilson K, Wilson S, Wineberry, Wood, Youngsman, and Mr. Speaker - 76.

Voting nay: Representatives Belcher, Bowman, Brooks, Brough, Brumsickle, Dorn, Grant, Jones, Meyers R, Rasmussen, Schmidt, Sommers D, Tate, Vekich, Walk, Walker, Wang, Winsley, Wolfe, Zellinsky - 20.

Absent: Representative King R - 1.

Excused: Representative Gallagher - 1.

Substitute Senate Bill No. 5648 as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

Mr. Ebersole moved that the House immediately consider Senate Bill No. 5315 on the second reading calendar. The motion was carried.

SENATE BILL NO. 5315, by Senators Bender, Conner, DeJarnatt, Talmadge, Owen, Metcalf, Vognild, Murray, Bauer, Niemi, Kreidler, McMullen and Sutherland

Prescribing financial responsibility for vessels that spill oil.

The bill was read the second time. Committee on Environmental Affairs recommendation: Majority, do pass as amended. (For committee amendments, see Journal, 82nd Day, March 31, 1989.)

On motion of Ms. Rust, the committee amendment was adopted.

Mr. Sayan moved adoption of the following amendment:

On page 3, strike everything after line 1, and insert the following:

***NEW SECTION. Sec. 9. LEGISLATIVE FINDINGS.** (1) Washington's coastal waters, seabed, and shorelines are among the most valuable and fragile of its natural resources.

(2) Ocean and marine-based industries and activities, such as fishing, aquaculture, tourism, and marine transportation have played a major role in the history of the state and will continue to be important in the future. Other industries and activities, such as those based on the development and extraction of minerals and other nonrenewable resources, can provide social and economic benefits as well.

(3) Washington's coastal waters, seabed, and shorelines are faced with conflicting use demands. Some uses may pose unacceptable environmental or social risks at certain times.

(4) At present, there is not enough information available to adequately assess the potential adverse effects of oil and gas exploration and production off Washington's coast.

(5) The state of Washington has primary jurisdiction over the management of coastal and ocean natural resources within three miles of its coastline. From three miles seaward to the boundary of the two hundred mile exclusive economic zone, the United States federal government has primary jurisdiction. Since protection, conservation, and development of the natural resources in the exclusive economic zone directly affect Washington's economy and environment, the state has an inherent interest in how these resources are managed.

NEW SECTION. Sec. 10. LEGISLATIVE POLICY AND INTENT. (1) The purpose of this chapter is to articulate policies and establish guidelines for the exercise of state and local management authority over Washington's coastal waters, seabed, and shorelines.

(2) There shall be no leasing of Washington's tidal or submerged lands extending from mean high tide seaward three miles along the Washington coast from Cape Flattery south to Cape Disappointment, nor in Grays Harbor, Willapa Bay, and the Columbia river downstream from the Longview bridge, for purposes of oil or gas exploration, development, or production until at least July 1, 1995. During the 1995 legislative session, the legislature shall determine whether the moratorium on leasing should be extended past July 1, 1995. This determination shall be based on the information available at that time, including the analysis described in section 13 of this act. If the legislature does not extend the moratorium on leasing, the moratorium will end on July 1, 1995. At any time that oil or gas leasing, exploration, and development are allowed to occur, these activities shall be required to meet or exceed the standards and criteria contained in section 12 of this act.

(3) When conflicts arise among uses and activities, priority shall be given to resource uses and activities that will not adversely impact renewable resources over uses which are likely to have an adverse impact on renewable resources.

(4) It is the policy of the state of Washington to actively encourage the conservation of liquid fossil fuels, and to explore available methods of encouraging such conservation.

(5) It is not currently the intent of the legislature to include recreational uses or currently existing commercial uses involving fishing or other renewable marine or ocean resources within the uses and activities which must meet the planning and review criteria set forth in section 12 of this act. It is not the intent of the legislature, however, to permanently exclude these uses from the requirements of section 12 of this act. If information becomes available which indicates that such uses should reasonably be covered by the requirements of section 12 of this act, the permitting government or agency may require compliance with those requirements, and appeals of that decision shall be handled through the established appeals procedure for that permit or approval.

(6) The state shall participate in federal ocean and marine resource decisions to the fullest extent possible to ensure that the decisions are consistent with the state's policy concerning the use of those resources.

NEW SECTION. Sec. 11. DEFINITIONS. Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter:

(1) 'Coastal counties' means Clallam, Jefferson, Grays Harbor, and Pacific counties.

(2) 'Coastal waters' means the waters of the Pacific Ocean seaward from Cape Flattery south to Cape Disappointment, from mean high tide seaward two hundred miles.

NEW SECTION. Sec. 12. PLANNING AND PROJECT REVIEW CRITERIA. (1) When the state of Washington and local governments develop plans for the management, conservation, use, or development of natural resources in Washington's coastal waters, the policies in section 10 of this act shall guide the decision-making process.

(2) Uses or activities that require federal, state, or local government permits or other approvals and that will adversely impact renewable resources, marine life, fishing, aquaculture, recreation, navigation, air or water quality, or other existing ocean or coastal uses, may be permitted only if the criteria below are met or exceeded:

(a) There is a demonstrated significant local, state, or national need for the proposed use or activity;

(b) There is no reasonable alternative to meet the public need for the proposed use or activity;

(c) There will be no likely long-term significant adverse impacts to coastal or marine resources or uses;

(d) All reasonable steps are taken to avoid and minimize adverse environmental impacts, with special protection provided for the marine life and resources of the Columbia river, Willapa Bay and Grays Harbor estuaries, and Olympic national park;

(e) All reasonable steps are taken to avoid and minimize adverse social and economic impacts, including impacts on aquaculture, recreation, tourism, navigation, air quality, and recreational, commercial, and tribal fishing;

(f) Compensation is provided to mitigate adverse impacts to coastal resources or uses;

(g) Plans and sufficient performance bonding are provided to ensure that the site will be rehabilitated after the use or activity is completed; and

(h) The use or activity complies with all applicable local, state, and federal laws and regulations.

NEW SECTION. Sec. 13. OIL AND GAS LEASING ANALYSIS. Prior to September 1, 1994, the department of natural resources and the department of ecology, working together and at the direction of the joint select committee on marine and ocean resources, shall complete an analysis of the potential positive and negative impacts of the leasing of state-owned lands which is described in section 10(2) of this act. The department shall consult with the departments of fisheries, wildlife, community development, and trade and economic development, and with the public, when preparing this analysis. The analysis shall be presented to the legislature no later than September 1, 1994. This analysis shall be used by the legislature in determining whether the oil and gas leasing moratorium contained in section 10 of this act should be extended.

NEW SECTION. Sec. 14. A new section is added to chapter 90.58 RCW to read as follows:

SHORELINE MASTER PLAN REVIEW. (1) The department of ecology, in cooperation with other state agencies and coastal local governments, shall prepare and adopt ocean use guidelines and policies to be used in reviewing, and where appropriate, amending, shoreline master programs of local governments with coastal waters or coastal shorelines within their boundaries. These guidelines shall be finalized by April 1, 1990.

(2) After the department of ecology has adopted the guidelines required in subsection (1) of this section, counties, cities, and towns with coastal waters or coastal shorelines shall review their shoreline master programs to ensure that the programs conform with sections 10 and 12 of this act and with the department of ecology's ocean use guidelines. Amended master programs shall be submitted to the department of ecology for its approval under RCW 90.58.090 by June 30, 1991.

NEW SECTION. Sec. 15. The energy office shall prepare and transmit to the governor and the appropriate legislative committees of the legislature no later than September 1, 1994, a report on liquid fossil fuel supply and demand and on strategies which exist or which can be developed for conserving liquid fossil fuels. This report shall include information on how the conservation of liquid fossil fuels might affect the need for new supplies of liquid fossil fuels, and how conservation might affect the need for oil or gas leasing, exploration, or development off the coast of Washington. This report shall also contain suggestions for implementing the identified conservation strategies. This report shall be used by the legislature in determining whether the oil and gas leasing moratorium contained in section 10 of this act should be extended.

NEW SECTION. Sec. 16. A new section is added to chapter 90.58 RCW to read as follows:

The department of ecology shall consult with affected state agencies, local governments, Indian tribes, and the public prior to responding to federal coastal zone management consistency certifications for uses and activities occurring on the federal outer continental shelf.

NEW SECTION. Sec. 17. The authority for the joint select committee on marine and ocean resources is extended until June 30, 1994. During this time, the committee shall perform the following tasks:

(1) Analyze how the state can maximize the potential positive impacts and minimize the potential negative impacts associated with proposed federal outer continental shelf lands act oil and gas lease sales of Washington's coastal waters.

(2) Analyze the advantages and disadvantages of using the energy facilities—site locations act for making decisions on onshore energy facilities. The committee shall also explore alternative approaches for making these decisions.

(3) Work in coordination with, and provide direction to, the department of natural resources in preparing the analysis described in section 13 of this act.

(4) Complete those tasks assigned to it during the 1987 legislative session in SHCR 4407.

NEW SECTION. Sec. 18. (1) The sum of one hundred eighty thousand dollars, or as much thereof as may be necessary, is appropriated for the biennium ending June 30, 1991, from the general fund to the department of ecology for the purposes of section 14 of this act. One hundred twenty thousand dollars of this amount, or as much thereof as may be necessary, shall be distributed by the department of ecology to local governments for the purpose of reviewing and amending their shoreline master programs.

(2) The sum of one hundred thousand dollars, or as much thereof as may be necessary, is appropriated for the biennium ending June 30, 1991, from the general fund to the joint select committee on marine and ocean resources to be used to contract with the departments of ecology and natural resources for purposes of the analysis in section 13 of this act.

(3) To the maximum extent possible, the department of ecology and the department of natural resources shall use federal grant funds instead of the appropriations under this section.

NEW SECTION. Sec. 19. Section captions as used in this act do not constitute any part of the law.

NEW SECTION. Sec. 20. Sections 9 through 13 of this act shall constitute a new chapter in Title 43 RCW and may be known and cited as the ocean resources management act.

NEW SECTION. Sec. 21. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 22. Sections 1 through 8 of this act are necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect immediately."

Correct any internal references accordingly.

Mr. Sayan spoke in favor of adoption of the amendment.

POINT OF ORDER

Mr. May: I request a ruling on scope and object.

SPEAKER'S RULING

The Speaker: Representative May, I am sorry, but your Point of Order was not raised in a timely manner. Reed's Rules state that, in raising a Point of Order on scope and object, you can have no intervening business. The record shows that I recognized Representative Sayan to make the motion. He made the motion. At that point I paused, then recognized Representative Sayan for discussion, and he began the debate. Your point, I'm afraid, is just not timely.

Mr. Sayan continued his remarks in favor of the amendment, and it was adopted.

With consent of the House, the amendment by Committee on Environmental Affairs to the title was adopted.

With consent of the House, the following amendment by Representative Sayan to the title was adopted:

On page 1, line 3 of the title, strike everything after "RCW;" and insert "adding a new chapter to Title 43 RCW; adding new sections to chapter 90.58 RCW; creating new sections; prescribing penalties; making appropriations; and declaring an emergency."

With consent of the House, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Ms. Rust spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 5315 as amended by the House, and the bill passed the House by the following vote: Yeas, 97; excused, 1.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Baugher, Beck, Belcher, Betzoff, Bowman, Braddock, Brekke, Bristow, Brooks, Brough, Brunsickle, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Fraser, Fuhrman, Grant, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Inslee, Jacobsen, Jesernig, Jones, King P, King R, Kremen, Leonard, Locke, May, McLean, Meyers R, Miller, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Padden, Patrick, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith, Sommers D, Sommers H, Spanel, Sprenkle, Tate, Todd, Valle, Van Luven, Vekich, Walk, Walker, Wang, Wilson K, Wilson S, Wineberry, Winsley, Wolfe, Wood, Youngsman, Zellinsky, and Mr. Speaker - 97.

Excused: Representative Gallagher - 1.

Senate Bill No. 5315 as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGES FROM THE SENATE

April 14, 1989

Mr. Speaker:

The Senate grants the request of the House for a conference on ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1793. The President has appointed the following members as conferees: Senators Newhouse, Niemi and Nelson.

W. D. Naismith, Assistant Secretary.

April 14, 1989

Mr. Speaker:

The Senate has passed:

HOUSE JOINT MEMORIAL NO. 4001.

and the same is herewith transmitted.

W. D. Naismith, Assistant Secretary.

SIGNED BY THE SPEAKER

The Speaker announced he was signing:

SUBSTITUTE HOUSE BILL NO. 1250,
 HOUSE BILL NO. 1286,
 SUBSTITUTE HOUSE BILL NO. 1322,
 SUBSTITTUTE HOUSE BILL NO. 1426,
 HOUSE BILL NO. 1552,
 HOUSE BILL NO. 1794,
 HOUSE BILL NO. 1802,
 SUBSTITTUTE HOUSE BILL NO. 1858,
 SUBSTITTUTE HOUSE BILL NO. 1952,
 HOUSE BILL NO. 1976,
 HOUSE BILL NO. 1996,
 HOUSE BILL NO. 2013,
 SUBSTITTUTE HOUSE BILL NO. 2036,
 HOUSE BILL NO. 2051,
 HOUSE BILL NO. 2054,
 HOUSE BILL NO. 2075,
 SUBSTITTUTE HOUSE BILL NO. 2088,
 HOUSE BILL NO. 2135,
 HOUSE BILL NO. 2161,
 HOUSE JOINT MEMORIAL NO. 4000,
 HOUSE JOINT MEMORIAL NO. 4015,
 SENATE BILL NO. 5023,
 SENATE BILL NO. 5143,
 SECOND SUBSTITUTE SENATE BILL NO. 5174,
 SUBSTITUTE SENATE BILL NO. 5197,
 SENATE BILL NO. 5368,
 SENATE BILL NO. 5452,
 SUBSTITUTE SENATE BILL NO. 5469,
 SUBSTITUTE SENATE BILL NO. 5486,
 SUBSTITUTE SENATE BILL NO. 5501,
 SUBSTITUTE SENATE BILL NO. 5553,
 SENATE BILL NO. 5583,
 SENATE BILL NO. 5595,
 SUBSTITUTE SENATE BILL NO. 5681,
 SUBSTITUTE SENATE BILL NO. 5868,
 SENATE JOINT MEMORIAL NO. 8002.

The Speaker declared the House to be at ease until 6:30 p.m.

EVENING SESSION

The Speaker (Mr. Ebersole presiding) called the House to order.

The Speaker (Mr. Ebersole presiding) declared the House to be at ease.

The Speaker called the House to order.

There being no objection, the House reverted to the fifth order of business.

REPORT OF STANDING COMMITTEE

April 12, 1989

ESSB 5352

Prime Sponsor, Committee on Ways & Means: Making appropriation for the 1989-91 biennium. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass with the following amendments:
 Strike everything after the enacting clause and insert the following:

*NEW SECTION. Sec. 1. (1) A budget is hereby adopted and, subject to the provisions set forth in the following sections, the several amounts specified in the following sections, or so much thereof as shall be sufficient to accomplish the purposes designated, are hereby appropriated and authorized to be incurred for salaries, wages, and other expenses of the agencies and offices of the state and for other specified purposes for the fiscal biennium beginning July 1, 1989, and ending June 30, 1991, except as otherwise provided, out of the several funds of the state hereinafter named.

(2) Unless the context clearly requires otherwise, the definitions in this section apply throughout this act.

(a) 'Children's initiative fund—children's services and support account' and 'children's initiative fund—K-12 education account' mean the accounts created by Initiative 102 if Initiative 102 is enacted.

(b) 'Fiscal year 1990' or 'FY 1990' means the fiscal year ending June 30, 1990.

(c) 'Fiscal year 1991' or 'FY 1991' means the fiscal year ending June 30, 1991.

(d) 'FTE' means full time equivalent.

(e) 'Lapse' or 'revert' means the amount shall return to an unappropriated status.

(f) 'Provided solely' means the specified amount may be spent only for the specified purpose. Unless otherwise specifically authorized in this act, any portion of an amount provided solely for a specified purpose which is unnecessary to fulfill the specified purpose shall lapse.

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PART I

GENERAL GOVERNMENT

NEW SECTION, Sec. 101. FOR THE HOUSE OF REPRESENTATIVES

General Fund Appropriation	\$	49,050,000
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The appropriation in this section is subject to the following conditions and limitations: \$150,000 is provided solely to contract for an evaluation of Seattle public schools. No portion of this amount may be expended unless at least \$150,000 from nonstate sources are contributed for this purpose.

NEW SECTION, Sec. 102. FOR THE SENATE

General Fund Appropriation	\$	36,401,000
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NEW SECTION, Sec. 103. FOR THE LEGISLATIVE BUDGET COMMITTEE

General Fund Appropriation	\$	1,888,000
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<u>NEW SECTION</u> , Sec. 104. FOR THE LEGISLATIVE EVALUATION AND ACCOUNTABILITY PROGRAM COMMITTEE		
General Fund Appropriation	\$	2,712,000

NEW SECTION, Sec. 105. FOR THE OFFICE OF THE STATE ACTUARY

Department of Retirement Systems Expense Fund Appropriation	\$	1,098,000
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The appropriation in this section is subject to the following conditions and limitations:

(1) The office shall provide all necessary services for the department of retirement systems within the funds appropriated in this section.

(2) \$100,000 is provided solely for implementation of the employee benefits communication project by the joint committee on pension policy.

NEW SECTION, Sec. 106. FOR THE JOINT LEGISLATIVE SYSTEMS COMMITTEE

General Fund Appropriation	\$	5,628,000
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The appropriation in this section is subject to the following conditions and limitations: The appropriation shall be transferred to the legislative systems revolving fund.

NEW SECTION, Sec. 107. FOR THE STATUTE LAW COMMITTEE

General Fund Appropriation	\$	5,983,000
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NEW SECTION, Sec. 108. FOR THE SUPREME COURT

General Fund Appropriation	\$	13,486,000
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The appropriation in this section is subject to the following conditions and limitations: \$5,013,000 is provided solely for the indigent appeals program.

NEW SECTION, Sec. 109. FOR THE LAW LIBRARY

General Fund Appropriation	\$	3,001,000
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NEW SECTION, Sec. 110. FOR THE COURT OF APPEALS

General Fund Appropriation	\$	14,039,000
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The appropriation in this section is subject to the following conditions and limitations: \$354,000 is provided solely for an additional judgeship in division I of the court of appeals. If neither Senate Bill No. 5109 nor House Bill No. 1802 is enacted by June 30, 1989, this amount of the appropriation shall lapse.

NEW SECTION, Sec. 111. FOR THE COMMISSION ON JUDICIAL CONDUCT

General Fund Appropriation	\$	620,000
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NEW SECTION, Sec. 112. FOR THE ADMINISTRATOR FOR THE COURTS

General Fund Appropriation	\$	26,791,000
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Public Safety and Education Account Appropriation	\$	22,874,000
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Total Appropriation	\$	49,665,000
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The appropriations in this section are subject to the following conditions and limitations:

(1) Within the appropriations provided in this section the administrator for the courts, in conjunction with the indigent defense task force, shall review the feasibility of implementing an indigent defense cost recovery program in order to recover state expenses for the indigent appeals program. The administrator for the courts also shall prepare recommendations regarding standards for indigency to be applied uniformly among courts throughout the state. Recommendations regarding a cost recovery program and indigency standards shall be submitted to the house of representatives appropriations and the senate ways and means committees by December 1, 1989.

(2) \$4,837,000 of the general fund appropriation is provided solely for the continuation of treatment-alternatives-to-street-crimes (TASC) programs in Pierce, Snohomish, Clark, King, Spokane, and Yakima counties. In administering TASC program contracts, the administrator for the courts shall: Monitor program expenditures, conduct program audits, and develop corrective action plans as necessary for contract compliance.

(3) \$15,555,000 of the general fund appropriation is provided solely for the superior court judges program.

(4) \$50,000 of the public safety and education account appropriation is provided solely for the continuation of the indigent defense task force as provided in Substitute Senate Bill No. 5960 (Indigent defense services). If the bill is not enacted by June 30, 1989, the amount provided in this subsection shall lapse.

(5) \$200,000 of the general fund appropriation is provided solely for implementing Substitute Senate Bill No. 5474 or Substitute House Bill No. 1119. If neither bill is enacted by June 30, 1989, the amount provided in this subsection shall lapse.

(6) \$250,000 of the general fund appropriation is provided solely for a foster care review pilot project. In designing the project, the administrator for the courts shall: (a) Establish control groups, one with foster care review and one without, and (b) document the comparative impacts on court costs and foster care length-of-stay.

(7) \$6,715,000 of the public safety and education account appropriation is provided solely to implement the conversion of the district court information system ('DISCIS') to a subsystem compatible with the other subsystems within the judicial information system. The amount provided in this subsection is intended to convert twenty-eight existing DISCIS sites and establish eight new sites. The administrator for the courts shall report to the legislature by January 15, 1990, on the reasonableness and feasibility of installing more DISCIS sites during the 1989-91 biennium.

(8) \$1,500,000 of the public safety and education account appropriation shall be held in reserve by the administrator for the courts until July 1, 1990.

(9) The administrator for the courts shall prepare a five-year plan for the judicial information system in conformance with the department of information services guidelines. The administrator for the courts shall submit the plan to the house of representatives committee on appropriations and the senate committee on ways and means by January 15, 1990. The five-year plan shall include but not be limited to the following items: Long range goals, objectives, and priorities; estimated equipment and software acquisition costs; an equipment acquisition schedule; estimated operating costs by fiscal year; a cost benefit analysis of planned system modifications; an analysis of the revenue impact of implementing accounts receivable modules; and descriptions of the services provided to each court jurisdiction.

NEW SECTION, Sec. 113. FOR THE OFFICE OF THE GOVERNOR

General Fund Appropriation—State	\$	12,186,000
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General Fund Appropriation—Federal	\$	27,779,000
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Total Appropriation	\$	39,965,000
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The appropriations in this section are subject to the following conditions and limitations:

(1) \$182,000 of the general fund—state appropriation is provided solely for mansion maintenance.

(2) \$421,000 of the general fund—state appropriation is provided solely for extradition expenses to carry out RCW 10.34.030, providing for the return of fugitives by the governor, including prior claims, and for extradition-related legal services as determined by the attorney general.

(3) \$225,000 of the general fund—state appropriation is provided solely for the administration and activities of a governor's commission on African-American affairs.

NEW SECTION, Sec. 114. FOR THE LIEUTENANT GOVERNOR

General Fund Appropriation \$ 492,000

NEW SECTION, Sec. 115. FOR THE PUBLIC DISCLOSURE COMMISSION

General Fund Appropriation \$ 1,428,000

The appropriation in this section is subject to the following conditions and limitations: \$124,000 is provided solely for increased auditing capabilities.

NEW SECTION, Sec. 116. FOR THE SECRETARY OF STATE

General Fund Appropriation \$ 7,870,000

Archives and Records Management Account Appropriation \$ 2,583,000

Department of Personnel Service Fund Appropriation \$ 447,000

Total Appropriation \$ 10,900,000

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

(1) \$1,074,000 of the general fund appropriation is provided solely to reimburse counties for the state's share of primary and general election costs and the costs of conducting mandatory recounts on state measures.

(2) \$2,542,000 of the general fund appropriation is provided solely for the verification of initiative and referendum petitions and the maintenance of related voter registration records, legal advertising of state measures, and the publication and distribution of the voters and candidates pamphlet.

(3) \$123,000 of the general fund appropriation is provided solely for implementation of House Bill No. 1666 (voter registration at driver's license facilities). If the bill is not enacted by June 30, 1989, the amount provided in this subsection shall lapse.

NEW SECTION, Sec. 117. FOR THE GOVERNOR'S OFFICE OF INDIAN AFFAIRS

General Fund Appropriation \$ 290,000

NEW SECTION, Sec. 118. FOR THE COMMISSION ON ASIAN-AMERICAN AFFAIRS

General Fund Appropriation \$ 312,000

NEW SECTION, Sec. 119. FOR THE STATE TREASURER

Motor Vehicle Fund Appropriation \$ 46,000

State Treasurer's Service Fund Appropriation \$ 9,234,000

Higher Education Construction Account Appropriation \$ 39,000

State Convention and Trade Center Account Appropriation \$ 76,000

State and Local Improvements Revolving Account—Waste Disposal

Facilities Appropriation \$ 58,000

Salmon Enhancement Construction Account Appropriation \$ 10,000

State and Local Improvements Revolving Account—Waste Disposal

Facilities, 1980 Appropriation \$ 200,000

State Higher Education Construction Account Appropriation \$ 25,000

State Building Construction Account Appropriation \$ 588,000

Higher Education Reimbursable Short-Term Bond Account Appropriation

..... \$ 14,000

Outdoor Recreation Account Appropriation \$ 7,000

State and Local Improvements Revolving Account (Water Supply

Facilities) Appropriation \$ 71,000

State and Local Improvements Revolving Account (Social and Health

Services Facilities) Appropriation \$ 25,000

Economic Development Account Appropriation \$ 11,000

State Facilities Renewal Account Appropriation \$ 14,000

Puget Sound Capital Construction Account Appropriation \$ 35,000

Urban Arterial Trust Account Appropriation \$ 43,000

Total Appropriation \$ 10,496,000

The appropriations in this section, with the exception of the motor vehicle fund and state treasurer's service fund appropriations, are subject to the following conditions and limitations: The provisions of sections 807 and 808 of this act apply to the appropriations in this section.

NEW SECTION, Sec. 120. FOR THE STATE AUDITOR

General Fund Appropriation \$ 902,000

Motor Vehicle Fund Appropriation \$ 225,000

Municipal Revolving Fund Appropriation \$ 16,262,000

Auditing Services Revolving Fund Appropriation \$ 10,350,000

Total Appropriation \$ 27,739,000

NEW SECTION, Sec. 121. FOR THE CITIZENS' COMMISSION ON SALARIES FOR ELECTED

OFFICIALS

General Fund Appropriation \$ 76,000

NEW SECTION, Sec. 122. FOR THE ATTORNEY GENERAL

General Fund Appropriation—State	\$	6,284,000
General Fund Appropriation—Federal	\$	1,664,000
Legal Services Revolving Fund Appropriation	\$	70,967,000
Motor Vehicle Fund Appropriation	\$	761,000
New Motor Vehicle Arbitration Account Appropriation	\$	1,716,000
Total Appropriation	\$	81,392,000

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

(1) \$761,000 of the motor vehicle fund appropriation is provided solely to pursue highway bid-rigging anti-trust litigation and shall be expended only after the office of financial management approves plans for any expenditures.

(2) No part of the appropriations provided in this section may be used to move any attorney co-located with an agency for which the attorney provides legal services away from the agency without prior approval of the agency and the office of financial management.

(3) \$181,000 of the general fund—state appropriation is provided solely for expanding the computerized homicide information and tracking system. The attorney general shall report to the legislature, no later than January 14, 1991, on the homicide information and tracking system, as well as on the feasibility of expanding the system to include the violent crimes of rape, robbery, and arson. The report shall include a local agency financial participation analysis, a systems analysis that includes use of the incident-based reporting system (IBR) of the Washington association of sheriffs and police chiefs and of the criminal information system of the Washington state patrol, and a full-cost purchase analysis. The attorney general shall coordinate the preparation of this report with the office of financial management, the Washington association of sheriffs and police chiefs, and the Washington state patrol.

NEW SECTION, Sec. 123. FOR THE OFFICE OF FINANCIAL MANAGEMENT

General Fund Appropriation	\$	23,300,000
Motor Vehicle Fund Appropriation	\$	101,000
Total Appropriation	\$	23,401,000

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

The director of financial management, in consultation with the department of general administration, shall report to the house of representatives appropriations and senate ways and means committees by July 1, 1990, on the savings resulting from the implementation of the report of the motor pool review team of the governor's commission for efficiency and accountability in government. The report shall provide recommendations on how the identified savings should be programmed into state agency budgets. Periodically during the biennium, the director of financial management shall direct agencies affected by the implementation of the report to place appropriated moneys in reserve status to reflect the resulting savings. By June 30, 1991, at least \$1,000,000 from general fund—state appropriations shall be placed in reserve status under this subsection. If neither Substitute House Bill No. 1355 nor Engrossed Senate Bill No. 5335 is enacted by June 30, 1989, this subsection shall have no effect.

NEW SECTION, Sec. 124. FOR THE OFFICE OF ADMINISTRATIVE HEARINGS

Administrative Hearings Revolving Fund Appropriation	\$	10,031,000
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NEW SECTION, Sec. 125. FOR THE DEPARTMENT OF PERSONNEL

Department of Personnel Service Fund Appropriation	\$	14,774,000
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The appropriation in this section is subject to the following conditions and limitations:

(1) \$670,000 is provided solely for implementation of Engrossed House Bill No. 1360 or the career executive management program portion of Substitute Senate Bill No. 5140. If neither bill is enacted by June 30, 1989, the amount provided in this subsection shall lapse.

(2) The department of personnel shall survey the compensation practices of comparable in-state and out-of-state law enforcement agencies. The survey shall consider the degree to which duties, skills, and working conditions are shared by classifications such as wildlife agents, fisheries agents, and members of the Washington state patrol, all of whom have full police powers. The department shall report on the survey findings to the legislature by January 1, 1990.

NEW SECTION, Sec. 126. FOR THE COMMITTEE FOR DEFERRED COMPENSATION

General Fund Appropriation	\$	527,000
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The appropriation in this section is subject to the following conditions and limitations: This appropriation is provided solely for the administration of a state employee salary reduction plan for dependent care assistance.

NEW SECTION, Sec. 127. FOR THE WASHINGTON STATE LOTTERY

Lottery Administrative Account Appropriation	\$	17,354,000
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NEW SECTION, Sec. 128. FOR THE COMMISSION ON HISPANIC AFFAIRS

General Fund Appropriation	\$	343,000
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NEW SECTION, Sec. 129. FOR THE PERSONNEL APPEALS BOARD

Department of Personnel Service Fund Appropriation	\$	870,000
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NEW SECTION, Sec. 130. FOR THE DEPARTMENT OF RETIREMENT SYSTEMS—OPERATIONS

Department of Retirement Systems Expense Fund Appropriation	\$	22,771,000
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The appropriation in this section is subject to the following conditions and limitations:

(1) \$908,000 is provided solely for information systems projects named in this section for which work will commence or continue in this biennium. Authority to expend these funds is conditioned upon compliance with section 802 of this act. For the purposes of this subsection, 'information systems projects' means the projects known by the following names or successor names: Transmittals, member account ledgers, account receivables, billing, and disbursements.

(2) \$871,000 is provided solely for reduction of the agency's backlogs.

(3) \$184,000 is provided solely for development of data security and program library management.

(4) \$50,000 is provided solely for the preparation of information on disability benefit for members of the retirement systems. In preparing this information, the department shall coordinate with the joint committee on pension policy regarding the committee's employee communications project.

NEW SECTION, Sec. 131. FOR THE STATE INVESTMENT BOARD

State Investment Board Expense Account Appropriation \$ 2,015,000

NEW SECTION, Sec. 132. FOR THE DEPARTMENT OF REVENUE

General Fund Appropriation \$ 76,151,000
 Timber Tax Distribution Account Appropriation \$ 3,382,000
 State Toxics Control Account Appropriation \$ 100,000
 Solid Waste Management State Account Appropriation \$ 92,000
 Total Appropriation \$ 79,725,000

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

(1) \$92,000 of the solid waste management account appropriation is provided solely for implementing the provisions of Engrossed Substitute House Bill No. 1671. If the bill is not enacted by June 30, 1989, the amount provided in this subsection shall lapse.

(2) \$400,000 of the general fund appropriation is provided solely for the costs associated with expert witnesses and legal defense in defending the state in federal court.

NEW SECTION, Sec. 133. FOR THE BOARD OF TAX APPEALS

General Fund Appropriation \$ 1,329,000

NEW SECTION, Sec. 134. FOR THE MUNICIPAL RESEARCH COUNCIL

General Fund Appropriation \$ 2,212,000

NEW SECTION, Sec. 135. FOR THE UNIFORM LEGISLATION COMMISSION

General Fund Appropriation \$ 37,000

NEW SECTION, Sec. 136. FOR THE OFFICE OF MINORITY AND WOMEN'S BUSINESS

ENTERPRISES \$

General Fund Appropriation \$ 2,178,000

NEW SECTION, Sec. 137. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION

General Fund Appropriation—State \$ 8,576,000

General Fund Appropriation—Federal \$ 1,715,000

General Fund Appropriation—Private/Local \$ 99,000

Motor Vehicle Fund Appropriation \$ 331,000

State Patrol Highway Account Appropriation \$ 229,000

Motor Transport Account Appropriation \$ 10,867,000

General Administration Facilities and Services Revolving Fund

Appropriation \$ 22,365,000

Total Appropriation \$ 44,182,000

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

(1) The motor vehicle fund appropriation and state patrol highway account appropriation are provided solely for risk management activities related to the motor vehicle fund and the state patrol highway account.

(2) \$471,000 of the motor transport account appropriation is provided solely to establish the office of motor vehicle services as provided in Senate Bill No. 5335 or Substitute House Bill No. 1355. If neither bill is enacted by June 30, 1989, the amount provided in this subsection shall lapse.

NEW SECTION, Sec. 138. FOR THE DEPARTMENT OF INFORMATION SERVICES

Data Processing Revolving Fund Appropriation \$ 2,392,000

NEW SECTION, Sec. 139. FOR THE INSURANCE COMMISSIONER

Insurance Commissioner's Regulatory Account Appropriation \$ 11,941,000

NEW SECTION, Sec. 140. FOR THE BOARD OF ACCOUNTANCY

General Fund Appropriation \$ 463,000

Certified Public Accountant Examination Account Appropriation \$ 655,000

Total Appropriation \$ 1,118,000

NEW SECTION, Sec. 141. FOR THE DEATH INVESTIGATION COUNCIL

Death Investigations Account Appropriation \$ 11,000

NEW SECTION, Sec. 142. FOR THE BOXING COMMISSION

General Fund Appropriation \$ 139,000

NEW SECTION, Sec. 143. FOR THE HORSE RACING COMMISSION

Horse Racing Commission Fund Appropriation \$ 4,544,000

The appropriation in this section is subject to the following conditions and limitations:

(1) If there are more than seven hundred thirty-two racing days during the fiscal biennium ending June 30, 1991, the governor is authorized to allocate such additional moneys from the horse racing commission fund as may be required.

(2) No horse racing commission funds may be used for the purpose of certifying Washington-bred horses under RCW 67.16.075.

NEW SECTION. Sec. 144. FOR THE LIQUOR CONTROL BOARD

Liquor Revolving Fund Appropriation \$ 95,458,000

NEW SECTION. Sec. 145. FOR THE PHARMACY BOARD

General Fund Appropriation \$ 1,436,000

NEW SECTION. Sec. 146. FOR THE UTILITIES AND TRANSPORTATION COMMISSION

Public Service Revolving Fund Appropriation \$ 26,245,000

Grade Crossing Protective Fund Appropriation \$ 320,000

Total Appropriation \$ 26,565,000

The appropriations in this section are subject to the following conditions and limitations: \$347,000 of the public service revolving fund appropriation is contingent on the enactment of Engrossed Substitute House Bill No. 1671. If the bill is not enacted by June 30, 1989, the amount provided in this subsection shall lapse.

NEW SECTION. Sec. 147. FOR THE BOARD FOR VOLUNTEER FIREMEN

Volunteer Firemen's Relief and Pension Fund Appropriation \$ 315,000

NEW SECTION. Sec. 148. FOR THE MILITARY DEPARTMENT

General Fund Appropriation—State \$ 8,087,000

General Fund Appropriation—Federal \$ 6,425,000

Total Appropriation \$ 14,512,000

NEW SECTION. Sec. 149. FOR THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

General Fund Appropriation \$ 1,819,000

PART II

HUMAN SERVICES

NEW SECTION. Sec. 201. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

(1) Appropriations made in this act to the department of social and health services shall initially be allotted as required by this act. Subsequent allotment modifications shall not include transfers of moneys between sections of this act except as expressly provided in this act, nor shall allotment modifications permit moneys that are provided solely for a specified purpose to be used for other than that purpose.

(2) The department of social and health services shall not initiate any services that will require expenditure of state general fund moneys unless expressly authorized in this act or other law, or unless the services were provided on March 1, 1989. The department may seek, receive, and spend, under RCW 43.79.260 through 43.79.282, federal moneys not anticipated in this act as long as the federal funding does not require expenditure of state moneys for the program in excess of amounts anticipated in this act. If the department receives unanticipated unrestricted federal moneys, except maternal and child health block grant moneys, those moneys shall be spent for services authorized in this act, and an equal amount of appropriated state general fund moneys shall lapse. As used in this subsection, 'unrestricted federal moneys' includes block grants and other funds that federal law does not require to be spent on explicitly defined projects or matched on a formula basis by state funds.

(3) The department of social and health services is authorized to expend federal funds made available by the federal immigration reform and control act, P.L. 99-603, for the purposes contained in that act.

NEW SECTION. Sec. 202. GENERAL VENDOR RATE INCREASES

In granting the vendor rate increases funded by appropriations in sections 201 through 217 of this act which reference this section, the department may vary percentage increases among vendor groups. In order to determine the percentage increases for each vendor group, the department may consider: The gap between the vendor group's costs and department rates; and the extent to which a disproportionate share of the vendor group's revenue or activity is dependent on department clients. The department shall ensure that the overall average rate increase on January 1, 1990, and on January 1, 1991, each does not exceed four percent. The department may transfer funds among appropriations for the purposes of this section. In no case may transfers out of a section exceed the amounts appropriated for the purposes of this section. This section shall not apply to rates for hospitals, nursing homes reimbursed under chapter 74.46 RCW, therapeutic child care providers, child placement agencies, or family foster care providers and shall not apply to any rate increase funded from children's initiative fund—children's services and support account appropriations.

NEW SECTION. Sec. 203. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—

CHILDREN AND FAMILY SERVICES PROGRAM

General Fund Appropriation—State \$ 269,168,000

General Fund Appropriation—Federal \$ 162,015,000

Children's Initiative Fund—Children's Services and Support Account

Appropriation \$ 56,371,000

Public Safety and Education Account Appropriation	\$	400,000
Total Appropriation	\$	487,954,000

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

(1) \$5,952,000 of the general fund—state appropriation and \$448,000 of the general fund—federal appropriation are provided solely for reduction of the average caseloads for child protective and child welfare casework staff to a standard of thirty-two cases per staff.

(2) \$5,326,000 of the general fund—state appropriation is provided solely to expand services to families to reduce the need for family or group foster care. Of the amount provided in this subsection, \$1,560,000 is provided solely for additional homemakers; \$982,000 is provided solely for family reconciliation services; \$514,000 is provided solely for the homebuilders program; \$1,000,000 is provided solely for home-based services or treatment for families receiving child protective services; and \$1,270,000 is provided solely for increased child care services.

(3) \$400,000 of the public safety and education account appropriation is provided solely to continue training programs under chapter 70.125 RCW for medical personnel regarding victims of sexual abuse. Training provided under this subsection shall be designed to develop regional expertise on identification, verification, and retention of evidence in cases of child sexual abuse.

(4) \$5,090,000 of the general fund—state appropriation and \$591,000 of the general fund—federal appropriation are provided solely to increase rates and services as follows: \$3,210,000 of the general fund—state appropriation, and \$591,000 of the general fund—federal appropriation are provided solely for increased treatment and rates for family foster care and child placement agencies; \$500,000 of the general fund—state appropriation is provided solely for increased grants to domestic violence shelter programs; \$200,000 of the general fund—state appropriation is provided solely for increased grants to victims of sexual assault programs; and \$1,180,000 of the general fund—state appropriation is provided solely for increased rates for therapeutic child care.

(5) \$3,926,000 of the general fund—state appropriation is provided solely to increase the number of children served in the employment child care subsidy program.

(6) \$56,371,000 of the children's initiative fund—children's services and support account appropriation is provided solely to improve services to children and families including but not limited to: Reducing average caseloads for child protective and child welfare casework staff to a standard of twenty-five cases per staff; expanding shelter and counseling services for battered women and their children; increasing services under the therapeutic child care program and the women, infant, and children nutrition program; increasing and improving group home and family foster care rates; increasing child care subsidy rates; increasing family reconciliation, homebuilders, and other family support services; fully funding childhood immunization programs; and expanding the high-priority infant tracking program state-wide.

(7) \$300,000 of the general fund—state appropriation is provided solely for grants for the operation of community-based family support centers. Grants shall be administered and evaluated by the council for prevention of child abuse and neglect. Grantees shall be part of a community interagency team that provides support to families, which may include, but is not limited to, parenting education and support groups, child development assessments, and information and referral services. As a condition of receiving a grant, grantees shall provide twenty-five percent of the funding for family support centers.

(8) Any federal funds not anticipated in this act received for the purpose of maternal and child health services may be spent to increase county health department services to families with young children, including home visits, preventive health care, nutrition, and other services.

(9) \$4,964,000 of the general fund—state appropriation and \$2,190,000 of the general fund—federal appropriation are provided solely for vendor rate increases for vendors providing services to the children and family services program, as specified in section 202 of this act.

(10) \$2,350,000 of the general fund—state appropriation is provided solely for foster care diversion projects established under section 203(15), chapter 289, Laws of 1988. The department shall continue or expand those projects showing positive outcomes in both benefits to families and cost neutrality. The department shall report to the appropriate committees of the legislature by January 8, 1990, on these projects. The reports shall include a description of each project, the cost of each project, and an assessment of its effectiveness.

NEW SECTION, Sec. 204. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—JUVENILE REHABILITATION PROGRAM

(1) COMMUNITY SERVICES

General Fund Appropriation—State	\$	33,150,000
General Fund Appropriation—Federal	\$	134,000
Children's Initiative Fund—Children's Services and Support Account		
Appropriation	\$	3,322,000
Total Appropriation	\$	36,606,000

The appropriations in this subsection are subject to the following conditions and limitations:

(a) \$540,000 of the children's services and support account appropriation is provided solely for up to twenty-five additional community beds.

(b) \$1,040,000 of the children's services and support account appropriation is provided solely for expansion of the community commitment program.

(c) \$367,000 of the children's services and support account appropriation is provided solely for expansion of parole diagnostic services.

(d) \$375,000 of the children's services and support account appropriation is provided solely for summer school programs in juvenile learning centers.

(e) \$610,000 of the general fund—state appropriation is provided solely for vendor rate increases for vendors providing service to the juvenile rehabilitation program, as specified in section 202 of this act.

(2) INSTITUTIONAL SERVICES

General Fund Appropriation—State	\$	47,924,000
General Fund Appropriation—Federal	\$	871,000
Children's Initiative Fund—Children's Services and Support Account		
Appropriation	\$	576,000
Total Appropriation	\$	49,371,000

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

(a) The department shall develop a long-range plan for the future status of institutional programs and facilities. The plan shall be presented to the appropriate policy and fiscal committees of the senate and house of representatives by January 8, 1990, and shall address in detail:

(i) Offenders who can be diverted to community programs;

(ii) Community programs necessary to successfully divert offenders from state facilities;

(iii) Programs and facilities most appropriate for offenders requiring incarceration in state facilities;

(iv) The costs to state and local organizations to accomplish the plan; and

(v) Policy changes necessary to accomplish the plan.

(b) \$576,000 of the children's services and support account appropriation is provided solely for positive programming initiatives in selected institutions.

(c) \$554,000 of the general fund—state appropriation is provided solely to accommodate offender population increases resulting from the policies of the juvenile disposition standards board.

(3) PROGRAM SUPPORT

General Fund Appropriation	\$	2,905,000
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NEW SECTION, Sec. 205. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—

MENTAL HEALTH PROGRAM

(1) COMMUNITY SERVICES

General Fund Appropriation—State	\$	172,123,000
General Fund Appropriation—Federal	\$	91,168,000
Children's Initiative Fund—Children's Services and Support Account		
Appropriation	\$	10,143,000
General Fund Appropriation—Local	\$	3,360,000
Total Appropriation	\$	276,794,000

The appropriations in this subsection are subject to the following conditions and limitations:

(a) Beginning July 1, 1989, the department of social and health services shall track by county and by region the use and cost of state hospital and local evaluation and treatment facilities, including the use of local hospitals under medicaid. Reports shall include information on seventy-two hour detentions and fourteen-day, ninety-day, and one hundred eighty-day commitments. In addition, the report shall include information on voluntary inpatient care at state hospitals and in the community. To the extent feasible, reports shall reflect client county of residence. Reports shall be made available to regional support networks and counties at six-month intervals.

(b) Contracts with regional support networks and service providers shall include provisions requiring such data, statistics, schedules, and information as the secretary of the department of social and health services may reasonably require. The contracts shall provide that failure to meet contract reporting requirements without good cause shall result in penalties, which may include financial penalties, termination of the contract, or withholding of payment. The contracts shall provide for written notice of failure to comply with reporting requirements and a thirty-day period for corrective action.

(c) Counties or groups of counties wishing to enter into regional support network contracts with the secretary of the department of social and health services for the 1989-91 biennium, shall notify the secretary by October 30, 1989. The networks shall submit a plan in a format specified by the secretary no later than December 31, 1989. The secretary shall negotiate contracts with regional support networks for implementation no later than March 1, 1990.

(d) The secretary of the department of social and health services, in consultation with affected parties, shall develop a distribution formula for the funds appropriated in this section. The secretary shall report on the formula to the appropriations and human services committees

of the house of representatives and the ways and means and health care and corrections committees of the senate by October 1, 1989.

(e) The department, in cooperation with the state congressional delegation, shall actively seek waivers of federal requirements and such modifications of federal regulations as are necessary to allow federal medicaid reimbursement for services provided by free-standing evaluation and treatment facilities certified under chapter 71.05 RCW. The department shall periodically report its efforts to the ways and means and health care and corrections committees of the senate and the appropriations and human services committees of the house of representatives.

(f) The department shall study and report to the legislature by December 2, 1989, on expanding the use of federal Title XIX funds and the definition of institutions for mental diseases to provide services to persons who are acutely mentally ill, chronically mentally ill, or at risk of becoming so. The study shall also include an assessment of the impact of Title XIX funds and the definition of institutions for mental diseases on the use of state funds to provide needed mental health services to the chronically mentally ill.

(g) \$57,695,000 of which \$42,740,000 is from the general fund—state appropriation and \$10,812,000 is from the general fund—federal appropriation is provided solely for improvements to mental health services. Of these amounts, it is intended that:

(i) \$5,500,000 is for involuntary treatment administration.

(ii) \$500,000 is for the cost of involuntary medication hearings.

(iii) \$10,700,000 is for community support services, of which \$2,700,000 is for a client information system. Community support services include, but are not limited to: Discharge planning for individuals leaving inpatient community facilities, case management, medication monitoring, and emergency intervention.

(iv) \$11,811,000 is for additional community residential services.

(v) \$1,000,000 is to increase hospital outlier payments for involuntary treatment patients.

(vi) \$550,000 is for community liaison and discharge planning at state hospitals to improve continuity of services for patients leaving the state mental hospitals to return to the community.

(vii) \$5,128,000 of the general fund—state appropriation and \$1,931,000 of the general fund—federal appropriation are for vendor rate increases for vendors providing services to the mental health program, as specified in section 202 of this act.

(viii) \$16,574,000 is for additional evaluation and treatment and services designed to reduce involuntary treatment, improvements in continuity of care, and improvements in resource management and coordination.

(ix) \$4,000,000 is for a mental health housing reserve. The secretary of the department of social and health services shall transfer funds from the reserve to the state hospitals in any quarter in which hospital census exceeds the December 1988 forecast. Any funds remaining after March 1991 may be used for one-time grants to regional support networks and other organizations in areas outside the networks, for housing for the mentally ill. In making grants, the secretary shall give priority to proposals that demonstrate integration with other mental health services and that are designed to reduce involuntary treatment.

(x) Contracts with counties and networks shall specify services and provide for specific progress towards local assumption of short-term evaluation and treatment. In addition, each contract shall contain a financial plan which ensures that the ongoing cost of services started under the plan will not exceed the total amount of the grant adjusted for inflation.

(xi) The department shall continue contracting directly for the Kitsap mental health services residential care alternative project until such time as Kitsap county becomes or joins a regional support network. The reimbursement rate per available bed-day shall not exceed \$208 in fiscal year 1990 and \$216 in fiscal year 1991. During the contract period, all eligible involuntary treatment referrals for Kitsap county residents shall be made to the project. No involuntary referrals shall be made to western state hospital except when the following conditions are met: The Kitsap residential treatment facility is filled to capacity; and the mental health division and the Kitsap county mental health coordinator concur with the referral. Priority for referral to western state hospital shall be given to individuals under 90- or 180-day commitments and individuals who have exhausted all community placement options.

(h) \$11,843,000, of which \$1,500,000 is from the general fund—state appropriation, \$500,000 is from the general fund—federal appropriation and \$9,843,000 is from the children's services and support account appropriation, is provided solely for improvements to children's mental health services. Of this amount, it is intended that:

(i) \$2,000,000 of the general fund—state appropriation, \$500,000 of the general fund—federal appropriation and \$3,000,000 of the children's services and support account appropriation are for community mental health services for children, including \$600,000 of the general fund—state appropriation to expand the primary intervention program to ten additional school districts in 1989-90. Priority for the remaining moneys shall be given to maintaining Title XIX eligibility for children's outpatient services at risk of losing federal financial participation because of lack of state match.

(ii) \$6,343,000 of the children's services and support account is for the expansion of the primary intervention program.

(iii) \$500,000 of the children's services and support account appropriation is for a study of children's mental health services state-wide.

(2) INSTITUTIONAL SERVICES

General Fund Appropriation—State	\$	207,447,000
General Fund Appropriation—Federal	\$	9,869,000
Total Appropriation	\$	217,316,000

The appropriations in this subsection are subject to the following conditions and limitations: \$9,026,000 of the general fund—state appropriation and \$560,000 of the general fund—federal appropriation are provided for improvements at state mental hospitals. Of these amounts, it is intended that:

(a) \$56,000 is for start-up of an employee day care facility to enhance staff recruitment and retention.

(b) \$500,000 is for staff recruitment, retention, and development activities which includes but is not limited to continuing education, inservice training, and scholarships for staff training to become registered nurses.

(c) \$3,170,000 is for improving housekeeping and maintenance.

(d) \$3,609,000 is for improved staffing at the state hospitals.

(e) \$2,460,000 is for research and teaching activities in cooperation with universities, colleges, community colleges, and vocational technical institutes. In developing these relationships, the secretary shall give highest priority to activities which improve staff recruitment, retention, and development and contribute to improving quality of care.

(f) \$100,000 is for the nurses conditional scholarship program established in chapter 242, Laws of 1988. The department shall transfer \$100,000 to the higher education coordinating board for the purposes of this section. The moneys transferred to the board shall be used only for nurses agreeing to serve at the state hospitals.

(3) PROGRAM SUPPORT

General Fund Appropriation—State	\$	3,360,000
General Fund Appropriation—Federal	\$	1,383,000
Total Appropriation	\$	4,743,000

(4) SPECIAL PROJECTS

General Fund Appropriation—Federal	\$	2,966,000
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NEW SECTION, Sec. 206. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—DEVELOPMENTAL DISABILITIES PROGRAM

(1) COMMUNITY SERVICES

General Fund Appropriation—State	\$	105,496,000
General Fund Appropriation—Federal	\$	85,743,000
Children's Initiative Fund—Children's Services and Support Account Appropriation	\$	3,538,000
Total Appropriation	\$	194,777,000

The appropriations in this subsection are subject to the following conditions and limitations:
(a) \$992,000 of the general fund—state appropriation and \$669,000 of the general fund—federal appropriation are provided solely to provide additional funding for the Sunrise group homes congregate care facilities and the St. Margaret's Hall congregate care facility, and to establish a pilot group home project for the Special Homes organization. The department may transfer up to \$238,000 of the general fund—state appropriation provided in the long-term care services program to this subsection to provide additional funding for Sunrise group homes.

(b) \$417,000 of the general fund—state appropriation and \$477,000 of the general fund—federal appropriation are provided solely to transfer twenty-eight residents of the united cerebral palsy program to community-based residential programs.

(c) \$3,955,000 of the general fund—state appropriation and \$1,754,000 of the general fund—federal appropriation are provided solely for vendor rate increases for vendors providing services to the developmental disabilities program, as specified in section 202 of this act.

(2) INSTITUTIONAL SERVICES

General Fund Appropriation—State	\$	106,095,000
General Fund Appropriation—Federal	\$	118,394,000
Total Appropriation	\$	224,489,000

The appropriations in this subsection are subject to the following conditions and limitations:
(a) \$1,900,000 of the general fund—state appropriation and \$1,276,000 of the general fund—federal appropriation are provided solely to fund the provisions of Engrossed Substitute House Bill No. 1051. If Engrossed Substitute House Bill No. 1051 is not enacted by June 30, 1989, the amounts provided in this subsection shall lapse.

(b) \$150,000 of the general fund—state appropriation may be used to provide day programming services to residents of the Frances Haddon Morgan Center.

(3) PROGRAM SUPPORT

General Fund Appropriation—State	\$	3,903,000
General Fund Appropriation—Federal	\$	630,000
Total Appropriation	\$	4,533,000

**NEW SECTION, Sec. 207. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—
LONG-TERM CARE SERVICES**

General Fund Appropriation—State	\$	452,127,000
General Fund Appropriation—Federal	\$	498,665,000
General Fund Appropriation—Local	\$	296,000
Total Appropriation	\$	951,088,000

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

(1) Nursing home rates shall be adjusted for inflation under RCW 74.46.495 by 4.7 percent on July 1, 1989, and 4.7 percent on July 1, 1990.

(2) \$5,290,000 of the general fund—state appropriation is provided solely for respite care services.

(3) The department shall provide personal care services for Title XIX categorically eligible persons, effective July 1, 1989. Personal care services shall be provided to eligible persons with one or more personal care needs who meet program eligibility standards established by rule pursuant to chapter 34.05 RCW.

(4) \$4,200,000 of the general fund—state appropriation and \$1,400,000 of the general fund—federal appropriation are provided solely to increase medical benefits for contracted chore service workers, contracted personal care workers, and contracted COPES workers.

(5) The department shall request an amendment to its community options program entry system waiver under section 1905(c) of the federal social security act to include respite services as a service available under the waiver.

(6) At least \$16,050,420 of the general fund—state appropriation shall initially be allotted for implementation of the senior citizens services act. However, at least \$1,265,000 of this amount shall be used solely for programs that use volunteer workers for the provision of chore services to persons whose need for chore services is not being met by the chore services program.

(7) \$2,179,000 of the general fund—state appropriation and \$2,464,000 of the general fund—federal appropriation are provided solely for expansion of the community options entry program.

(8) \$500,000 of the general fund—state appropriation is provided for new and expanded volunteer chore services.

(9) \$7,392,000 of the general fund—state appropriation and \$32,000 of the general fund—federal appropriation are provided solely for vendor rate increases for vendors providing services to long-term care services, as specified in section 202 of this act.

(10) \$1,000,000 of the general fund—state appropriation is provided solely to enhance quality assurance for adult family homes through enhanced survey, licensing, and contracted consultation activities.

(11) \$2,820,000 of the general fund—state appropriation and \$3,180,000 of the general fund—federal appropriation are provided solely for nursing care expenditures in excess of the nursing center cost lid temporarily lifted by Engrossed Substitute House Bill No. 1864. The legislature finds and declares that medicaid reimbursement rates, in every cost center and rate period, are and have been adequate, without enhancements, to meet costs that must be incurred by economically and efficiently operated nursing homes in order to provide quality skilled or intermediate nursing care in compliance with all state or federal health and safety standards. Each contractor shall spend or have spent the amount specified in this subsection on wages, benefits, and payroll taxes for nursing staff and other costs related to nursing staff. The department shall determine whether each contractor has spent the amount as required by this subsection. If the contractor does not spend the amount as required by this subsection, the amounts not so spent shall be recouped at preliminary or final settlement pursuant to RCW 74.46.160. If Engrossed Substitute House Bill No. 1864 is not enacted by June 30, 1989, the amounts provided in this subsection shall lapse.

**NEW SECTION, Sec. 208. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—
INCOME ASSISTANCE PROGRAM**

General Fund Appropriation—State	\$	388,357,000
General Fund Appropriation—Federal	\$	443,785,000
Children's Initiative Fund—Children's Services and Support Account Appropriation	\$	25,000,000
Total Appropriation	\$	857,142,000

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

(1) \$7,363,000 of the general fund—state appropriation and \$6,784,000 of the general fund—federal appropriation are provided solely for a two percent grant increase for all income assistance grant programs beginning January 1, 1990.

(2) Payment levels in the programs for aid to families with dependent children, general assistance, and refugee assistance shall contain an energy allowance to offset the costs of energy. The allowance shall be excluded from consideration as income for the purpose of determining eligibility and benefit levels of the food stamp program to the maximum extent such exclusion is authorized under federal law and RCW 74.08.046. To this end, up to

\$200,000,000 of the income assistance payments is so designated for exemptions of the following amounts:

Family size:	1	2	3	4	5	6	7	8 or more
Exemption:	\$36	47	56	67	77	87	101	111

(3) \$25,000,000 from the children's initiative fund—children's services and support account appropriation and \$25,000,000 from the general fund—federal appropriation, or as much thereof as may be necessary, shall be spent for the purpose of providing an eight percent grant increase for the aid-to-families-with-dependent-children program, effective July 1, 1990. Beginning July 1, 1990, the energy allowance shall be increased as follows:

Family size:	1	2	3	4	5	6	7	8 or more
Exemption:	\$56	71	86	103	120	134	155	171

If Initiative 102 is not enacted by December 31, 1989, this subsection shall have no effect.

(4) \$365,000 of the general fund—state appropriation and \$171,000 of the general fund—federal appropriation are provided solely for vendor rate increases for vendors providing services for the income assistance program, as specified in section 202 of this act.

(5) The department shall expand the family independence program by six sites to a total of seventeen sites. Eligibility for two-parent families shall not be denied solely for lack of work history.

(6) Moneys from these appropriations may be spent for general assistance programs not included in section 209 of this act.

NEW SECTION. Sec. 209. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—GENERAL ASSISTANCE—UNEMPLOYABLE PROGRAM

General Fund Appropriation—State	\$	68,765,000
General Fund Appropriation—Federal	\$	418,000
Total Appropriation	\$	69,183,000

The appropriations in this section are subject to the following conditions and limitations: Moneys from these appropriations are provided solely for assistance to persons under RCW 74.04.005(6)(a)(ii)(B). The department shall ensure that the part of the general assistance program funded by this section is provided through June 30, 1991, within the amounts provided in this section. If necessary to achieve this result, the department shall implement rateable reductions to the payment standards within the general assistance-unemployable program.

NEW SECTION. Sec. 210. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—COMMUNITY SOCIAL SERVICES PROGRAM

General Fund Appropriation—State	\$	66,864,000
General Fund Appropriation—Federal	\$	27,631,000
Children's Initiative Fund—Children's Services and Support Account	\$	730,000
Total Appropriation	\$	95,225,000

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

(1) \$3,262,000 of the general fund—state appropriation and \$86,000 of the general fund—federal appropriation are provided solely for vendor rate increases for vendors providing services for the community social service program, as specified in section 202 of this act.

(2) \$730,000 of the children's initiative fund—children's services and support account appropriation is provided solely to increase youth residential drug and alcohol treatment rates.

(3) \$1,000,000 of the general fund—state appropriation is provided solely to expand rugge assistance services.

(4) In order to achieve a more equitable rate structure, the department, in consultation with affected parties, shall revise its rates for vendors providing services for the alcohol and drug addiction treatment and support program by reducing outpatient treatment rates and increasing inpatient treatment rates.

NEW SECTION. Sec. 211. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—MEDICAL ASSISTANCE PROGRAM

General Fund Appropriation—State	\$	695,882,000
General Fund Appropriation—Federal	\$	734,250,000
Health Care Access Account	\$	60,000,000
Total Appropriation	\$	1,490,132,000

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

(1) The department is authorized under 42 U.S.C. Sec. 1396b(a)(1) to pay third-party health insurance premiums for categorically needy medical assistance recipients upon a determination that payment of the health insurance premium is cost effective. In determining cost effectiveness, the department shall compare the amount, duration, and scope of coverage offered under the medical assistance program.

(2) \$21,961,000 of the general fund—state appropriation is provided solely for medical assistance for categorically needy pregnant women and children under one year of age whose household income does not exceed one hundred eighty-five percent of the federal poverty level, and whose coverage qualifies for federal financial participation under Title XIX of the federal social security act.

(3) \$4,420,000 of the general fund—state appropriation is provided solely for medical assistance for children under eight years of age whose family income does not exceed one hundred percent of the federal poverty level, and whose coverage qualifies for federal financial participation under Title XIX of the federal social security act.

(4) \$24,407,000 of the general fund—state appropriation and \$7,887,000 of the health care account appropriation are provided solely for hospital rate increases. Rate increases shall be granted effective July 1, 1989. If Second Substitute House Bill No. 1378 is not enacted by June 30, 1989, the amounts provided in this subsection shall lapse. The total rate increase for Harborview Medical Center from the amounts provided in this subsection shall equal \$14,400,000 and, consistent with federal law and to the maximum extent possible, the department shall pay this entire amount to the Harborview Medical Center by March 1, 1991. The department of social and health services shall continue to provide vendor payment advances to Harborview Medical Center. Of the amounts provided in this subsection: \$7,887,000 from the health care access account appropriation and \$1,547,000 from the general fund—state appropriation are provided solely for increased payments to Harborview Medical Center.

(5) \$6,600,000 of the general fund—state appropriation is provided to increase reimbursement levels to health care providers for the delivery of maternity services.

(6) The department shall continue variable ratable reductions for the medically indigent and general assistance-unemployable programs in effect November 1, 1988.

(7) \$52,262,000 of the health care access account appropriation is provided solely for the medically indigent program.

(8) If Second Substitute House Bill No. 1378 is not enacted by June 30, 1989, the service expansions in subsections (2) and (3) of this section and the rate increases in subsection (4) of this section shall not occur, and the general fund—state appropriations in those subsections shall be used instead to support the medically indigent program.

(9) \$10,262,000 of the general fund—state appropriation and \$10,135,000 of the general fund—federal appropriation are provided solely for vendor rate increases for vendors providing services to the medical assistance program, as specified in section 202 of this act.

(10) In order to increase coordination and visibility of the state's overall mental health effort, a maximum of \$37,158,000 of the general fund—state appropriation, and a maximum of \$39,921,000 of the general fund—federal appropriation may be transferred to the mental health program. The department shall report to the house of representatives committee on appropriations and senate ways and means committee on any adjustments needed to this act to implement this subsection. It is the intent of the legislature that providers providing services funded by the amounts provided in this subsection shall receive the vendor increases provided in this section.

(11) \$14,473,000 of the general fund—state appropriation and \$17,566,000 of the general fund—federal appropriation are provided solely for the adult dental program for Title XIX categorically eligible and medically needy persons.

NEW SECTION. Sec. 212. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES— PUBLIC HEALTH PROGRAM

General Fund Appropriation—State	\$	64,736,000
General Fund Appropriation—Federal	\$	14,490,000
General Fund Appropriation—Local	\$	10,951,000
Public Safety and Education Account Appropriation—State	\$	200,000
State Toxics Control Account Appropriation	\$	828,000
Total Appropriation	\$	91,205,000

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

(1) \$1,600,000 of the general fund—state appropriation is provided solely for continuation of the state drinking water program.

(2) \$8,000,000 of the general fund—state appropriation is provided solely to enhance funding for AIDS education, high-risk intervention, counseling and testing, case management, continuum of care, and coordination and planning activities through the regional AIDSNET program established by chapter 70.24 RCW. State moneys provided for AIDSNET activities may not be used to supplant other funds. The office on AIDS, established by RCW 70.24.250, shall require AIDSNET lead counties to develop regional service plans which meet state standards for uniformity and consistency. The state standards shall ensure that all the provisions of RCW 70.24.400(3) are implemented uniformly throughout the state.

(3) \$1,000,000 of the general fund—state appropriation is provided solely to increase in equal percentages medical and dental services provided through community health clinics. A maximum of \$100,000 of the amount provided in this subsection may be used to contract with new providers. \$900,000 of this amount shall be allocated to contractors who were contractors in fiscal year 1989, prorated according to the percentage of total fiscal year 1989 contract funds received by each contractor.

(4) In allocating money to community health clinics, the department shall ensure that each clinic receives at least ninety-five percent of the amount received in the prior fiscal year. The department shall promulgate rules under chapter 34.05 RCW to develop an allocation formula

for distributing money to community health clinics, and to develop eligibility criteria for receipt of program moneys.

(5) \$150,000 of the state toxics control account appropriation is provided solely to contract with the University of Washington for toxicology research, evaluation, and technical assistance regarding health risks of toxic substances.

(6) \$200,000 of the public safety and education account is provided solely for a study of the trauma care system.

**NEW SECTION, Sec. 213. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—
VOCATIONAL REHABILITATION PROGRAM**

General Fund Appropriation—State	\$	13,151,000
General Fund Appropriation—Federal	\$	51,042,000
Total Appropriation	\$	64,193,000

The appropriations in this section are subject to the following conditions and limitations: \$110,000 of the general fund—state appropriation is provided solely for vendor rate increases for vendors providing services to the vocational rehabilitation program, as specified in section 202 of this act.

**NEW SECTION, Sec. 214. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—
ADMINISTRATION AND SUPPORTING SERVICES PROGRAM**

General Fund Appropriation—State	\$	55,756,000
General Fund Appropriation—Federal	\$	36,506,000
Institutional Impact Account Appropriation	\$	80,000
Total Appropriation	\$	92,342,000

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

(1) \$200,000 of the general fund—state appropriation is provided solely to secure a negotiator to represent the interests of the department of social and health services in seeking agreements with the federal government that will enhance the efficiency and effectiveness of department programs.

(2) \$666,000 of the general fund—state appropriation is provided solely to enhance the department's accounting system.

**NEW SECTION, Sec. 215. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—
COMMUNITY SERVICES ADMINISTRATION PROGRAM**

General Fund Appropriation—State	\$	175,880,000
General Fund Appropriation—Federal	\$	187,935,000
Total Appropriation	\$	363,815,000

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

(1) \$3,178,000 of the general fund—state appropriation is provided solely to expand the supplemental security income pilot project state-wide.

(2) \$454,000 of the general fund—state appropriation and \$840,000 of the general fund—federal appropriation are provided solely to expand the patient-requiring-regulation program and provider review program of the division of medical assistance.

(3) \$1,000,000 of the general fund—state appropriation and \$1,000,000 of the general fund—federal appropriation are provided solely for transfer by interagency agreement to the Washington state institute for public policy to continue to conduct a longitudinal study of public assistance recipients, pursuant to section 14, chapter 434, Laws of 1987.

(4) \$698,000 of the general fund—state appropriation and \$1,149,000 of the general fund—federal appropriation are provided solely for transfer by July 1, 1989, by interagency agreement to the legislative budget committee for the purpose of an independent evaluation of the family independence program as required by section 14, chapter 434, Laws of 1987.

(5) \$102,000 of the general fund—state appropriation and \$306,000 of the general fund—federal appropriation are provided solely for the department of social and health services and the employment security department for costs associated with the evaluation of the family independence program.

(6) \$200,000 of the general fund—state appropriation is provided solely for vendor rate increases for vendors providing services to the community services program, as specified in section 202 of this act.

(7)(a) \$668,000 of the general fund—state appropriation and \$518,000 of the general fund—federal appropriation are provided solely to continue the complaint backlog project to investigate and process backlogged public assistance and food stamp fraud complaints. The department shall assign additional staff under this subsection with the goals of (i) eliminating the complaint backlog existing as of June 30, 1989, by March 1990, and (ii) maximizing overpayment recoveries during the biennium ending June 30, 1991.

(b) Expenditures for the purposes of this subsection shall be charged to a unique identifier in the department's accounting system. The department shall collect necessary data on the backlogged complaints and report to the legislative budget committee on December 1, 1989, and December 1, 1990, regarding the utilization, performance, and cost-effectiveness of the additional funding provided for complaint backlog work by this section.

**NEW SECTION, Sec. 216. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—
REVENUE COLLECTIONS PROGRAM**

General Fund Appropriation—State	\$	39,677,000
General Fund Appropriation—Federal	\$	71,380,000
General Fund Appropriation—Local	\$	949,000
Total Appropriation	\$	112,006,000

The appropriations in this section are subject to the following conditions and limitations: \$2,391,000 of the general fund—state appropriation and \$4,696,000 of the general fund—federal appropriation are provided solely for the enforcement of health insurance provisions of child support orders pursuant to Substitute Senate Bill No. 5665 (medical support enforcement). If the bill is not enacted by June 30, 1989, the amounts provided in this subsection shall lapse.

NEW SECTION, Sec. 217. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—

PAYMENTS TO OTHER AGENCIES PROGRAM

General Fund Appropriation—State	\$	38,187,000
General Fund Appropriation—Federal	\$	17,041,000
Total Appropriation	\$	55,228,000

NEW SECTION, Sec. 218. FOR THE WASHINGTON STATE HEALTH CARE AUTHORITY

State Employees Insurance Administrative Account Appropriation	\$	6,203,000
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NEW SECTION, Sec. 219. FOR THE DEPARTMENT OF COMMUNITY DEVELOPMENT

General Fund Appropriation—State	\$	62,622,000
General Fund Appropriation—Federal	\$	124,725,000
General Fund Appropriation—Private/Local	\$	269,000
Building Code Council Account Appropriation	\$	809,000
Public Works Assistance Account Appropriation	\$	933,000
Fire Service Training Account Appropriation	\$	750,000
State Toxics Control Account Appropriation	\$	397,000
Children's Initiative Fund—Children's Services and Support Account		
Appropriation	\$	28,800,000
Low Income Weatherization Account Appropriation	\$	8,007,000
Washington Housing Trust Fund Appropriation	\$	2,500,000
Total Appropriation	\$	229,812,000

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

(1) \$400,000 of the general fund—state appropriation is provided solely for a state-wide stabilization program for arts organizations that have annual budgets exceeding \$200,000. No portion of this amount may be expended for a grant without a match of an equal portion from nonstate sources. No organization shall be eligible for such a grant unless it has operated without a deficit for at least the previous two years. A maximum of \$200,000 of this appropriation may be expended for grants in any single county.

(2) \$100,000 of the general fund—state appropriation is provided solely for increased grants to public radio and television stations, consistent with RCW 43.63A.410 through 43.63A.420. In determining the allocation of grants to stations, the department shall strive to provide rural stations equitable access to these funds.

(3) \$200,000 of the general fund—state appropriation is provided solely for development of a state-wide food stamp assistance outreach program. No portion of this amount may be expended without a match of an equal amount from federal funds.

(4) \$100,000 of the general fund—state appropriation is provided solely for development of a program to provide technical assistance to businesses threatened with closure or layoffs by shifts in federal spending.

(5) \$5,000,000 of the general fund—state appropriation is provided solely for security costs associated with the goodwill games, subject to the following conditions and limitations:

(a) A maximum of \$1,500,000 may be expended by the department to develop, in consultation with the Washington state patrol, local governments, the Seattle goodwill games organizing committee, and appropriate federal authorities, a coordinated security plan for the 1990 goodwill games.

(b) The security plan shall contain an assessment of the security requirements for the goodwill games; a definition of the policy goals; and a description of the roles and responsibilities of federal, state, and local agencies in preparing and implementing the plan. The plan shall contain a detailed security plan element for the athletes village and for each of the local event venues. The plan shall provide a detailed budget that outlines how federal, state, local government resources, and Seattle goodwill games organizing committee resources will be used to meet the financial requirements of the plan. The plan shall consider the experiences of other states in providing security for such events. The plan shall be completed no later than November 1, 1989, and shall be submitted to the appropriate committees of the legislature no later than January 8, 1990.

(c) Other than expenditures for developing the plan, no portion of the amount provided in this subsection may be expended unless the plan has been completed and the expenditure complies with the plan and with the following conditions and limitations:

(i) The department shall provide in full the entire budget requirement for moneys from the amount provided in this subsection contained in the plan for the Washington state patrol.

(ii) \$200,000 of the amount provided in this subsection is provided for administration of the plan.

(iii) The remainder of the amount provided in this subsection shall be allocated to local governments.

(iv) Only direct personnel costs related to event security shall be eligible for general fund—state reimbursement. Local revenue losses and expenses for reducing normal workloads shall not be eligible for reimbursement.

(v) No amount shall be expended for local governments prior to an agreement by the Seattle goodwill games organizing committee to contribute at least \$2,000,000 to local governments to help defray the costs of preparing and implementing the security plan. The agreement by the Seattle goodwill games organizing committee shall also indemnify the state from any liability resulting from the games.

(6) \$350,000 of the general fund—state appropriation is provided solely for the department to establish a Washington state growth strategies commission. The commission shall consist of seventeen members appointed by the governor comprising a balance of the key geographic regions of the state. Four members shall be from the legislature, including one member from each of the caucuses of the house of representatives appointed by the speaker of the house and one member each from the senate appointed by the president of the senate. The commission shall submit to the legislature by January 8, 1990, a set of preliminary findings including but not limited to growth planning goals. The commission shall submit to the legislature by January 1991 recommendations to develop a growth strategy for the state including a coordinated system of growth planning, state and regional roles, enhanced comprehensive planning at the local level, and means to fund the planning process.

(7) \$4,000,000 of the general fund—state appropriation is provided solely for the department's housing program. Of this amount, \$3,000,000 is provided solely for grants to emergency shelters.

(8) \$526,000 of the general fund—state appropriation is provided solely for the department's emergency food assistance program.

(9) \$1,000,000 of the general fund—state appropriation is provided solely for providing representation to indigent persons in dependency proceedings under chapter 13.34 RCW.

(10) \$20,000,000 of the children's initiative fund—children's services and support account appropriation is provided solely for the development of low-income housing for families with children.

(11) \$13,900,000 of the general fund—state appropriation is provided solely to increase the number of children enrolled in the early childhood education program.

(12) \$7,000,000 of the children's initiative fund—children's services and support account appropriation is provided solely for additional enrollment in the early childhood education program.

(13) \$1,800,000 of the children's initiative fund—children's services and support account appropriation is provided solely for the purchase of children's car seats to reduce injuries and fatalities among low-income children.

(14) \$905,000 of the general fund—state appropriation is provided solely to implement a timber assistance program. Of this amount:

(a) \$565,000 is provided solely for the department of community development to provide assistance to communities adversely impacted by reductions in timber harvested from federal lands. This assistance shall include technical assistance in the formation and implementation of community economic development plans and shall include aid to communities for the purpose of seeking private and federal financial assistance. The department may contract for these services.

(b) \$240,000 is provided solely for the department to provide grants to two nonprofit organizations for the purpose of locating reemployment centers in areas of the state adversely impacted by reductions in timber harvested from federal lands. Each center shall provide direct and referral services to the unemployed. These services may include but are not limited to reemployment assistance, medical services, social services including marital counseling, mortgage foreclosure and utility problem counseling, drug and alcohol abuse counseling, credit counseling, and other services deemed appropriate. These services shall not supplant the on-going efforts of any reemployment centers existing on the effective date of this act. Not more than five percent of this amount may be used for administrative costs of the department.

(c) \$100,000 is provided solely for the department to provide technical assistance on employee ownership to employees and firms in the timber industry which are threatened with closure or substantial layoffs. Assistance shall include training for labor and management in the operation of an employee-owned firm. The department may contract for these services.

(15) By January 8, 1990, the department shall report to the legislature on the distribution and amount of grants to bordertowns. It is intended that the level of funding provided for this purpose under RCW 66.08.190 through 66.08.195 to bordertowns shall remain substantially equal to the current level of expenditures.

(16) \$715,000 of the general fund—state appropriation is provided solely to replace the loss of federal funds for the department's fire service training program. The department shall

attempt to obtain additional federal funds for this program by developing proposals that maximize the department's eligibility for additional funds.

(17) For the fiscal period ending June 30, 1990, \$120,000 of the general fund—state appropriation is provided solely for Stevens county to offset fiscal impacts associated with chapter 274, Laws of 1988.

NEW SECTION. Sec. 220. FOR THE HUMAN RIGHTS COMMISSION

General Fund Appropriation—State	\$	4,088,000
General Fund Appropriation—Federal	\$	864,000
Total Appropriation	\$	4,952,000

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

(1) \$227,414 of the general fund—state appropriation is provided solely for combined federal and state jurisdiction case management to ensure continuance of current level federal contract reimbursement to the state.

(2) \$550,000 of the general fund—state appropriation is provided solely for legal services provided by the attorney general's office.

NEW SECTION. Sec. 221. FOR THE BOARD OF INDUSTRIAL INSURANCE APPEALS

Public Safety and Education Account Appropriation	\$	324,000
Worker and Community Right-to-Know Account Appropriation	\$	32,000
Accident Fund Appropriation	\$	6,459,000
Medical Aid Fund Appropriation	\$	6,459,000
Total Appropriation	\$	13,274,000

NEW SECTION. Sec. 222. FOR THE CRIMINAL JUSTICE TRAINING COMMISSION

Death Investigations Account Appropriation	\$	35,000
Public Safety and Education Account Appropriation	\$	8,843,000
Total Appropriation	\$	8,878,000

NEW SECTION. Sec. 223. FOR THE DEPARTMENT OF LABOR AND INDUSTRIES

General Fund Appropriation	\$	9,756,000
Public Safety and Education Account Appropriation—State	\$	19,584,000
Public Safety and Education Account Appropriation—Federal	\$	2,000,000
Accident Fund Appropriation	\$	102,143,000
Electrical License Fund Appropriation	\$	11,882,000
Farm Labor Revolving Account Appropriation	\$	30,000
Medical Aid Fund Appropriation	\$	121,910,000
Asbestos Account Appropriation	\$	1,314,000
Plumbing Certificate Fund Appropriation	\$	696,000
Pressure Systems Safety Fund Appropriation	\$	1,476,000
Worker and Community Right-to-Know Fund Appropriation	\$	2,414,000
Total Appropriation	\$	273,205,000

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

(1) \$6,596,793 from the accident fund appropriation and \$12,953,328 from the medical aid fund appropriation are provided solely for information systems projects named in this section. Authority to expend these funds is conditioned on compliance with section 802 of this act. For the purposes of this section, 'information systems projects' means the projects known by the following names or successor names: Document image processing, improved service level, electronic data interchange, interactive system, and integrated system.

(2) \$300,000 of the general fund—state appropriation is provided solely to fund the provisions of Engrossed Substitute House Bill No. 1581. If the bill is not enacted by June 30, 1989, the amount provided in this subsection shall lapse.

(3) \$175,000 of the general fund—state appropriation, \$216,000 of the worker and community right-to-know appropriation, \$575,000 of the accident fund appropriation, and \$101,000 of the medical fund appropriation are provided to fund the provisions of House Bill No. 2222 (chapter —, Laws of 1989). If the bill is not enacted by June 30, 1989, the amounts provided in this subsection shall lapse.

NEW SECTION. Sec. 224. FOR THE INDETERMINATE SENTENCE REVIEW BOARD

General Fund Appropriation	\$	3,236,000
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The appropriation in this section is subject to the following conditions and limitations: \$316,000 is provided solely to carry out the provisions of Substitute House Bill No. 1457. If the bill is not enacted by June 30, 1989, the amount provided in this subsection shall lapse.

NEW SECTION. Sec. 225. FOR THE DEPARTMENT OF VETERANS AFFAIRS

General Fund Appropriation—State	\$	20,385,000
General Fund Appropriation—Federal	\$	5,724,000
General Fund Appropriation—Local	\$	7,802,000
Total Appropriation	\$	33,911,000

NEW SECTION. Sec. 226. FOR THE DEPARTMENT OF CORRECTIONS

(1) COMMUNITY SERVICES

General Fund Appropriation	\$	74,421,000
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The appropriation in this subsection is subject to the following conditions and limitations: To the extent feasible, the department shall increase the daily board and room charges authorized under RCW 72.65.050 for work release participants to \$15.00.

(2) INSTITUTIONAL SERVICES

General Fund Appropriation \$ 301,946,000

The appropriation in this subsection is subject to the following conditions and limitations:

(a) \$556,000 of the general fund appropriation is provided for offender population increases associated with increased penalties for residential burglaries established in Engrossed Senate Bill No. 5233. If the bill is not enacted by June 30, 1989, this amount shall lapse.

(b) The department shall contract with the Washington State University agricultural extension service in Pierce county to provide for the 'prison pet partnership program' at the Washington corrections center for women.

(3) ADMINISTRATION AND PROGRAM SUPPORT

General Fund Appropriation \$ 22,561,000
 Institutional Impact Account Appropriation \$ 332,000
 Total Appropriation \$ 22,893,000

(4) INSTITUTIONAL INDUSTRIES

General Fund Appropriation \$ 2,622,000

NEW SECTION, Sec. 227. FOR THE DEPARTMENT OF SERVICES FOR THE BLIND

General Fund Appropriation—State \$ 2,472,000
 General Fund Appropriation—Federal \$ 6,987,000
 Total Appropriation \$ 9,459,000

NEW SECTION, Sec. 228. FOR THE HOSPITAL COMMISSION

General Fund Appropriation \$ 1,937,000
 Hospital Commission Account Appropriation \$ 1,597,000
 Total Appropriation \$ 3,534,000

The appropriations in this section are subject to the following conditions and limitations: If a department of health is created by June 30, 1989, the amounts provided in this subsection shall be transferred to the department of health for the purposes specified in this subsection.

NEW SECTION, Sec. 229. FOR THE WASHINGTON BASIC HEALTH PLAN

General Fund Appropriation \$ 30,015,000

The appropriation in this section is subject to the following conditions and limitations: The plan may enroll up to 25,000 individuals during the 1989-91 biennium.

NEW SECTION, Sec. 230. FOR THE SENTENCING GUIDELINES COMMISSION

General Fund Appropriation \$ 573,000

NEW SECTION, Sec. 231. FOR THE EMPLOYMENT SECURITY DEPARTMENT

General Fund Appropriation—State \$ 131,000
 General Fund Appropriation—Federal \$ 162,308,000
 General Fund Appropriation—Local \$ 12,489,000
 Administrative Contingency Fund
 Appropriation—Federal \$ 9,252,000

Unemployment Compensation Administration Fund Appropriation—Federal \$ 118,169,000

Employment Service Administration Account Appropriation—Federal \$ 790,000

Employment Service Administration Account Appropriation—State \$ 6,823,000

Federal Interest Payment Fund Appropriation \$ 2,100,000

Children's Initiative Fund—Children's Services and Support Account
 Appropriation \$ 2,500,000

Total Appropriation \$ 314,562,000

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

(1) \$152,000 of the administrative contingency fund—federal appropriation and \$2,100,000 of the federal interest payment fund appropriation are provided solely for transfer through interagency agreement to the department of social and health services for family independence program employment services.

(2) \$2,500,000 of the children's initiative fund—children's services and support account appropriation is provided solely for increased services to at-risk adolescents from low-income families by expanding the summer motivation and academic residential training program and by providing similar services to youth through programs that do not have a residential component.

(3) \$300,000 of the administrative contingency fund—federal appropriation is provided solely for a study of the impact of the state minimum wage increase under chapter 1, Laws of 1989 (Initiative 518). The department shall contract with the northwest policy center at the University of Washington and shall cooperate in supplying data to the center for purposes of the study. The center shall choose an advisory committee to advise the center on the design of the study. The committee shall consist of an equal number of economists who supported the minimum wage initiative and who opposed the initiative, and an equal number of representatives

of labor and of business. The minimum wage study shall include the identification of the affected population of employers and employees, and a survey of a sample of the affected population. The survey instrument shall include questions regarding the longitudinal impact of the initiative on wages, employment, employee hours, employee benefits, tip income, productivity, prices, business closures and openings, social welfare payments, and the demographic characteristics of the affected population. To the extent feasible, the study shall attempt to verify the information provided by survey respondents. The study shall also include a report on minimum wage claims filed with the department of labor and industries. A report of findings shall be presented to the governor and legislature by December 1, 1990.

(4) The department shall provide job placement services for the department of natural resources' forest land management activities. These services shall include widely disseminating information on the availability of work on state forest lands and information on the procedures for bidding on contracts for such work. Priority for these services shall be given to unemployed individuals who have been employed in the timber industry. The department shall record the number of unemployed timber workers who obtain employment through the department of natural resources' forest land management activities and shall report its findings to the governor and to the appropriate legislative committees on January 1, 1990, and January 1, 1991.

PART III

NATURAL RESOURCES

NEW SECTION, Sec. 301. FOR THE STATE ENERGY OFFICE

General Fund Appropriation—State	\$	1,965,000
General Fund Appropriation—Federal	\$	10,832,000
General Fund Appropriation—Private/Local	\$	260,000
Geothermal Account Appropriation—Federal	\$	22,000
Building Code Council Account Appropriation	\$	40,000
Solid Waste Management Account Appropriation	\$	150,000
Total Appropriation	\$	13,269,000

The appropriations in this section are subject to the following conditions and limitations: The entire solid waste management account appropriation is provided solely to implement the energy-related provisions of Engrossed Substitute House Bill No. 1671. If the bill is not enacted by June 30, 1989, the solid waste management account appropriation is null and void.

NEW SECTION, Sec. 302. FOR THE WASHINGTON CENTENNIAL COMMISSION

General Fund Appropriation	\$	1,385,000
State Centennial Commission Account Appropriation	\$	302,000
Total Appropriation	\$	1,687,000

The appropriations in this section are subject to the following conditions and limitations: \$316,000 of the general fund—state appropriation is provided solely for planning and implementation related to the Maritime Voyages exhibition. If Senate Bill No. 5874 is enacted by June 30, 1989, this amount shall be transferred to the Washington state historical society for the same purposes.

NEW SECTION, Sec. 303. FOR THE COLUMBIA RIVER GORGE COMMISSION

General Fund Appropriation—State	\$	588,000
General Fund Appropriation—Private/Local	\$	571,000
Total Appropriation	\$	1,159,000

NEW SECTION, Sec. 304. FOR THE DEPARTMENT OF ECOLOGY

General Fund Appropriation—State	\$	64,247,000
General Fund Appropriation—Federal	\$	27,024,000
General Fund Appropriation—Private/Local	\$	432,000
Flood Control Assistance Account Appropriation	\$	3,852,000
Special Grass Seed Burning Research Account Appropriation	\$	41,000
Reclamation Revolving Account Appropriation	\$	474,000
Emergency Water Project Revolving Account Appropriation: Appropriated pursuant to chapter 1, Laws of 1977 ex. sess.	\$	389,000
Litter Control Account Appropriation	\$	6,755,000
State and Local Improvements Revolving Account—Waste Disposal Facilities: Appropriated pursuant to chapter 127, Laws of 1972 ex. sess. (Referendum 26)	\$	2,627,000
State and Local Improvements Revolving Account—Waste Disposal Facilities 1980: Appropriated pursuant to chapter 159, Laws of 1980 (Referendum 39)	\$	1,187,000
State and Local Improvements Revolving Account—Water Supply Facilities: Appropriated pursuant to chapter 234, Laws of 1979 ex. sess. (Referendum 38)	\$	1,745,000
Stream Gaging Basic Data Fund Appropriation	\$	142,000
Vehicle Tire Recycling Account Appropriation	\$	7,568,000
Water Quality Account Appropriation	\$	2,551,000
Wood Stove Education Account Appropriation	\$	232,000
Worker and Community Right-to-Know Fund Appropriation	\$	285,000

State Toxics Control Account	\$	26,173,000
Local Toxics Control Account	\$	23,847,000
Water Quality Permit Account Appropriation	\$	7,135,000
Solid Waste Management Account Appropriation	\$	5,600,000
Underground Storage Tank Account Appropriation	\$	3,658,000
Total Appropriation	\$	185,964,000

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

(1) \$344,000 of the general fund—state appropriation is provided solely for costs associated with the development of a single headquarters building.

(2) \$1,010,000 of the general fund—state appropriation is provided solely as an enhancement to the water resources program.

(3) \$250,000 of general fund—state appropriation is provided solely for the initial development of a cost accounting system. Authority to expend these funds is conditioned on compliance with the requirements set forth in section 802 of this act.

(4) A maximum of \$2,209,000 of the general fund—state appropriation may be expended for the auto emissions inspection and maintenance program. If Engrossed Substitute House Bill No. 1104 is not enacted by June 30, 1989, the amount provided in this subsection shall lapse.

(5) The entire underground storage tank account appropriation is contingent on enactment of Engrossed Substitute House Bill No. 1086. If the bill is not enacted by June 30, 1989, the underground storage tank account appropriation is null and void. In implementing Engrossed Substitute House Bill No. 1086, the department shall use, to the greatest extent possible, local government and private sector expertise in meeting installation, closure, testing, and monitoring requirements.

(6) The entire solid waste management account appropriation is contingent on enactment of Engrossed Substitute House Bill No. 1671. If the bill is not enacted by June 30, 1989, the solid waste management account appropriation and the amounts provided in subsections (7), (8), (9), and (10) are null and void.

(7) \$1,000,000 of the solid waste management account appropriation is provided solely to assist local governments in developing materials to promote waste reduction and recycling pursuant to section 7, chapter Laws of 1989 (Engrossed Substitute House Bill No. 1671).

(8) \$1,000,000 of the solid waste management account appropriation is provided solely for assisting local governments in establishing the feasibility of food and yard waste composting.

(9) \$150,000 of the solid waste management account appropriation is provided solely for pilot projects to recycle disposable diapers.

(10) \$1,300,000 of the solid waste management account appropriation is provided solely to implement sections 6, 9, 13, 55, 96, 99, 102, and 104 of chapter Laws of 1989 (Engrossed Substitute House Bill No. 1671).

(11) \$483,000 of the state toxics control account appropriation is provided solely for the office of waste reduction.

(12) \$200,000 of the general fund—state appropriation is provided solely for the purpose of implementing the Nisqually river management plan activities and projects outlined in the Nisqually river council report to the legislature dated December 1988. No more than half of this amount may be spent until twenty percent of the total project costs have been provided as matching funds from private or other government participants represented on the Nisqually river council.

(13) \$2,654,000 of the state toxics control account appropriation is contingent on enactment of Engrossed House Bill No. 2168. If the bill is not enacted by June 30, 1989, the amount provided in this subsection shall lapse.

(14) \$389,000 of the emergency water project revolving account appropriation is provided solely for drought relief activities. If Substitute Senate Bill No. 5196 is enacted by June 30, 1989, \$321,000 of the amount provided in this subsection may be spent only if a drought order is issued pursuant to section 2, chapter Laws of 1989 (Substitute Senate Bill No. 5196).

(15) \$586,000 of the state and local improvement revolving account—water supply facilities (Referendum 38) appropriation is provided solely for the implementation of Substitute House Bill No. 1397. If the bill is not enacted by June 30, 1989, the amount provided in this subsection shall lapse.

(16) Within the appropriations provided in this section, the department shall conduct a study of the health effects and air quality impacts of emissions from diesel-powered vehicles and the cost of implementing a state program to identify excessive emissions from these vehicles.

NEW SECTION, Sec. 305. FOR THE ENERGY FACILITY SITE EVALUATION COUNCIL

General Fund Appropriation—Federal	\$	40,000
General Fund Appropriation—Private/Local	\$	4,093,000
Total Appropriation	\$	4,133,000

NEW SECTION, Sec. 306. FOR THE STATE PARKS AND RECREATION COMMISSION

General Fund Appropriation—State	\$	40,437,000
General Fund Appropriation—Federal	\$	1,208,000

General Fund Appropriation—Private/Local	\$	822,000
Trust Land Purchase Account Appropriation	\$	10,312,000
Winter Recreation Parking Account Appropriation	\$	348,000
ORV (Off-Road Vehicle) Account Appropriation	\$	173,000
Snowmobile Account Appropriation	\$	963,000
Public Safety and Education Account Appropriation	\$	10,000
Motor Vehicle Fund Appropriation	\$	1,100,000
Total Appropriation	\$	55,373,000

The appropriations in this section are subject to the following conditions and limitations: \$60,000 of the general fund—state appropriation is provided solely for a contract with the marine science center at Fort Worden state park.

NEW SECTION, Sec. 307. FOR THE INTERAGENCY COMMITTEE FOR OUTDOOR RECREATION

General Fund Appropriation	\$	—
Outdoor Recreation Account Appropriation—State	\$	1,837,000
Outdoor Recreation Account Appropriation—Federal	\$	26,000
Total Appropriation	\$	1,863,000

NEW SECTION, Sec. 308. FOR THE ENVIRONMENTAL HEARINGS OFFICE

General Fund Appropriation	\$	901,000
NEW SECTION, Sec. 309. FOR THE DEPARTMENT OF TRADE AND ECONOMIC DEVELOPMENT		
General Fund Appropriation	\$	30,114,000
Motor Vehicle Fund Appropriation	\$	553,000
Solid Waste Management Account Appropriation	\$	312,000
Total Appropriation	\$	30,979,000

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

(1) \$300,000 of the general fund appropriation is provided solely for the purpose of implementing either Engrossed Second Substitute Senate Bill No. 5339 or Engrossed Substitute House Bill No. 1553. If neither bill is enacted by June 30, 1989, the amount provided in this subsection shall lapse. In addition:

(a) The department shall spend the amount provided in this subsection solely for development of programs to be administered by the Washington economic development finance authority (the 'authority') and shall not spend any amount for implementation or administration of the programs.

(b) On or before January 8, 1990, the department shall submit to the house of representatives appropriations committee and the senate ways and means committee a plan outlining how state employees and state resources are expected to be used with respect to the authority and describing procedures under which the lending of credit provisions of the state Constitution will be observed.

(c) The amount provided in this subsection is intended to be a one-time appropriation from state-revenue sources to support the initial development of programs of the Washington economic development finance authority.

(d) No state funds from state revenue sources and no state funds from federal revenue sources, except federal revenue sources provided expressly for the authority or its programs may be used for a reserve fund for the authority's programs, and no public funds subject to either appropriation or allotment control may be used for a reserve account without prior consultation with the house of representatives appropriations committee and the senate ways and means committee.

(2) \$239,000 of the general fund appropriation is provided solely for salary increases at the Washington high technology center and CINTRAFOR.

(3) \$450,000 of the general fund appropriation is provided solely for the Washington marketplace program as provided for in Second Substitute House Bill No. 1476. If the bill is not enacted by June 30, 1989, the amount in this subsection shall lapse.

(4) \$650,000 of the general fund appropriation is provided solely for the department to develop and implement a business and job retention program as follows:

(a) The program shall provide technical assistance to firms and workforces in which there is a risk of plant closure, mass layoff, or business failure. This technical assistance shall include turn-around assistance to firms at risk of closure to identify management activities and other actions, including diversification, that would permit continued operation. The department may contract for specialized services to provide turn-around assistance.

(b) The department shall establish a business and job retention advisory committee. The governor shall appoint eight members of whom four shall be from business and four from labor. The directors, or their designees, of the departments of trade and economic development, community development, financial management, revenue, and employment security shall serve as ex officio members of the committee. The president of the senate and the speaker of the house of representatives shall each appoint one member from each of the major caucuses to serve as ex officio members of the committee.

(c) The department shall select, in consultation with the advisory committee, locally based development organizations to undertake local business and job retention activities. Such local activities shall include the identification of firms in which there is a risk of plant closure, mass

layoff, or business failure; initial assessment of firms and their workforces; the provision of technical assistance; and referrals for additional resources. A maximum of \$275,000 of the appropriation may be expended for contracts with locally based development organizations for local business and job retention activities.

(d) The department, in consultation with the advisory committee, shall provide grants to study the feasibility of various options for continuing or renewing the operation of industrial facilities that are threatened with closure or that have already closed. Grants shall also be made for proposals to implement a system to identify firms at risk of closure, layoff, or relocation. Grants may not exceed \$35,000 and may be made to: Local governments, ports, local associate development organizations, local labor organizations, or local nonprofit community organizations. The department may require that grant money be matched at least dollar for dollar with nonstate money.

(e) The department shall establish an early warning program within the business and job retention program. The program shall obtain information currently available within state agencies to identify firms and industrial facilities at risk of closure, consistent with the confidentiality requirements of chapter 50.13 RCW.

(5) \$150,000 of the general fund appropriation is provided solely for the targeted sectors program as provided for in Engrossed Substitute House Bill No. 2137. If the bill is not enacted by June 30, 1989, the amount in this subsection shall lapse.

(6) \$200,000 of the general fund appropriation is provided solely for the Washington village project. No portion of this amount may be expended unless matched by an equal portion of nonstate money.

(7) \$700,000 of the general fund appropriation is provided solely for tourism enhancement. Of this amount: (a) \$400,000 is provided solely for market research and analysis; (b) \$190,000 is provided solely for tourism facility development to encourage private sector development in Washington tourism facilities; (c) \$35,000 is provided solely for the development of a tourism advisory committee; and (d) \$75,000 is provided solely for the film and video division within the department.

(8) \$1,614,000 of the general fund appropriation is provided solely for the Tri-Cities diversification program. This amount is intended to be the final state contribution toward Tri-Cities diversification. Of this amount:

(a) \$331,000 is provided solely for the department of agriculture, by interagency agreement, for continuation of its contractual relationship with TRIDEC and for development of local diversification agricultural projects;

(b) \$206,000 is provided solely for the department of community development, by interagency agreement, for social service impact mitigation, and for loan packaging assistance;

(c) \$260,000 is provided solely for transfer to the employment security department, by interagency agreement, for a state-funded employment and training project;

(d) \$250,000 is provided solely for transfer to the employment security department, by interagency agreement, for public works related employment;

(e) \$383,000 is provided solely for contracts with local organizations for specific diversification projects;

(f) \$184,000 is provided solely for necessary staff to implement and coordinate the Tri-Cities diversification program.

(9) \$407,000 of the general fund appropriation is provided solely for the purpose of implementing a timber industrial extension service. The department shall provide technical and financial assistance to businesses for the purposes of identifying new markets, developing new technologies, developing new products, and production and marketing efforts. The department may contract for services provided for under this subsection.

(10) \$147,000 of the general fund appropriation is provided solely for the department to administer a timber supply broker program. This program shall provide special expertise in identifying supplies of timber available to enterprises that need additional supplies of timber for processing. The department may contract for services provided for under this subsection.

(11) \$200,000 of the general fund appropriation is provided solely for the department to contract with the northwest policy center at the University of Washington to study the economy of areas of the state impacted by substantial reductions in timber harvested from federal lands. The study shall:

(a) Include an analysis of the present economy of the areas;

(b) Identify the social, economic, and employment effects associated with withdrawals of land from commercial timber production;

(c) Contain an assessment of possible changes to local economies and the state economy if forest lands continue to produce resources under existing management methods without additional land withdrawals from timber production by legislative decisions;

(d) Contain an assessment of the impact of anticipated technological changes in the forest products industry, possible structural changes in the forest products industry, possible investments in new or existing industries, and known impacts from previous withdrawals of land from timber production;

(e) Contain an assessment of the future economic impact of the forest products industry if the land base for commercial timber production remains unchanged and the sale of public timber for overseas export is prohibited immediately; and

(f) Evaluate potential methods for increasing the economic development of the areas, including the creation or enhancement of high value-added production.

The study shall give emphasis to recommendations for future economic development. The department and the northwest policy center shall report findings to the governor and to the appropriate legislative committees on December 1, 1990.

(12) \$80,000 of the general fund appropriation is provided solely for the establishment of the New Leader Fellowship program with Hyogo Prefecture in Japan.

(13) \$200,000 of the general fund appropriation is provided solely for the department's Tokyo office to offset the declining value of the dollar against the Japanese yen.

NEW SECTION, Sec. 310. FOR THE CONSERVATION COMMISSION

General Fund Appropriation	\$	609,000
Water Quality Account Appropriation	\$	179,000
Total Appropriation	\$	788,000

The appropriations in this section are subject to the following conditions and limitations: No more than eight percent of the water quality account moneys administered by the commission may be used by the commission for administration and program activities related to the grant and loan program.

NEW SECTION, Sec. 311. FOR THE WINTER RECREATION COMMISSION

General Fund Appropriation	\$	27,000
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NEW SECTION, Sec. 312. FOR THE PUGET SOUND WATER QUALITY AUTHORITY

General Fund Appropriation—State	\$	3,715,000
General Fund Appropriation—Federal	\$	202,000
Water Quality Account Appropriation	\$	1,100,000
Total Appropriation	\$	5,017,000

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

\$400,000 of the general fund—state appropriation is provided solely for the Puget Sound water quality management plan's monitoring program. Of this amount:

(1) \$200,000 is provided solely for transfer to the department of fisheries, by interagency agreement, to monitor levels of toxins in fish;

(2) \$160,000 is provided solely for transfer to the department of social and health services, by interagency agreement, to monitor levels of toxins in shellfish;

(3) \$20,000 is provided solely for the authority to implement a citizen monitoring program; and

(4) \$20,000 is provided solely for program coordination and data management.

NEW SECTION, Sec. 313. FOR THE DEPARTMENT OF FISHERIES

General Fund Appropriation—State	\$	53,387,000
General Fund Appropriation—Federal	\$	16,496,000
General Fund Appropriation—Private/Local	\$	5,284,000
Aquatic Lands Enhancement Account Appropriation	\$	1,076,000
Total Appropriation	\$	76,243,000

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

(1) \$320,000 of the general fund—state appropriation is provided so that patrol officers, in the course of duty, emphasize vehicle registration.

(2) \$230,000 of the general fund—state appropriation is provided solely to maintain current operations at the Nemah hatchery.

(3) \$400,000 of the general fund—state appropriation is provided solely for phase II of the department's recreational fishing plan.

(4) \$306,000 of the general fund—state appropriation is provided solely for the operation of hatcheries and rearing facilities currently operating below full capacity.

(5) If Substitute House Bill No. 2011 is not enacted by June 30, 1989, the appropriations in subsections (2), (3), and (4) of this section shall lapse.

NEW SECTION, Sec. 314. FOR THE DEPARTMENT OF WILDLIFE

General Fund Appropriation	\$	9,370,000
ORV (Off-Road Vehicle) Account Appropriation	\$	265,000
Aquatic Lands Enhancement Account Appropriation	\$	1,081,000
Public Safety and Education Account Appropriation	\$	566,000
Wildlife Fund Appropriation—State	\$	41,441,000
Wildlife Fund Appropriation—Federal	\$	15,717,000
Wildlife Fund Appropriation—Private/Local	\$	2,135,000
Game Special Wildlife Account Appropriation	\$	466,000
Total Appropriation	\$	71,041,000

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

(1) \$120,000 of the general fund appropriation is provided solely for contracting for fire protection on agency lands.

(2) \$100,000 of the wildlife fund appropriation—state is provided solely for a study of the impact of elk in the Blue Mountains.

NEW SECTION, Sec. 315. FOR THE DEPARTMENT OF NATURAL RESOURCES

General Fund Appropriation—State	\$	46,009,000
General Fund Appropriation—Federal	\$	639,000
General Fund Appropriation—Private/Local	\$	12,000
ORV (Off-Road Vehicle) Account Appropriation—Federal	\$	3,266,000
Geothermal Account Appropriation—Federal	\$	16,000
Forest Development Account Appropriation	\$	23,313,000
Survey and Maps Account Appropriation	\$	860,000
Aquatic Lands Enhancement Account Appropriation	\$	635,000
Landowner Contingency Forest Fire Suppression Account Appropriation	\$	2,119,000
Resource Management Cost Account Appropriation	\$	68,310,000
Aquatic Land Dredged Material Disposal Site Account Appropriation	\$	286,000
Total Appropriation	\$	145,465,000

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

(1) \$4,654,000 of the general fund—state appropriation is provided solely for the emergency fire suppression subprogram.

(2) \$2,297,000, of which \$372,000 is from the general fund—state appropriation, \$1,448,000 is from the resource management cost account appropriation, and \$477,000 is from the forest development account appropriation, is provided solely for information systems projects named in this subsection for which work will commence or continue in this biennium. Authority to expend these funds is conditioned upon compliance with the requirements set forth in section 802 of this act. For the purposes of this section, information systems projects shall mean the projects known by the following name or successor names: Department of natural resources revenue system.

(3) \$110,000 from the general fund—state appropriation is provided solely for a fire investigator.

(4) \$1,500,000 of the general fund—state appropriation is provided solely for cooperative monitoring, evaluation, and research projects related to implementation of the timber-fish-wildlife agreement.

(5) \$400,000 of the aquatic lands enhancement account appropriation is provided solely for conducting an inventory of state wetlands.

(6) \$200,000 of the general fund—state appropriation is provided solely for conducting an analysis of the potential positive and negative impacts of the leasing of state-owned tidal or submerged lands for the purposes of oil and gas exploration. In preparing this analysis the department shall consult with the departments of ecology, fisheries, wildlife, community development, and trade and economic development, and the public. The department shall report to the joint select committee on marine and ocean resources and other appropriate legislative committees by July 1, 1990, on the status of this analysis. The department shall submit a final report to these committees by June 30, 1991.

(7) \$100,000 of the general fund—state appropriation is provided solely for a study of state-owned hardwood forests. The study shall include, but is not limited to: A comprehensive inventory of state-owned hardwood forests and a qualitative assessment of those stands, research into reforestation of hardwoods on state lands, and an analysis of management policies for increasing the supply of commercially harvestable hardwoods on state lands.

(8) \$300,000 of the general fund—state appropriation is provided solely for preparation of a report on the timber supply in Washington state. The report shall identify the quantity of timber present now and the quantity of timber that may be available from forest lands in the future using various assumptions about landowner management, including changes in the forest land base, amount of capital invested, and expected harvest age. The report shall categorize the results according to major timber species. The report shall be submitted to the appropriate committees of the senate and house of representatives by December 1, 1990.

(9) No portion of these appropriations may be expended for spreading sludge on state trust lands without first completing an environmental impact statement with respect to the sludge spreading operations. \$75,000 of the resource management cost account appropriation is provided solely for the costs of the environmental impact statement performed pursuant to this subsection.

(10) The department shall contract for labor-intensive forest land management activities in areas of the state adversely impacted by reductions in timber sales from federal lands. Contracts provided for under this section shall be in addition to and shall not supplant or displace activities normally administered by the department. The department shall, to the extent feasible, offer the additional contracts in sizes that do not discourage participation by small enterprises. The department shall cooperate with the employment security department in disseminating information on forest land management contracts to unemployed individuals who have been employed in the timber industry, and others adversely affected by reductions

in timber sales from federal lands. \$2,800,000 of the resource management cost account appropriation is provided solely for this purpose.

(1) A maximum of \$125,000 of the general fund—state appropriation is provided to implement Engrossed Senate Bill No. 5364 or Engrossed House Bill No. 1249 (marine debris).

(2) Based on schedules submitted by the director of financial management, the state treasurer shall transfer from the general fund—state or such other funds as the state treasurer deems appropriate to the Clarke McNary fund such amounts as are necessary to meet unbudgeted forest fire fighting expenses. All amounts borrowed under the authority of this section shall be repaid to the appropriate fund, together with interest at a rate determined by the state treasurer to be equivalent to the return on investments of the state treasury during the period the amounts are borrowed.

NEW SECTION. Sec. 316. FOR THE DEPARTMENT OF AGRICULTURE

General Fund Appropriation—State	\$	18,905,000
General Fund Appropriation—Federal	\$	795,000
State Toxics Control Account Appropriation	\$	299,000
Total Appropriation	\$	19,999,000

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

(1) Authority to expend funds from any source for AIM 2000, the agency information system, is conditioned on compliance with section 802 of this act.

(2) \$1,624,000 of the general fund—state appropriation is provided solely for the implementation of House Bill No. 2222 regarding the regulation of agricultural chemicals. If the bill is not enacted by June 30, 1989, the amount provided in this subsection shall lapse. \$1,390,000 of the amount provided in this subsection shall be supported by fees deposited into the general fund in accordance with chapter 15.58 RCW.

(3) \$50,000 of the general fund—state appropriation is provided solely for the organic certification program.

NEW SECTION. Sec. 317. FOR THE STATE CONVENTION AND TRADE CENTER

State Convention/Trade Center Account Appropriation	\$	22,119,000
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The appropriation in this section is subject to the following conditions and limitations: \$3,453,000 is provided solely for marketing the facilities and services of the convention center, for promoting the locale as a convention and visitor destination, and for related activities. Of this amount, the center shall not expend more than is projected to be received from revenue generated by the special excise tax that is deposited in the state convention and trade center operations account under RCW 67.40.090(3). Projections of such revenue shall be as determined and updated by the department of revenue.

NEW SECTION. Sec. 318. FOR THE WASHINGTON POLLUTION LIABILITY REINSURANCE PROGRAM

Pollution Liability Reinsurance Program Trust Account Appropriation	\$	600,000
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The appropriation in this section is subject to the following conditions and limitations: The appropriation in this section is provided solely for the purposes of implementing Second Substitute House Bill No. 1180. If the bill is not enacted by June 30, 1989, the appropriation shall be null and void.

**PART IV
TRANSPORTATION**

NEW SECTION. Sec. 401. FOR THE STATE PATROL

General Fund Appropriation—State	\$	25,118,000
General Fund Appropriation—Federal	\$	161,000
General Fund Appropriation—Private/Local	\$	164,000
Death Investigations Account Appropriation	\$	24,000
Total Appropriation	\$	25,467,000

The appropriations in this section are subject to the following conditions and limitations: The staff of the Washington state patrol crime laboratory shall not provide tests for marijuana to cities or counties except: (1) To verify weight for criminal cases where weight is a factor, or (2) for criminal cases that the prosecuting attorney and field administrator of the crime laboratory agree are likely to go to trial.

NEW SECTION. Sec. 402. FOR THE DEPARTMENT OF LICENSING

General Fund Appropriation	\$	20,978,000
Architects' License Account Appropriation	\$	623,000
Cemetery Account Appropriation	\$	157,000
Health Professions Account Appropriation	\$	15,104,000
Medical Disciplinary Account Appropriation	\$	1,586,000
Professional Engineers' Account Appropriation	\$	1,527,000
Real Estate Commission Account Appropriation	\$	5,603,000
Total Appropriation	\$	45,096,000

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

(1) If uniform commercial code filing fees are increased such that the increase is expected to yield at least \$1,000,000 in additional revenues, then up to \$1,000,000 of the general fund—state appropriation may be expended for department purposes.

(2) If any of the following bills are not enacted by June 30, 1989, a corresponding amount shown below, from the health professions account appropriation shall lapse:

House Bill No. 1896	\$	9,000
House Bill No. 2126	\$	42,000
Senate Bill No. 5176	\$	45,000
Senate Bill No. 5193	\$	10,000
Senate Bill No. 5481	\$	270,000
Senate Bill No. 5614	\$	311,000

(3) If any of the following bills are not enacted by June 30, 1989, a corresponding amount shown below, from the general fund—state appropriation in this section shall lapse:

House Bill No. 1096	\$	135,000
Substitute House Bill No. 1792	\$	63,000
Engrossed House Bill No. 1917	\$	80,000
Substitute Senate Bill No. 5085	\$	153,000

PART V
EDUCATION

NEW SECTION. Sec. 501. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR STATE ADMINISTRATION

General Fund Appropriation—State	\$	19,447,000
General Fund Appropriation—Federal	\$	9,074,000
Public Safety and Education Account Appropriation	\$	409,000
Total Appropriation	\$	28,960,000

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

(1) The entire public safety and education account appropriation is provided solely for administration of the traffic safety education program, including in-service training related to instruction in the risks of driving while under the influence of alcohol and other drugs.

(2) \$336,000 of the general fund—state appropriation is provided solely for the continuation of the international education and teacher exchange programs.

(3) \$19,000 of the general fund—state appropriation is provided solely for the continuation of the environmental education program.

(4) \$54,000 of the general fund—state appropriation is provided solely for Hispanic drop-out prevention and retrieval.

(5) \$750,000 of the general fund—state appropriation is provided solely for a contract with the United Indians for All Tribes Foundation, for programs to improve the academic performance of American Indian children in the Seattle metropolitan area. These moneys may not be used to replace or supplant funding for ongoing programs, and may be expended solely for direct services provided to American Indian children.

(6) \$75,000 of the general fund—state appropriation is provided solely for a study of pay equity among classified school district employees.

(7) \$150,000 of the general fund—state appropriation is provided solely for purchase and dissemination to school districts of innovative or multicultural curriculum materials. The superintendent of public instruction shall select materials based on unusual potential for stimulating new instructional methods, student interest and understanding of academic subjects, or cultural and ethnic awareness.

(8) \$50,000 of the general fund—state appropriation is provided solely for continued development of educational outcomes measures and field testing in local school districts, including: Development of a model writing assessment program at three grade levels; definitions of measurements for academic skills and mastery of key curriculum concepts; a follow-up survey of high school graduates; uniform reporting forms for data collection and display; and an instrument for identifying successful schools. In performing these activities, the superintendent shall consult with an advisory committee on outcomes-based education, comprising one representative of each of the selected field test projects, one representative of each twenty-first century schools project that has selected the outcomes measures as its evaluative tool, and two members who participated in the temporary committee on the assessment and accountability of educational outcomes.

NEW SECTION. Sec. 502. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR GENERAL APPORTIONMENT (BASIC EDUCATION)

General Fund Appropriation	\$	4,342,360,000
Children's Initiative Fund—K-12 Education Account Appropriation ..	\$	70,814,000
Total Appropriation	\$	4,413,174,000

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

(1) \$414,003,000 of the general fund appropriation is provided solely for the remaining months of the 1988-89 school year.

(2) Allocations for certificated staff salaries for the 1989-90 and 1990-91 school years shall be determined using formula-generated staff units calculated as follows:

(a) On the basis of average annual full time equivalent enrollments, excluding handicapped full time equivalent enrollment as recognized for funding purposes under section 510

of this act, and excluding full time equivalent enrollment otherwise recognized for certificated staff unit allocations under (c) through (f) of this subsection:

(i) Four certificated administrative staff units for each one thousand full time equivalent kindergarten through twelfth grade students;

(ii) For the 1989-90 school year, fifty-two certificated instructional staff units for each one thousand full time equivalent students in kindergarten through third grade, and forty-six certificated instructional staff units for each one thousand full time equivalent students in grades four through twelve;

(iii) For the 1990-91 school year, fifty-three certificated instructional staff units for each one thousand full time equivalent students in kindergarten through third grade, and forty-nine certificated instructional staff units for each one thousand full time equivalent students in grades four through twelve. However, if Initiative 102 is not enacted by December 31, 1989, the allocation ratios shall be fifty-two per thousand for kindergarten through grade three, and forty-six per thousand for grades four through twelve.

(b) For school districts with a minimum enrollment of 250 full time equivalent students, whose full time equivalent student enrollment count in a given month exceeds the first of the month full time equivalent enrollment count by 5 percent, an additional state allocation of 110 percent of the share that such increased enrollment would have generated had such additional full time equivalent students been included in the normal enrollment count for that particular month.

(c) On the basis of full time equivalent enrollment in vocational education and skill center programs approved by the superintendent of public instruction:

(i) For the 1989-90 school year, 0.92 certificated instructional staff units and 0.08 certificated administrative staff units for each 16.67 full time equivalent students enrolled in skills center programs, and 0.92 certificated instructional staff units and 0.08 certificated administrative staff units for each 17.5 full time equivalent students in other high school vocational programs;

(ii) For the 1990-91 school year, 0.92 certificated instructional staff units and 0.08 certificated administrative staff units for each 16.67 full time equivalent students in skills centers and other high school vocational programs. However, if Initiative 102 is not enacted by December 31, 1989, the allocation ratios shall be maintained at the 1989-90 levels.

(d) For districts enrolling not more than twenty-five average annual full time equivalent students in kindergarten through grade eight, and for small school plants within any school district which have been judged to be remote and necessary by the state board of education and enroll not more than twenty-five average annual full time equivalent students:

(i) For those enrolling students in kindergarten through grade six only, 1.76 certificated instructional staff units and 0.24 certificated administrative staff units for enrollment of not more than five students, plus one-twentieth of a certificated instructional staff unit for each additional student enrolled;

(ii) For those enrolling students in kindergarten through grade eight only, 1.68 certificated instructional staff units and 0.32 certificated administrative staff units for enrollment of not more than five students, plus one-tenth of a certificated instructional staff unit for each additional student enrolled; and

(iii) For those enrolling students in grades nine through twelve, 6.18 certificated instructional staff units and 0.57 certificated administrative staff for kindergarten through twelfth grade enrollment of not more than five students, plus one-tenth of a certificated instructional staff unit for each additional student enrolled.

(e) For specified enrollments in districts enrolling more than twenty-five but not more than one hundred average annual full time equivalent students in kindergarten through grade eight, and for small school plants within any school district which enroll more than twenty-five average annual full time equivalent kindergarten through eighth grade students and have been judged to be remote and necessary by the state board of education:

(i) For enrollment of up to sixty annual average full time equivalent students in kindergarten through grade six, 2.76 certificated instructional staff units and 0.24 certificated administrative staff units; and

(ii) For enrollment of up to twenty annual average full time equivalent students in grades seven and eight, 0.92 certificated instructional staff units and 0.08 certificated administrative staff units.

(f) For enrollment in grades nine through twelve in any school operating a high school program and enrolling more than twenty-five full time equivalent students but not more than three hundred average annual full time equivalent students in grades nine through twelve, in districts operating no more than two such schools:

(i) Nine certificated instructional staff units and one-half of a certificated administrative staff unit for the first sixty annual average full time equivalent students; and

(ii) Additional certificated staff units based on a ratio of 0.8732 certificated instructional staff units and 0.1268 certificated administrative staff units per forty-three and one-half average annual full time equivalent students.

Units calculated under (f)(i) and (ii) of this subsection shall be reduced by certificated staff units at the rate of 46 certificated instructional staff units and 4 certificated administrative staff units per 1,000 vocational and handicapped full time equivalent students.

(g) For each nonhigh school district having an enrollment of more than seventy annual average full time equivalent students and less than one hundred eighty students, operating a grades K-8 program or a grades 1-8 program, an additional one-half of a certificated instructional staff unit.

(h) For each nonhigh school district having an enrollment of more than fifty annual average full time equivalent students and less than one hundred eighty students, operating a grades K-6 program or a grades 1-6 program, an additional one-half of a certificated instructional staff unit.

(3) Allocations for classified salaries for the 1989-90 and 1990-91 school years shall be calculated using formula-generated classified staff units determined as follows:

(a) For enrollments generating certificated staff unit allocations under subsections (2) (d) through (h) of this section, one classified staff unit for each three certificated staff units allocated under such subsections.

(b) For all other enrollment in grades kindergarten through twelve, including vocational but excluding handicapped full time equivalent enrollments, one classified staff unit for each sixty average annual full time equivalent students.

(c) For each nonhigh school district with an enrollment of more than fifty annual average full time equivalent students and less than one hundred eighty students, an additional one-half of a classified staff unit.

(4) Fringe benefit allocations shall be calculated at a rate of 19.80 percent in the 1989-90 school year and 19.85 percent in the 1990-91 school year of certificated salary allocations provided under subsection (2) of this section, and a rate of 17.32 percent in the 1989-90 school year and 17.37 percent in the 1990-91 school year of classified salary allocations provided under subsection (3) of this section.

(5) Insurance benefit allocations shall be calculated at the rates specified in section 505 of this act, based on:

(a) The number of certificated staff units determined in subsection (2) of this section; and

(b) The number of classified staff units determined in subsection (3) of this section multiplied by 1.152. This factor is intended to adjust allocations so that, for the purposes of distributing insurance benefits, full time equivalent classified employees may be calculated on the basis of 1440 hours of work per year, with no individual employee counted as more than one full time equivalent.

(6)(a) For nonemployee related costs associated with each certificated staff unit allocated under subsection (2) (a), (b), and (d) through (h) of this section, there shall be provided a maximum of \$6,355 per certificated staff unit in the 1989-90 school year and a maximum of \$6,654 per certificated staff unit in the 1990-91 school year.

(b) For nonemployee related costs associated with each certificated staff unit allocated under subsection (2)(c) of this section, there shall be provided a maximum of \$12,110 per certificated staff unit in the 1989-90 school year and a maximum of \$12,679 per certificated staff unit in the 1990-91 school year.

(7) Allocations for substitute costs for classroom teachers shall be distributed at a maximum rate of \$290 per year for ninety-two percent of the certificated instructional staff units allocated under subsection (2) of this section.

(8) The superintendent may distribute a maximum of \$3,925,000 outside the basic education formula during fiscal years 1990 and 1991 as follows:

(a) For fire protection for school districts located in a fire protection district as now or hereafter established pursuant to chapter 52.04 RCW, a maximum of \$358,000 may be expended in fiscal year 1990 and a maximum of \$375,000 in fiscal year 1991.

(b) For summer vocational programs at skills centers, a maximum of \$1,321,000 may be expended in fiscal year 1990 and a maximum of \$1,599,000 may be expended in fiscal year 1991.

(c) A maximum of \$272,000 may be expended for school district emergencies.

(9) For the purposes of RCW 84.52.0531, the increase per full time equivalent student in state basic education appropriations provided under this act, including appropriations for salary and benefits increases, is 6.78 percent from the 1988-89 school year to the 1989-90 school year, and 9.81 percent from the 1989-90 school year to the 1990-91 school year. However, if Initiative 102 is not enacted, the increase from the 1989-90 school year to the 1990-91 school year is 5.97 percent.

(10) The K-12 education account appropriation includes moneys to provide the increased staffing allocations funded from this account at the salary and benefits levels attained for the 1990-91 school year under sections 503 and 505 of this act.

(11) The superintendent of public instruction shall revise personnel reporting systems to include information on grade level assignments of basic education instructional staff, by grade level groupings of K-3, 4-6, and 7-12. The superintendent of public instruction shall collect such information from school districts beginning in the 1989-90 school year. Districts must document

a ratio in kindergarten through grade three for the 1989-90 school year of at least fifty-two full time basic education instructional staff per thousand full time equivalent students, in order to qualify under this section for funding for the 1990-91 school year above the district's actual K-3 ratio achieved in the 1989-90 school year or the statutory minimum ratio established under RCW 28A.41.140(2)(c), whichever is greater. For the purposes of this subsection, 'instructional staff' includes certificated instructional employees as defined in RCW 28A.41.140(3) and classified classroom assistants.

NEW SECTION, Sec. 503. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—BASIC EDUCATION EMPLOYEE COMPENSATION INCREASES

General Fund Appropriation \$ 205,932,000

The appropriation in this section is subject to the following conditions and limitations:

(1) The following calculations determine the salaries used in the general fund allocations for certificated instructional, certificated administrative, and classified staff units under section 502 of this act:

(a) Salary allocations for certificated instructional staff units shall be determined for each district by multiplying the district's certificated instructional derived base salary shown on LEAP Document 12 by the district's average staff mix factor for basic education certificated instructional staff in that school year, computed using LEAP Document 1.

(b) Salary allocations for certificated administrative staff units and classified staff units shall be determined for each district by the district's certificated administrative and classified salary allocation amounts shown on LEAP Document 12.

(2)(a) Districts shall certify to the superintendent of public instruction such information as may be necessary regarding the years of service and educational experience of basic education certificated instructional employees for the purposes of calculating certificated instructional staff salary allocations pursuant to this section. Any change in information previously certified, on the basis of years of experience or educational credits, shall be reported and certified to the superintendent of public instruction at the time such change takes place.

(b) For the purposes of this section, 'basic education certificated instructional staff' is defined as provided in RCW 28A.41.110.

(c) 'LEAP Document 1' means the computerized tabulation establishing staff mix factors for basic education certificated instructional staff according to education and years of experience, as developed by the legislative evaluation and accountability program committee on August 18, 1987, at 13:26 hours.

(d) 'LEAP Document 1R' means the computerized tabulation establishing staff mix factors for basic education certificated instructional staff according to education and years of experience, as developed on April 9, 1989, at 13:00 hours.

(f) 'LEAP Document 12' means the computerized tabulation of 1988-89 salary allocations for basic education certificated administrative staff and basic education classified staff and 1988-89 derived base salaries for basic education certificated instructional staff as developed on April 9, 1989, at 13:15 hours.

(g) The incremental fringe benefits factors applied to salary increases in this section shall be 1.1916 for certificated salaries and 1.1379 for classified salaries in the 1989-90 school year, and 1.1921 for certificated salaries and 1.1384 for classified salaries in the 1990-91 school year.

(3) \$17,623,000 is provided solely to increase allocations for certificated administrative staff units supported by the general fund appropriation under section 502 of this act, pursuant to this subsection. For the 1989-90 and 1990-91 school years, the allocation for each certificated administrative staff unit shall be increased by 4.0 percent of the 1988-89 state-wide average certificated administrative salary shown on LEAP Document 12, multiplied by incremental fringe benefits. For the 1990-91 school years, the allocation for each certificated administrative staff unit shall be further increased by an additional 4.16 percent of the 1988-89 state-wide average certificated administrative salary shown on LEAP Document 12, multiplied by incremental fringe benefits.

(4) \$30,328,000 is provided solely to increase allocations for classified staff units supported by the general fund under section 502 of this act, pursuant to this subsection. For the 1989-90 and 1990-91 school years, the allocation for each classified staff unit shall be increased by 4.0 percent of the 1988-89 state-wide average classified salary shown on LEAP Document 12, multiplied by incremental fringe benefits. For the 1990-91 school year, the allocation for each classified staff unit shall be further increased by an additional 4.16 percent of the 1988-89 state-wide average classified salary shown on LEAP Document 12, multiplied by incremental fringe benefits.

(5) \$157,981,000 is provided solely to increase allocations for certificated instructional staff units supported by the general fund under section 502 of this act, pursuant to this subsection:

(a) For any district with a derived base salary of \$17,600 on LEAP Document 12, the allocation for each certificated instructional staff unit in the 1989-90 school year shall be increased by the difference between:

(i) The district's salary allocation per certificated instructional staff unit computed under subsection (1)(a) of this section, adjusted for incremental fringe benefits; and

(ii) The district's 1989-90 average certificated instructional staff allocation salary as determined by placing the district's actual full time equivalent basic education certificated instructional staff on the state-wide salary allocation schedule established in subsection (5) of this section, adjusted for incremental fringe benefits.

(b) For any district with a derived base salary greater than \$17,600 on LEAP Document 12, the allocation for each certificated instructional staff unit in the 1989-90 and 1990-91 school years shall be increased by 4.0 percent of the district's salary allocation per certificated instructional staff unit computed under subsection (1)(a) of this section, adjusted for incremental fringe benefits.

(c) For any district with a derived base salary of \$17,600 on LEAP Document 12, the allocation for each certificated instructional staff unit in the 1990-91 school year shall be increased by the difference between:

(i) The district's salary allocation per certificated instructional staff unit computed under subsection (1)(a) of this section, adjusted for incremental fringe benefits; and

(ii) The district's 1990-91 average certificated instructional staff allocation salary as determined by placing the district's actual full time equivalent basic education certificated instructional staff on the state-wide salary allocation schedule established in subsection (6) of this section, adjusted for incremental fringe benefits.

(d) For any district with a derived base salary greater than \$17,600 on LEAP Document 12, the allocation for each certificated instructional staff unit in the 1990-91 school year shall be increased by the difference between:

(i) The district's salary allocation per certificated instructional staff unit computed under subsection (1)(a) of this section, adjusted for incremental fringe benefits; and

(ii) The district's salary allocation per certificated instructional staff unit computed under subsection (1)(a) of this section multiplied by 8.16 percent, further multiplied by the ratio between the district's average staff mix factor for actual 1990-91 full time equivalent basic education certificated instructional employees computed using LEAP Document 1R and such factor computed using LEAP Document 1, and adjusted for incremental fringe benefits.

(5)(a) Pursuant to RCW 28A.41.112, the following state-wide salary allocation schedule for certificated instructional staff is established for basic education salary allocations for the 1989-90 school year:

1989-90 STATE-WIDE SALARY ALLOCATION SCHEDULE
FOR INSTRUCTIONAL STAFF

Years of Service	BA	BA+15	BA+30	BA+45
0	18,304	18,798	19,311	19,823
1	18,981	19,494	20,025	20,574
2	19,677	20,208	20,757	21,361
3	20,409	20,958	21,526	22,166
4	21,159	21,745	22,331	23,008
5	21,946	22,551	23,155	23,887
6	22,770	23,374	24,015	24,802
7	23,612	24,234	24,893	25,735
8	24,472	25,131	25,809	26,724
9		26,065	26,779	27,731
10			27,767	28,792
11				29,890
12				
13				
14 or more				

1989-90 STATE-WIDE SALARY ALLOCATION SCHEDULE
FOR INSTRUCTIONAL STAFF

Years of Service	BA+90	BA+135	MA	MA+45	MA+90 or PHD
0	21,471	22,532	21,471	22,770	23,887
1	22,276	23,356	22,276	23,612	24,765
2	23,100	24,216	23,100	24,491	25,681
3	23,942	25,113	23,942	25,388	26,632
4	24,839	26,047	24,839	26,321	27,621
5	25,754	27,017	25,754	27,310	28,627
6	26,706	28,005	26,706	28,316	29,689
7	27,694	29,048	27,694	29,360	30,787
8	28,719	30,128	28,719	30,440	31,940
9	29,781	31,245	29,781	31,574	33,112

1989-90 STATE-WIDE SALARY ALLOCATION SCHEDULE
FOR INSTRUCTIONAL STAFF

Years of Service	BA+90	BA+135	MA	MA+45	MA+90 or PHD
10	30,879	32,398	30,879	32,746	34,338
11	32,032	33,588	32,032	33,954	35,601
12	33,222	34,833	33,222	35,217	36,919
13	34,448	36,114	34,448	36,516	38,292
14 or more		37,450	35,711	37,871	39,701

(b) As used in this subsection:

(i) 'BA' means a baccalaureate degree.

(ii) 'MA' means a masters degree.

(iii) 'PHD' means a doctorate degree.

(iv) '+' (N) means the number of college quarter hour credits and inservice credits earned since receiving the highest degree. Inservice hours shall be converted to equivalent college quarter hour credits in accordance with RCW 28A.71.110.

(v) 'Years of service' shall be calculated under the same rules used by the superintendent of public instruction for salary allocations in the 1988-89 school year.

(6)(a) Pursuant to RCW 28A.41.112, the following state-wide salary allocation schedule for certificated instructional staff is established for basic education salary allocations for the 1990-91 school year:

1990-91 STATE-WIDE SALARY ALLOCATION SCHEDULE
FOR INSTRUCTIONAL STAFF

Years of Service	BA	BA+15	BA+30	BA+45
0	19,034	19,548	20,081	20,614
1	19,738	20,271	20,823	21,394
2	20,462	21,014	21,585	22,213
3	21,223	21,794	22,384	23,050
4	22,003	22,612	23,221	23,926
5	22,822	23,450	24,078	24,839
6	23,678	24,306	24,973	25,791
7	24,554	25,201	25,886	26,762
8	25,448	26,134	26,838	27,790
9		27,104	27,847	28,837
10			28,875	29,940
11				31,083
12				(32,286)
13				(33,533)
14 or more				(34,824)

1990-91 STATE-WIDE SALARY ALLOCATION SCHEDULE
FOR INSTRUCTIONAL STAFF

Years of Service	BA+90	BA+135
0	22,327	23,431
1	23,164	24,287
2	24,021	25,182
3	24,896	26,115
4	25,829	27,085
5	26,781	28,094
6	27,771	29,122
7	28,798	30,207
8	29,864	31,330
9	30,968	32,491
10	32,110	33,690
11	33,310	34,927
12	34,547	36,222
13	35,822	37,554
14 or more	(37,196)	38,944

(b) As used in this subsection:

(i) 'BA' means a baccalaureate degree.

(ii) '+' (N)' means the number of college quarter hour credits and inservice credits earned since receiving the baccalaureate degree. Inservice hours shall be converted to equivalent college quarter hour credits in accordance with RCW 28A.71.110.

(iii) Salary steps shown in parentheses are restricted to employees with masters degrees.

(iv) 'Years of service' shall be calculated under the same rules used by the superintendent of public instruction for salary allocations in the 1988-89 school year.

(c) Allocations for employees with advanced degrees shall be determined as follows:

(i) Notwithstanding any other provision of this section, the allocation for any employee with a masters degree and zero years of experience shall be \$22,955.

(ii) The allocation for any employee with at least one year of experience and a masters degree but no doctorate shall be \$2,341 in addition to the amount shown on the above schedule.

(iii) The allocation for any employee with a doctoral degree shall be \$4,682 in addition to the amount shown on the above schedule.

(7) The salary allocation schedules established in subsections (5) and (6) of this section are for allocation purposes only.

NEW SECTION, Sec. 504. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—CATEGORICAL PROGRAM SALARY INCREASES

General Fund Appropriation \$ 39,787,000

The appropriation in this section is subject to the following conditions and limitations:

(1) The incremental fringe benefits factors applied to salary increases in subsection (3) of this section shall be 1.1916 for certificated salaries and 1.1379 for classified salaries in the 1989-90 school year, and 1.1921 for certificated salaries and 1.1384 for classified salaries in the 1990-91 school year.

(2) A maximum of \$14,032,000 is provided to implement salary increases for each school year for state-supported school employees in the following categorical programs: Transitional bilingual instruction, learning assistance, education of highly capable students, vocational technical institutes, and pupil transportation. Moneys provided by this subsection include costs of incremental fringe benefits and shall be distributed by increasing allocation rates for each school year by the amounts specified:

(a) Transitional bilingual instruction: The rates specified in section 520 of this act shall be increased by \$16.53 per pupil for the 1989-90 school year and by \$40.58 per pupil for the 1990-91 school year.

(b) Learning assistance: The rates specified in section 521 of this act shall be increased by \$12.91 per pupil for the 1989-90 school year and by \$26.34 per pupil for the 1990-91 school year.

(c) Education of highly capable students: The rates specified in section 516 of this act shall be increased by \$9.79 per pupil for the 1989-90 school year and by \$24.04 per pupil for the 1990-91 school year.

(d) Vocational technical institutes: The rates for vocational programs specified in section 508 of this act shall be increased by \$86.47 per full time equivalent student for the 1989-90 school year, and by \$205.73 per full time equivalent student for the 1990-91 school year.

(e) Pupil transportation: The rates provided under section 507 of this act shall be increased by \$0.66 per weighted pupil-mile for the 1989-90 school year, and by \$1.35 per weighted pupil-mile for the 1990-91 school year.

(3) A maximum of \$25,755,000 is provided for salary increases and incremental fringe benefits for state-supported staff unit allocations in the handicapped program, section 510, and for state-supported staff in institutional education programs, section 515, and in educational service districts, section 512. The superintendent of public instruction shall distribute salary increases for these programs not to exceed the percentage salary increases provided for basic education staff under section 503 of this act.

(4) While this section and section 509 of this act do not provide specific allocations for salary increases for school food services employees, nothing in this act is intended to preclude or discourage school districts from granting increases that are equivalent to those provided for other classified staff.

NEW SECTION, Sec. 505. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR SCHOOL EMPLOYEE INSURANCE BENEFIT INCREASES

General Fund Appropriation \$ 21,181,000

The appropriation in this section is subject to the following conditions and limitations:

(1) Allocations for insurance benefits from general fund appropriations provided under section 502 of this act shall be calculated at a rate of \$224.75 per month for each certificated staff unit, and for each classified staff unit adjusted pursuant to section 502(5)(b).

(2) The appropriation in this section is provided solely to increase insurance benefit allocations for state-funded certificated and classified staff in the 1989-90 and 1990-91 school years, effective October 1, 1989, to a rate of \$239.86 per month, as distributed pursuant to this section.

(3) A maximum of \$17,023,000 may be expended to increase general fund allocations for insurance benefits for basic education staff units under section 502(5) of this act by \$15.11 per month.

(4) A maximum of \$2,226,000 may be expended to increase insurance benefit allocations for handicapped program staff units as calculated under section 510 of this act by \$15.11 per month.

(5) A maximum of \$108,000 may be expended to increase insurance benefit allocations for state-funded staff in educational service districts and institutional education programs by \$15.11 per month.

(6) A maximum of \$1,824,000 may be expended to fund insurance benefit increases in the following categorical programs by increasing annual state funding rates by the amounts specified in this subsection. For the 1989-90 school year, due to the October implementation, school districts shall receive eleven-twelfths of the annual rate increases specified. On an annual basis, the maximum rate adjustments provided under this section are:

(a) For pupil transportation, an increase of \$0.14 per weighted pupil-mile;

(b) For learning assistance, an increase of \$3.78 per pupil;

(c) For education of highly capable students, an increase of \$1.29 per pupil;

(d) For transitional bilingual education, an increase of \$2.44 per pupil;

(e) For vocational-technical institutes, an increase of \$10.06 per full time equivalent pupil.

NEW SECTION. Sec. 506. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—RETIREMENT CONTRIBUTIONS

General Fund Appropriation	\$	33,141,000
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The appropriation in this section is subject to the following conditions and limitations:

(1) \$13,056,000 for the teachers' retirement system and \$2,147,000 for the public employees' retirement system, or so much thereof as may be necessary, shall be distributed to local districts to increase state retirement system contributions resulting from Engrossed Substitute House Bill No. 1322. If the bill is not enacted by June 30, 1989, the amounts provided in this subsection shall lapse.

(2) \$14,587,000 for the teachers' retirement system and \$3,351,000 for the public employees' retirement system, or so much thereof as may be necessary, shall be distributed to local districts to increase state retirement system contributions resulting from Substitute Senate Bill No. 5418. If the bill is not enacted by June 30, 1989, the amounts provided in this subsection shall lapse.

NEW SECTION. Sec. 507. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR PUPIL TRANSPORTATION

General Fund Appropriation	\$	251,821,000
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The appropriation in this section is subject to the following conditions and limitations:

(1) \$22,695,000 is provided solely for distribution to school districts for the remaining months of the 1988-89 school year.

(2) A maximum of \$111,468,000 may be distributed for pupil transportation operating costs in the 1989-90 school year.

(3) A maximum of \$857,000 may be expended for regional transportation coordinators.

(4) A maximum of \$64,000 may be expended for bus driver training.

(5) The superintendent of public instruction shall study the current small fleet maintenance formula in comparison with districts' actual pupil transportation expenditures, and may implement formula revisions to distribute funding more equitably between districts that receive small fleet funding and those that do not. The superintendent may apply any moneys resulting from a reduction in the small fleet maintenance factor to a formula enhancement for midday kindergarten routes.

NEW SECTION. Sec. 508. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR VOCATIONAL-TECHNICAL INSTITUTES AND ADULT EDUCATION AT VOCATIONAL-TECHNICAL INSTITUTES

General Fund Appropriation	\$	79,469,000
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Children's Initiative Fund—K-12 Education Account Appropriation	\$	1,534,000
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Total Appropriation	\$	81,003,000
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The appropriations in this section are subject to the following conditions and limitations:

(1) Funding for vocational programs during the 1989-90 school year shall be distributed at a rate of \$3,267 per student for a maximum of 12,050 full time equivalent students. This amount includes \$154 per student solely to replace out-of-date or worn-out equipment.

(2) Funding for vocational programs from the general fund appropriation during the 1990-91 school year shall be distributed at a rate of \$3,268 per student for a maximum of 12,050 full time equivalent students. This amount includes \$154 per student solely to replace out-of-date or worn-out equipment.

(3) Funding for adult basic education programs during the 1989-90 school year shall be distributed at a rate of \$1.46 per hour of student service for a maximum of 288,690 hours.

(4) Funding for adult basic education programs during the 1990-91 school year shall be distributed at a rate of \$1.48 per hour of student service for a maximum of 288,690 hours.

(5) The K-12 education account appropriation is provided solely to increase state-funded vocational enrollment to 12,655 full time equivalent students in the 1990-91 school year. The K-12 education account appropriation in this section includes rate adjustments to achieve the salary and benefits levels attained for the 1990-91 school year as determined under sections 504 and 505 of this act.

NEW SECTION, Sec. 509. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR SCHOOL FOOD SERVICE PROGRAMS

General Fund Appropriation—State	\$	6,000,000
General Fund Appropriation—Federal	\$	85,000,000
Total Appropriation	\$	91,000,000

NEW SECTION, Sec. 510. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR HANDICAPPED EDUCATION PROGRAMS

General Fund Appropriation—State	\$	504,289,000
General Fund Appropriation—Federal	\$	59,000,000
Total Appropriation	\$	563,289,000

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

(1) \$48,111,000 of the general fund—state appropriation is provided solely for the remaining months of the 1988-89 school year.

(2) The superintendent of public instruction shall distribute state funds for the 1989-90 and 1990-91 school years in accordance with districts' actual handicapped enrollments and the allocation model established in LEAP Document 13 as developed on April 9, at 13:30 hours.

(3) A maximum of \$440,000 may be expended from the general fund—state appropriation to fund 4.66 full time equivalent teachers and one aide at Children's orthopedic hospital and medical center. This amount is in lieu of money provided through the home and hospital allocation and the handicapped program.

(4) The superintendent of public instruction shall allocate sufficient funds to maintain 1988-89 school year service levels for the early childhood home instruction program for hearing impaired infants and their families.

(5) \$150,000 of the general fund—state appropriation is provided solely for contracts for development and implementation of a process for school districts to bill medical assistance for eligible services included in handicapped education programs, pursuant to Substitute House Bill No. 2014. If the bill is not enacted by June 30, 1989, the amount provided in this subsection shall lapse.

NEW SECTION, Sec. 511. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR TRAFFIC SAFETY EDUCATION PROGRAMS

Public Safety and Education Account Appropriation	\$	14,067,000
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The appropriation in this section is subject to the following conditions and limitations: Not more than \$596,000 may be expended for regional traffic safety education coordinators.

NEW SECTION, Sec. 512. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR EDUCATIONAL SERVICE DISTRICTS

General Fund Appropriation	\$	10,654,000
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The appropriation in this section is subject to the following conditions and limitations: The educational service districts shall continue to furnish financial services required by the superintendent of public instruction and RCW 28A.21.088 (3) and (4).

NEW SECTION, Sec. 513. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR LOCAL EFFORT ASSISTANCE

General Fund Appropriation	\$	82,700,000
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The appropriation in this section is subject to the following conditions and limitations: \$82,700,000 is provided for state matching funds pursuant to RCW 28A.41.155.

NEW SECTION, Sec. 514. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR THE ENUMERATED PURPOSES

General Fund Appropriation—Federal	\$	141,817,000
(1) Education Consolidation and Improvement Act	\$	138,000,000
(2) Education of Indian Children	\$	317,000
(3) Adult Basic Education	\$	3,500,000

NEW SECTION, Sec. 515. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR INSTITUTIONAL EDUCATION PROGRAMS

General Fund Appropriation—State	\$	20,763,000
General Fund Appropriation—Federal	\$	8,006,000
Total Appropriation	\$	28,769,000

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

(1) \$3,817,000 of the general fund—state appropriation is provided solely for the remaining months of the 1988-89 school year.

(2) \$10,154,000 of the general fund—state appropriation is provided solely for the 1989-90 school year, distributed as follows:

(a) \$3,293,000 is provided solely for programs in state institutions for the handicapped or emotionally disturbed. These moneys may be distributed for that school year at a maximum rate averaged over all of these programs of \$10,903 per full time equivalent student.

(b) \$3,647,000 is provided solely for programs in state institutions for delinquent youth. These moneys may be distributed for that school year at a maximum rate averaged over all of these programs of \$6,728 per full time equivalent student.

(c) \$418,000 is provided solely for programs in state group homes for delinquent youth. These moneys may be distributed for that school year at a maximum rate averaged over all of these programs of \$5,116 per full time equivalent student.

(d) \$716,000 is provided solely for juvenile parole learning center programs. These moneys may be distributed for that school year at a maximum rate averaged over all of these programs of \$1,772 per full time equivalent student, and are in addition to moneys allocated for these students through the basic education formula established in section 502 of this act.

(e) \$2,080,000 is provided solely for programs in county detention centers. These moneys may be distributed for that school year at a maximum rate averaged over all of these programs of \$4,871 per full time equivalent student.

(3) Distribution of state funding for the 1990-91 school year shall be based upon the following overall limitations for that school year including expenditures anticipated for July and August of 1991:

(a) State funding for programs in state institutions for the handicapped or emotionally disturbed may be distributed at a maximum rate averaged over all of these programs of \$10,847 per full time equivalent student and a total allocation of no more than \$2,885,000 for that school year.

(b) State funding for programs in state institutions for delinquent youth may be distributed at a maximum rate averaged over all of these programs of \$6,741 per full time equivalent student and a total allocation of no more than \$3,701,000 for that school year.

(c) State funding for programs in state group homes for delinquent youth may be distributed in that school year at a maximum rate averaged over all of these programs of \$5,177 per full time equivalent student and a total allocation of no more than \$419,000 for that school year.

(d) State funding for juvenile parole learning center programs may be distributed at a maximum rate averaged over all of these programs of \$1,745 per full time equivalent student and a total allocation of no more than \$705,000 for that school year, excluding funds provided through the basic education formula established in section 502 of this act.

(e) State funding for programs in county detention centers may be distributed at a maximum rate averaged over all of these programs of \$4,882 per full time equivalent student and a total allocation of no more than \$2,080,000 for that school year.

(4) \$167,000 of the general fund—state appropriation is provided solely to maintain the increased teacher/student ratio for programs at mentally ill offender units within the state institutions for delinquent youth.

(5) \$214,000 of the general fund—state appropriation is provided solely for job skills training programs at state institutions for delinquent youth.

(6) Notwithstanding any other provision of this section, the superintendent of public instruction may transfer funds between the categories of institutions identified in subsections (2) and (3) of this section if the maximum expenditures per full time equivalent student for each category of institution are not thereby exceeded.

(7) State funding provided under this section is based on salaries and other expenditures for a 220-day school year. The superintendent of public instruction shall monitor school district expenditure plans for institutional education programs to ensure that districts plan for a full-time summer program.

(8) The superintendent of public instruction shall develop a plan, to be implemented in the 1991-93 biennium, to transfer institutional education programs to the department of social and health services. The plan shall be developed in cooperation with the department and shall be submitted to the legislature prior to December 1, 1990.

NEW SECTION. Sec. 516. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR PROGRAMS FOR HIGHLY CAPABLE STUDENTS

General Fund Appropriation \$ 5,937,000

The appropriation in this section is subject to the following conditions and limitations:

(1) \$534,000 is provided solely for distribution to school districts for the remaining months of the 1988-89 school year.

(2) Allocations for school district programs for highly capable students during the 1989-90 and 1990-91 school years shall be distributed at a maximum rate for each school year of \$364 per student for up to one percent of each district's full time equivalent enrollment.

(3) A maximum of \$356,000 is provided to contract for gifted programs to be conducted at Fort Worden state park.

NEW SECTION. Sec. 517. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR SCHOOL DISTRICT SUPPORT

General Fund Appropriation—State \$ 6,934,000
General Fund Appropriation—Federal \$ 5,131,000
Children's Initiative Fund—K-12 Education Account Appropriation \$ 2,000,000
Total Appropriation \$ 14,065,000

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

- (1) \$282,000 of the general fund—state appropriation is provided solely for teacher in-service training in math, science, and computer technology.
- (2) \$651,000 of the general fund—state appropriation is provided solely for teacher training workshops conducted by the Pacific science center. \$496,000 of this amount is for in-service training in science to be provided to approximately ten percent of the kindergarten through eighth grade teachers each year.
- (3) \$2,629,000 of the general fund—state appropriation is provided solely for operation by the educational service districts of regional computer demonstration centers and computer information centers. This amount is intended to enable the educational service districts to expand two computer information centers to fully-staffed computer demonstration centers in the 1989-90 school year.
- (4) \$872,000 of the general fund—state appropriation and \$413,000 of the general fund—federal appropriation are provided solely for teacher training in drug and alcohol abuse education and prevention in kindergarten through grade twelve. The amount provided in this subsection includes \$300,000 from license fees collected pursuant to RCW 66.24.320 and 66.24.330 which are dedicated to juvenile drug and alcohol prevention programs under RCW 66.08.180(4).
- (5) \$2,000,000 of the general fund—state appropriation and \$2,000,000 of the K-12 education account appropriation are provided solely for training of paraprofessional classroom assistants and classroom teachers to whom the assistants are assigned. A maximum of \$175,000 of this amount may be spent by the superintendent for state administrative costs of this program.

(6) \$500,000 of the general fund—state appropriation is provided solely for grants to school districts for multicultural inservice training.

NEW SECTION, Sec. 518. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR SPECIAL AND PILOT PROGRAMS

General Fund Appropriation—State	\$	16,768,000
General Fund Appropriation—Federal	\$	5,973,000
Children's Initiative Fund—K-12 Education Account Appropriation	\$	31,500,000
Total Appropriation	\$	54,241,000

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

- (1) \$1,731,000 of the general fund—state appropriation is provided solely for a contract with the Pacific science center for travelling van programs and other educational services for public schools. \$815,000 of this amount is provided to expand the travelling van program to serve approximately 50 percent of public elementary schools annually, and to expand the on-site instruction program to serve approximately 70,000 students and teachers each year.
- (2) \$88,000 of the general fund—state appropriation is provided solely for a contract with the Cispus learning center for environmental education programs.
- (3) \$3,975,000 of the general fund—federal appropriation is provided solely for substance abuse prevention programs.
- (4) \$6,834,000 of the general fund—state appropriation and \$1,998,000 of the general fund—federal appropriation are provided solely for the schools for the twenty-first century pilot programs established by RCW 28A.100.030 through 28A.100.068. Grants shall be provided to establish a maximum of twenty-one new projects in fiscal year 1991.
- (5) \$3,560,000 of the general fund—state appropriation is provided solely for the beginning teachers assistance program established under RCW 28A.67.240. Moneys shall be distributed under this subsection at a maximum rate per mentor/beginning teacher team of \$1,780 per year.
- (6) \$204,000 of the general fund—state appropriation is provided solely for child abuse education provisions of RCW 28A.03.512 through 28A.03.514.
- (7) \$2,619,000 of the general fund—state appropriation is provided solely for grants to public or private nonprofit organizations to assist parents of children in headstart or early childhood education and assistance programs, who are enrolled in adult literacy classes or tutoring programs under RCW 28A.130.010 through 28A.130.020. Grants provided under this subsection may be used for scholarships, costs of transportation and child care, and other support services. Moneys provided under this subsection may not be used by the superintendent of public instruction for state administrative costs.
- (8) \$82,000 of the general fund—state appropriation is provided solely for in-service training and other costs associated with the development of a comprehensive K-12 health education curriculum, including an integral component relating to acquired immunodeficiency syndrome.
- (9) \$250,000 of the general fund—state appropriation is provided solely for the continuation of student teaching pilot projects under Engrossed Senate Bill No. 5826. If the bill is not enacted by June 30, 1989, the amount provided in this subsection shall lapse.
- (10) \$1,400,000 of the general fund—state appropriation is provided solely for compensation of teachers who supervise student teachers. Stipends provided under this subsection shall not exceed \$333 per college quarter of supervisory duties, or an equivalent rate adjusted to a semester or other basis.

(11) \$27,500,000 of the K-12 education account appropriation is provided for technology programs and grants, administered through the twenty-first century institute for advanced technology in schools. \$27,000,000 of this amount is provided solely for grants to school districts for the establishment of computer labs in elementary schools. These grants shall not exceed \$50,000 per school and shall require a twenty percent local match.

(12) \$2,000,000 of the K-12 education account appropriation is provided solely for grants to school districts for programs to reduce dropout rates using student tutors. These moneys may be expended to pay college students or advanced high school students for working with students in grades K-12 in public schools. School districts shall be chosen to receive grants based on the severity of their dropout rate and the participation of higher education institutions in the proposed program.

(13) \$1,000,000 of the K-12 education account is provided solely for grants to enhance alternative school programs. These grants may not be used to supplant funding for existing programs or for state administrative costs.

(14) \$1,000,000 of the K-12 education account appropriation is provided solely for grants for projects to increase the educational participation of homeless children. Projects shall be selected from applications submitted jointly by shelter providers and school districts. The homeless advisory committee appointed by the superintendent of public instruction shall review applications and assist in the selection process. The grants shall be expended for programs and services to facilitate school attendance of homeless children, or for shelter-based instructional programs.

NEW SECTION, Sec. 519. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR ENCUMBRANCES OF FEDERAL GRANTS

General Fund Appropriation—Federal

\$ 36,216,000

NEW SECTION, Sec. 520. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR TRANSITIONAL BILINGUAL PROGRAMS

General Fund Appropriation

\$ 14,772,000

The appropriation in this section is subject to the following conditions and limitations:

(1) \$1,476,000 is provided solely for the remaining months of the 1988-89 school year.

(2) The superintendent shall distribute funds for the 1989-90 and 1990-91 school years at a rate for each year of \$452 per eligible student.

NEW SECTION, Sec. 521. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR THE LEARNING ASSISTANCE PROGRAM

General Fund Appropriation

\$ 70,417,000

The appropriation in this section is subject to the following conditions and limitations:

(1) \$5,899,000 is provided solely for the remaining months of the 1988-89 school year.

(2) Funding for school district learning assistance programs serving kindergarten through grade nine shall be distributed during the 1989-90 and 1990-91 school years at a maximum rate of \$389 per unit as calculated pursuant to this subsection. The number of units for each school district in each school year shall be the sum of: (a) The number of full time equivalent students enrolled in kindergarten through grade six in the district multiplied by the percentage of the district's students taking the fourth grade basic skills test who scored in the lowest quartile as compared to national norms, and then reduced by the number of students ages eleven and below in the district who are identified as specific learning disabled and are served through programs established pursuant to chapter 28A.13 RCW; and (b) the number of full time equivalent students enrolled in grades seven through nine in the district multiplied by the percentage of the district's students taking the eighth grade basic skills test who scored in the lowest quartile as compared to national norms, and then reduced by the number of students ages twelve through fourteen in the district who are identified as specific learning disabled and are served through programs established pursuant to chapter 28A.13 RCW. In determining these allocations, the superintendent shall use the most recent prior five-year average scores on the fourth grade and eighth grade state-wide basic skills tests.

NEW SECTION, Sec. 522. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR EDUCATIONAL CLINICS

General Fund Appropriation

\$ 4,584,000

Children's Initiative Fund—K-12 Education Account Appropriation

\$ 1,000,000

Total Appropriation

\$ 5,584,000

The appropriations in this section are subject to the following conditions and limitations: Not more than \$2,292,000 of the general fund appropriation may be expended during fiscal year 1990.

NEW SECTION, Sec. 523. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—LOCAL EDUCATION PROGRAM ENHANCEMENT FUNDS

General Fund Appropriation

\$ 5,053,000

Children's Initiative Fund—K-12 Education Account Appropriation

\$ 26,921,000

Total Appropriation

\$ 31,974,000

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

(1) \$5,053,000 of the general fund appropriation is provided solely for the remaining months of the 1988-89 school year.

(2) The K-12 education account appropriation is provided solely for allocations to school districts in the 1990-91 school year, pursuant to this section. A school district may be eligible to receive an allocation from this appropriation if the school district's board of directors has:

- (a) Assessed the needs of the schools within the district;
- (b) Prioritized the identified needs; and
- (c) Developed an expenditure plan for the allocation and an evaluation methodology to assess benefits to students.

(3) School districts receiving moneys pursuant to this section shall expend such moneys to meet educational needs identified by the district within the following program areas:

- (a) Prevention and intervention services in the elementary grades;
- (b) Reduction of class size;
- (c) Early childhood education;
- (d) Student-at-risk programs, including dropout prevention and retrieval, and substance abuse awareness and prevention;
- (e) Staff development and in-service programs;
- (f) Student logical reasoning and analytical skill development;
- (g) Programs for highly capable students; and
- (h) Programs involving students in community services;
- (i) Senior citizen volunteer programs; and
- (j) Other purposes that enhance a school district's basic education program, including expenditures for nonemployee-related costs.

Allocations provided under this section for the 1990-91 school year are equivalent to increasing funding for nonemployee-related costs in basic education programs by approximately ten percent, and may be applied by school districts to that purpose. However, new and existing education program enhancements funded pursuant to this section do not fall within the definition of basic education for purposes of Article IX of the state Constitution and the state's funding duty thereunder, nor shall such funding as now or hereafter appropriated and allocated constitute levy reduction funds for purposes of RCW 84.52.0531.

(4)(a) Allocations to eligible school districts for the 1990-91 school year shall be calculated on the basis of average annual full time equivalent enrollment, at a rate of \$42.50 per pupil. For school districts enrolling not more than one hundred average annual full time equivalent students, and for small school plants within any school district designated as remote and necessary schools, the allocations shall be determined as follows:

(i) Enrollment of not more than sixty average annual full time equivalent students in grades kindergarten through six shall generate funding based on sixty full time equivalent students;

(ii) Enrollment of not more than twenty average annual full time equivalent students in grades seven and eight shall generate funding based on twenty full time equivalent students; and

(iii) Enrollment of sixty or fewer average annual full time equivalent students in grades nine through twelve shall generate funding based on sixty full time equivalent students.

(b) Allocations shall be distributed on a school-year basis pursuant to RCW 28A.48.010.

NEW SECTION. Sec. 524. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR THE STATE SCHOOL FOR THE BLIND AND THE STATE SCHOOL FOR THE DEAF

General Fund Appropriation—State	\$ 17,583,000
General Fund Appropriation—Federal	\$ 48,000
Total Appropriation	\$ 17,631,000

The appropriations in this section are subject to the following conditions and limitations:
 (1) \$5,944,000 of the general fund—state appropriation is provided to pass through directly to the state school for the blind at the request of the school's superintendent.

(2) \$11,252,000 of the general fund—state appropriation and \$48,000 of the general fund—federal appropriation is provided to pass through directly to the state school for the deaf at the request of the school's superintendent.

(3) \$387,000 of the general fund—state appropriation is provided solely for transportation of day students attending the schools. The state school for the deaf and the state school for the blind shall contract with educational service district No. 112 for the provision of pupil transportation services.

**PART VI
HIGHER EDUCATION**

NEW SECTION. Sec. 601. The appropriations in sections 602 through 608 of this act are subject to the following conditions and limitations:

(1) For the purposes of this section and sections 602 through 608 of this act, 'institutions of higher education' means the institutions receiving appropriations pursuant to sections 602 through 608 of this act.

(2)(a) Student Quality Standard: During the 1989-91 fiscal biennium, each institution of higher education shall not spend less than the average biennial amount listed in this subsection per full time equivalent student. The amounts include total appropriated general fund—state operating expenses for the institution, less expenditures for plant maintenance and operations,

with the exception of Washington State University, where cooperative extension and agriculture research are also excluded from the per student expenditures. This expenditure-per-student requirement may vary by two percent. If an institution's expenditure per student in fiscal year 1989-90 exceeds the two-percent variance, then the office of financial management shall reduce that institution's allotment for fiscal year 1990-91 by the amount above the two-percent variance.

University of Washington	\$	9,461
Washington State University	\$	7,734
Eastern Washington University	\$	5,446
Central Washington University	\$	5,463
The Evergreen State College	\$	6,923
Western Washington University	\$	5,399
State Board for Community College Education	\$	3,318

(b) If Initiative 102 is not enacted by December 31, 1989, the amounts listed in (a) of this subsection shall be revised as follows:

University of Washington	\$	9,044
Washington State University	\$	7,579
Eastern Washington University	\$	5,341
Central Washington University	\$	5,425
The Evergreen State College	\$	6,737
Western Washington University	\$	5,234
State Board for Community College Education	\$	3,189

(3) Each institution of higher education and the state board for community college education shall report to the 1990 regular session of the legislature on its plans to improve the quality of instruction. The plans should provide for:

(a) Increasing the amount of instruction by professors rather than by teaching assistants;

(b) Increasing the number of discussion sections led by professors; and

(c) Increasing the amount of writing required by students, both for classes and for tests.

(4) Each institution of higher education and the state board for community college education shall report to the higher education coordinating board on its maintenance and operation activities and expenditures. The higher education coordinating board shall monitor these reports to ensure that facilities at each institution of higher education are maintained in good condition.

(5)(a) The following are maximum amounts that each institution may spend from the appropriations in sections 602 through 608 of this act for faculty, graduate assistants, and exempt staff salary increases and are subject to all the limitations contained in this section. For the purpose of allocating these funds, 'faculty' includes all instructional and research faculty, teaching and research assistants, academic deans, department chairpersons, and librarians and counselors who are not part of the state classified service system. 'Exempt staff' includes all professional and administrative employees who are not part of the state classified service system. 'Senior exempt staff' includes presidents, chancellors, vice-presidents, provosts, and vice-provosts.

University of Washington	\$	19,137,000
Washington State University	\$	9,731,000
Eastern Washington University	\$	3,074,000
Central Washington University	\$	2,656,000
The Evergreen State College	\$	1,350,000
Western Washington University	\$	3,889,000
State Board for Community College Education	\$	21,217,000

(b) The amounts listed in (a) of this subsection are intended to provide faculty, exempt staff, teaching and research assistants, and medical residents at each four-year institution and the community college system as a whole, a maximum of the average percentage increase, including increments, listed below on the effective dates indicated:

	<u>Faculty and Exempt Staff</u>	
	January 1, 1990	January 1, 1991
University of Washington	6.1%	6.1%
Washington State University	6.1%	6.1%
Eastern Washington University	6.4%	6.4%
Central Washington University	6.4%	6.4%
The Evergreen State College	6.4%	6.4%
Western Washington University	6.4%	6.4%
State Board for Community College Education	6.2%	6.2%
	<u>Senior Exempt Staff</u>	
All Institutions	4.0%	4.0%

(c) Regardless of whether the maximum amounts authorized in this subsection are granted, they will be considered granted by the higher education coordinating board when comparing

faculty salaries to other institutions for the purpose of determining salary increase requirements.

(d) The salary increase amounts authorized in this subsection for institutions other than community colleges are intended to provide an equal percentage salary increase between faculty and exempt personnel, after any merit or market pay considerations.

(e) The salary increases authorized under this subsection may be granted to state employees at Washington State University who are supported in full or in part by federal land grant formula funds.

(f) The state board for community college education shall allocate the amounts authorized in this subsection among the community college districts according to policies and guidelines established by the board that may include policies for achieving more equitable salary levels among districts and more equitable salary levels between part time and full time faculty.

(6) The following amounts from the appropriations in sections 602 through 608 of this act, or as much thereof as may be necessary, shall be spent to provide higher education personnel board classified employees with a 2.5 percent salary increase effective January 1, 1990, and an additional 8.5 percent salary increase effective January 1, 1991. The January 1, 1991, salary increase shall fund as much of the 1988 trend salary survey (catch-up plus keep-up results less the January 1, 1989, increase) as possible. If the application of this increase results in a fractional range, the higher education personnel board shall round the increase to the nearest whole range. These increases shall be implemented in compliance and conformity with all requirements of the comparable worth agreement ratified by 1986 Senate Concurrent Resolution No. 126. No salary increase may be paid under this subsection to any person whose salary has been Y-rated pursuant to rules adopted by the higher education personnel board.

University of Washington	\$	5,327,000
Washington State University	\$	3,508,000
Eastern Washington University	\$	889,000
Central Washington University	\$	681,000
The Evergreen State College	\$	507,000
Western Washington University	\$	943,000
State Board for Community College Education	\$	4,768,000

(7) The following amounts from the appropriations in sections 602 through 608 of this act are provided solely for student employee salary increases:

University of Washington	\$	130,000
Washington State University	\$	73,000
Eastern Washington University	\$	21,000
Central Washington University	\$	18,000
The Evergreen State College	\$	9,000
Western Washington University	\$	25,000
State Board for Community College Education	\$	142,000

(8) Any institution that grants an average salary increase in excess of the amounts authorized in subsection (3) of this section is ineligible to receive any funds appropriated for salary increases in sections 603 through 608 of this act. Any community college district that grants an average salary increase in excess of the amounts authorized in subsection (3) of this section, as allocated by the state board for community college education, is ineligible to receive any funds appropriated for salary increases in section 602 of this act. The office of financial management shall adjust an institution's allotment as necessary to enforce the restrictions imposed by this section.

(9) The office of financial management shall by November 1, 1989, develop an employee classification system for the purpose of allocating the appropriations in this act for higher education salary increases. In developing the classification system, the office of financial management shall consult with the institutions of higher education, the senate committee on ways and means, and the house of representatives committee on appropriations. The classification system shall be consistent among the institutions and shall provide for uniform application of each employee classification, including instructional and research faculty, academic and administrative deans, department chairpersons, exempt and classified staff, presidents, chancellors, vice-presidents, librarians, and counselors. An institution of higher education shall not grant any salary increase under this section unless the office of financial management determines that the increase is consistent with the classification system required by this subsection. It is the intent of the legislature to adjust the appropriations in this act during the 1990 legislative session to reflect the classification system; the appropriation adjustments shall result in a total expenditure level that is less than or equal to the total amount allocated for salary increases under this section to all institutions. The classification system shall be used solely for the purpose of salary increase allocations under this section and shall not affect any employee rights under the state higher education personnel law, chapter 28B.16 RCW.

NEW SECTION. Sec. 602. FOR THE STATE BOARD FOR COMMUNITY COLLEGE EDUCATION	
General Fund Appropriation	\$ 637,252,000

Children's Initiative Fund—Children's Services and Support Account

Appropriation	\$	3,000,000
Total Appropriation	\$	640,252,000

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

(1) It is intended that enrollment increases funded by this appropriation be distributed among the community college districts on the basis of the enrollment distribution contained in the community college 1989-91 budget request document.

(2) The state board for community college education shall establish compensation guidelines for salary levels of the top administrative position at community colleges. The guidelines should take into account criteria such as institutional size, level of responsibility, experience, and longevity.

(3) At least \$400,000 of the general fund—state appropriation shall be spent on assessment of student outcomes.

(4) At least \$240,000 of the general fund—state appropriation shall be spent to increase recruitment and retention of minority students.

(5) At least \$500,000 of the general fund—state appropriation shall be spent to fund the comparable worth salary adjustments for employees in community college childcare centers.

(6) If Initiative 102 is not enacted by December 31, 1989, the children's initiative fund—children's services and support account appropriation in this section is null and void.

(7) If Initiative 102 is not enacted by December 31, 1989, \$25,208,000 of the general fund—state appropriation in this section shall lapse.

NEW SECTION, Sec. 603. FOR THE UNIVERSITY OF WASHINGTON

General Fund Appropriation	\$	624,841,000
Medical Aid Fund Appropriation	\$	3,518,000
Accident Fund Appropriation	\$	3,517,000
Death Investigations Account Appropriation	\$	957,000
Total Appropriation	\$	632,833,000

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

(1) At least \$6,620,000 of the general fund appropriation shall be spent to begin off-campus upper-division course offerings in Tacoma and Bothell.

(2) The University of Washington shall establish an evening degree credit program. \$1,682,000 of the general fund appropriation is provided for this purpose.

(3) If Initiative 102 is not enacted by December 31, 1989, \$27,290,000 of the general fund appropriation in this section shall lapse.

(4) \$150,000 of the general fund appropriation is provided solely for the development of a plan for the Olympic institute for old growth forest and ocean research.

(5) \$500,000 of the general fund appropriation is provided solely for the sea grant program.

(6) At least \$400,000 of the general fund appropriation shall be spent on assessment of student outcomes.

(7) At least \$50,000 of the general fund appropriation shall be spent to increase recruitment and retention of minority students.

NEW SECTION, Sec. 604. FOR WASHINGTON STATE UNIVERSITY

General Fund Appropriation	\$	338,473,000
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The appropriation in this section is subject to the following conditions and limitations:

(1) At least \$1,721,000 shall be spent to expand upper-division and graduate off-campus course offerings.

(2) Washington State University shall continue funding three faculty positions associated with Tri-Cities diversification.

(3) If Initiative 102 is not enacted by December 31, 1989, \$6,528,000 of the appropriation in this section shall lapse.

(4) At least \$400,000 shall be spent on assessment of student outcomes.

(5) At least \$50,000 shall be spent to increase recruitment and retention of minority students.

NEW SECTION, Sec. 605. FOR EASTERN WASHINGTON UNIVERSITY

General Fund Appropriation	\$	91,758,000
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The appropriation in this section is subject to the following conditions and limitations:

(1) At least \$400,000 shall be spent on assessment of student outcomes.

(2) At least \$10,000 shall be spent to increase recruitment and retention of minority students.

(3) If Initiative 102 is not enacted by December 31, 1989, \$1,479,000 of the appropriation in this section shall lapse.

NEW SECTION, Sec. 606. FOR CENTRAL WASHINGTON UNIVERSITY

General Fund Appropriation	\$	76,843,000
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The appropriation in this section is subject to the following conditions and limitations:

(1) It is intended that enrollment increases be directed to resident students and that priority be given to students seeking entrance to upper-division courses with the intent to complete a bachelor's degree.

(2) At least \$599,000 shall be spent to provide upper-division courses in Yakima.

(3) At least \$400,000 shall be spent on assessment of student outcomes.

- (4) At least \$10,000 shall be spent to increase recruitment and retention of minority students.
- (5) If Initiative 102 is not enacted by December 31, 1989, \$509,000 of the appropriation in this section shall lapse.

NEW SECTION. Sec. 607. FOR THE EVERGREEN STATE COLLEGE

General Fund Appropriation \$ 48,225,000

The appropriation in this section is subject to the following conditions and limitations:

- (1) It is intended that enrollment increases be directed to resident students and that priority be given to students seeking entrance to upper-division courses with the intent to complete a bachelor's degree.
- (2) At least \$400,000 shall be spent on assessment of student outcomes.
- (3) At least \$10,000 shall be spent to increase recruitment and retention of minority students.
- (4) If Initiative 102 is not enacted by December 31, 1989, \$1,457,000 of the appropriation in this section shall lapse.

NEW SECTION. Sec. 608. FOR WESTERN WASHINGTON UNIVERSITY

General Fund Appropriation \$ 103,601,000

The appropriation in this section is subject to the following conditions and limitations:

- (1) It is intended that enrollment increases be directed to resident students and that priority be given to students seeking entrance to upper-division courses with the intent to complete a bachelor's degree.
- (2) At least \$400,000 shall be spent on assessment of student outcomes.
- (3) At least \$10,000 shall be spent to increase recruitment and retention of minority students.
- (4) If Initiative 102 is not enacted by December 31, 1989, \$3,909,000 of the appropriation in this section shall lapse.

NEW SECTION. Sec. 609. FOR THE COMPACT FOR EDUCATION

General Fund Appropriation \$ 92,000

NEW SECTION. Sec. 610. FOR THE HIGHER EDUCATION COORDINATING BOARD

General Fund Appropriation—State \$ 58,665,000
 General Fund Appropriation—Federal \$ 4,148,000
 State Educational Grant Account Appropriation \$ 40,000
 Total Appropriation \$ 62,853,000

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

- (1) \$53,237,000 of the general fund—state appropriation is provided solely for student financial aid, including administrative costs. Of that amount:
 - (a) At least \$18,100,000 shall be expended for work study grants;
 - (b) \$31,500,000 of the general fund—state appropriation is provided solely for the state need grant program, as redesignated by the higher education coordinating board;
 - (c) \$250,000 is provided solely for additions to the conditional scholarship program for nurses; and
 - (d) \$300,000 is provided solely for additions to the conditional scholarship program for teachers.
- (2) \$966,626 of the general fund—state appropriation is provided solely for the displaced homemaker program.
- (3) \$400,000 of the general fund—state appropriation is provided solely for the summer motivation and academic residential training program.
- (4) \$500,000 of the general fund—state appropriation is provided solely for the educational opportunity grant program. If Initiative 102 is not enacted by December 31, 1989, \$250,000 of the amount provided in this subsection shall lapse.
- (5) \$50,000 of the general fund—state appropriation is provided solely for the establishment of a Washington state writing project intended to enhance the skills of writing teachers in grades kindergarten through twelfth grade in Washington public schools.
- (6) \$60,000 of the general fund—state appropriation is provided solely to make matching awards of \$2,000 to community scholarship foundations that:
 - (a) After the effective date of this act, begin a higher education scholarship program and raise at least \$2,000 for the program;
 - (b) Obtain and maintain tax-exempt status under section 501(c)(3) of the internal revenue code for the fund supporting the scholarship program; and
 - (c) Have not previously received a matching award from the amount provided in this subsection.

NEW SECTION. Sec. 611. FOR THE WASHINGTON INSTITUTE OF APPLIED TECHNOLOGY

General Fund Appropriation \$ 3,000,000

The appropriation in this section is subject to the following conditions and limitations:

- (1) \$1,500,000 is provided solely for fiscal year 1990.
- (2) The state board for vocational education and the office of financial management within the governor's office shall conduct a study of the Washington institute of applied technology. The study shall include consultation with the Seattle school district, Seattle community college, and the superintendent of public instruction. The study shall examine the institute's role in the marketplace, its effectiveness in accomplishing its purpose, and alternative methods of operation. The results of the study, together with any recommendations, shall be submitted to the

senate committee on ways and means and the house of representatives committee on appropriations by December 1, 1989.

(3) The office of financial management shall place \$1,500,000 of the appropriation into reserve status for release to the institute for the 1991 fiscal year only after the state board for vocational education and the office of financial management have completed their review and certified to the senate committee on ways and means and the house of representatives committee on appropriations that the institute is meeting its enrollment goals and is effectively accomplishing its purpose.

NEW SECTION, Sec. 612. FOR THE HIGHER EDUCATION PERSONNEL BOARD	
Higher Education Personnel Board Service Fund Appropriation	\$ 2,083,000
NEW SECTION, Sec. 613. FOR WASHINGTON STATE LIBRARY	
General Fund Appropriation—State	\$ 12,075,000
General Fund Appropriation—Federal	\$ 4,622,000
General Fund Appropriation—Private/Local	\$ 112,000
Western Library Network Computer System Revolving Fund Approp- riation—Private/Local	\$ 14,073,000
Total Appropriation	\$ 30,882,000

The appropriations in this section are subject to the following conditions and limitations: \$2,331,000 of the general fund—state and the general fund—federal appropriations are provided solely for a contract with the Seattle public library for library services for the blind and physically handicapped.

NEW SECTION, Sec. 614. FOR THE WASHINGTON STATE ARTS COMMISSION	
General Fund Appropriation—State	\$ 4,557,000
General Fund Appropriation—Federal	\$ 772,000
Total Appropriation	\$ 5,329,000

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

(1) \$1,325,000 of the general fund—state appropriation is provided solely for grants of institutional support to major arts organizations.

(2) The commission shall develop and implement a plan to reduce administrative expenditures below twenty-five percent of total expenditures by fiscal year 1991. The commission shall submit a progress report on its plan to the appropriations committee of the house of representatives and the ways and means committee of the senate prior to January 8, 1990.

NEW SECTION, Sec. 615. FOR THE WASHINGTON STATE HISTORICAL SOCIETY	
General Fund Appropriation	\$ 880,000
NEW SECTION, Sec. 616. FOR THE EASTERN WASHINGTON STATE HISTORICAL SOCIETY	
General Fund Appropriation—State	\$ 750,000
General Fund Appropriation—Federal	\$ 126,000
Total Appropriation	\$ 876,000

NEW SECTION, Sec. 617. FOR THE STATE CAPITOL HISTORICAL ASSOCIATION	
General Fund Appropriation	\$ 987,000
State Capitol Historical Association Museum Account Appropriation	\$ 119,000
Total Appropriation	\$ 1,106,000

The appropriations in this section are subject to the following conditions and limitations: \$200,000 of the general fund appropriation is provided solely for the continuation of a technical assistance program for local heritage organizations.

PART VII SPECIAL APPROPRIATIONS

NEW SECTION, Sec. 701. FOR THE STATE TREASURER—STATE REVENUES FOR DISTRIBUTION	
General Fund Appropriation for fire insurance premiums tax distribu- tion	\$ 5,239,000
General Fund Appropriation for public utility district excise tax distri- bution	\$ 22,854,000
General Fund Appropriation for prosecuting attorneys' salaries	\$ 2,277,000
General Fund Appropriation for motor vehicle excise tax distribution	\$ 68,719,000
General Fund Appropriation for local mass transit assistance	\$ 208,213,000
General Fund Appropriation for camper and travel trailer excise tax distribution	\$ 2,600,000
Aquatic Lands Enhancement Account Appropriation for harbor improvement revenue distribution	\$ 80,000
Liquor Excise Tax Fund Appropriation for liquor excise tax distribu- tion	\$ 18,667,000
Motor Vehicle Fund Appropriation for motor vehicle fuel tax and overload penalties distribution	\$ 290,024,000
Liquor Revolving Fund Appropriation for liquor profits distribution	\$ 41,250,000
Timber Tax Distribution Account Appropriation for distribution to 'Timber' counties	\$ 57,545,000
Municipal Sales and Use Tax Equalization Account Appropriation	\$ 37,002,000

County Sales and Use Tax Equalization Account Appropriation	\$	12,695,000
Death Investigations Account Appropriation for distribution to counties for publicly funded autopsies	\$	636,000
Total Appropriation	\$	767,801,000
NEW SECTION, Sec. 702. FOR THE STATE TREASURER—FEDERAL REVENUES FOR DISTRIBUTION		
Forest Reserve Fund Appropriation for federal forest reserve fund distribution	\$	70,000,000
General Fund Appropriation for federal flood control funds distribution	\$	70,000
General Fund Appropriation for federal grazing fees distribution	\$	50,000
Geothermal Account Appropriation—Federal	\$	20,000
General Fund Appropriation for distribution of federal funds to counties in conformance with Public Law 97-99	\$	720,000
Total Appropriation	\$	70,860,000
NEW SECTION, Sec. 703. FOR THE STATE TREASURER—BOND RETIREMENT AND INTEREST, INCLUDING ONGOING BOND REGISTRATION AND TRANSFER CHARGES; FOR GENERAL OBLIGATION DEBT SUBJECT TO THE STATUTORY DEBT LIMIT		
Fisheries Bond Redemption Fund 1977 Appropriation	\$	1,367,200
Water Pollution Control Facilities Bond Redemption Fund 1967 Appropriation	\$	4,117,000
State Building and Higher Education Construction Bond Redemption Fund 1967 Appropriation	\$	8,034,700
State Building (Expo 74) Bond Redemption Fund 1973A Appropriation	\$	375,900
State Building Bond Redemption Fund 1973 Appropriation	\$	3,796,000
State Higher Education Bond Redemption Fund 1973 Appropriation	\$	4,379,300
State Building Authority Bond Redemption Fund Appropriation	\$	9,401,000
Community College Capital Improvement Bond Redemption Fund 1972 Appropriation	\$	7,514,400
State Higher Education Bond Redemption Fund 1974 Appropriation	\$	1,182,900
Waste Disposal Facilities Bond Redemption Fund Appropriation	\$	64,569,200
Water Supply Facilities Bond Redemption Fund Appropriation	\$	11,126,800
Recreation Improvements Bond Redemption Fund Appropriation	\$	5,996,200
Social and Health Services Facilities 1972 Bond Redemption Fund Appropriation	\$	3,714,100
Outdoor Recreation Bond Redemption Fund 1967 Appropriation	\$	6,298,000
Indian Cultural Center Construction Bond Redemption Fund 1976 Appropriation	\$	124,200
Fisheries Bond Redemption Fund 1976 Appropriation	\$	762,600
Higher Education Bond Redemption Fund 1975 Appropriation	\$	2,167,100
State Building Bond Retirement Fund 1975 Appropriation	\$	421,900
Social and Health Services Bond Redemption Fund 1976 Appropriation	\$	9,474,800
Emergency Water Projects Bond Retirement Fund 1977 Appropriation	\$	2,614,000
Higher Education Bond Redemption Fund 1977 Appropriation	\$	19,264,000
Salmon Enhancement Bond Redemption Fund 1977 Appropriation	\$	4,328,700
Fire Service Training Center Bond Retirement Fund 1977 Appropriation	\$	850,500
State General Obligation Bond Retirement Bond 1979 Appropriation	\$	339,761,200
Total Appropriation	\$	511,641,700
NEW SECTION, Sec. 704. FOR THE STATE TREASURER—BOND RETIREMENT AND INTEREST, INCLUDING ONGOING BOND REGISTRATION AND TRANSFER CHARGES; FOR GENERAL OBLIGATION DEBT TO BE REIMBURSED BY ENTERPRISE ACTIVITIES		
State Convention and Trade Center Account Appropriation	\$	29,433,500
University of Washington Hospital Bond Retirement Fund 1975 Appropriation	\$	1,171,600
Office-Laboratory Facilities Bond Redemption Fund Appropriation	\$	273,700
Higher Education Bond Retirement Fund 1979 Appropriation	\$	2,556,600
State General Obligation Bond Retirement Fund 1979 Appropriation	\$	9,249,000
Spokane River Toll Bridge Revolving Account Appropriation	\$	882,100
Total Appropriation	\$	43,576,200
NEW SECTION, Sec. 705. FOR THE STATE TREASURER—BOND RETIREMENT AND INTEREST, INCLUDING ONGOING BOND REGISTRATION AND TRANSFER CHARGES; FOR GENERAL OBLIGATION DEBT TO BE REIMBURSED AS PRESCRIBED BY STATUTE		
Community College Refunding Bond Retirement Fund 1974 Appropriation	\$	9,756,200
Community College Capital Construction Bond Redemption Fund 1975, 1976, 1977 Appropriation	\$	10,773,500

Higher Education Bond Retirement Fund 1979 Appropriation	\$	10,268,800
Washington State University Bond Redemption Fund 1977 Appropriation	\$	539,200
Higher Education Refunding Bond Redemption Fund 1977 Appropriation	\$	7,801,200
State General Obligation Bond Retirement Fund 1979 Appropriation	\$	29,346,300
Total Appropriation	\$	68,485,200

NEW SECTION. Sec. 706. FOR THE STATE TREASURER—BOND RETIREMENT AND INTEREST, INCLUDING ONGOING BOND REGISTRATION AND TRANSFER CHARGES: FOR DEBT TO BE PAID BY MOTOR VEHICLE FUND REVENUE

Highway Bond Retirement Fund Appropriation	\$	195,489,500
Ferry Bond Retirement Fund 1977 Appropriation	\$	26,531,100
Total Appropriation	\$	222,020,600

NEW SECTION. Sec. 707. FOR THE STATE TREASURER—BOND RETIREMENT AND INTEREST, INCLUDING ONGOING BOND REGISTRATION AND TRANSFER CHARGES: FOR DEBT TO BE PAID BY STATUTORILY PRESCRIBED REVENUE

Common School Building Bond Redemption Fund 1967 Appropriation	\$	6,906,000
State Building Bond Redemption Fund 1967 Appropriation	\$	655,600
State Building and Parking Bond Redemption Fund 1969 Appropriation	\$	2,450,900
Total Appropriation this Section	\$	10,012,500
Total Bond Retirement and Interest Appropriations, Sections 703 through 707	\$	855,736,200

NEW SECTION. Sec. 708. FOR THE GOVERNOR—EMERGENCY FUND

General Fund Appropriation	\$	2,000,000
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The appropriation in this section is for the governor's emergency fund to be allocated for the carrying out of the critically necessary work of any agency.

NEW SECTION. Sec. 709. FOR THE GOVERNOR—INDIAN CLAIMS

General Fund Appropriation	\$	4,925,000
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The appropriation in this section is subject to the following conditions and limitations: This appropriation is provided solely for implementation of the Puyallup tribal settlement agreement, as provided in Substitute House Bill No. 1788 and Engrossed Senate Bill No. 5734. If neither bill is enacted by June 30, 1989, this appropriation shall lapse.

NEW SECTION. Sec. 710. FOR THE GOVERNOR—TORT DEFENSE SERVICES

General Fund Appropriation	\$	1,500,000
Special Fund Agency Tort Defense Services Revolving Fund Appropriation	\$	1,292,000
Total Appropriation	\$	2,792,000

The appropriations in this section are subject to the following conditions and limitations: To facilitate payment of tort defense services from special funds, the state treasurer is directed to transfer sufficient moneys from each special fund to the special fund tort defense services revolving fund, hereby created, in accordance with schedules provided by the office of financial management. The governor shall distribute the moneys appropriated in this section to agencies to pay for tort defense services.

NEW SECTION. Sec. 711. FOR THE GOVERNOR—WASHINGTON FOREST RESOURCE COUNCIL

General Fund Appropriation	\$	150,000
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The appropriation in this section is subject to the following conditions and limitations: If Engrossed Senate Bill No. 5911 is not enacted by June 30, 1989, this appropriation shall lapse.

NEW SECTION. Sec. 712. DEPARTMENT OF PUBLIC HEALTH—TRANSITION

General Fund Appropriation	\$	1,000,000
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The appropriation in this section is subject to the following conditions and limitations: If a department of public health or a department of health is not established by law by June 30, 1989, this appropriation shall lapse.

NEW SECTION. Sec. 713. FOR BELATED CLAIMS

(1) There is appropriated to the office of financial management for payment of supplies and services furnished in previous biennia, from the General Fund	\$	1,140,000
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(2) The following sums, or so much thereof as shall severally be found necessary, are hereby appropriated and authorized to be expended out of the several funds indicated, for the period from the effective date of this act to June 30, 1991, except as otherwise noted.

To reimburse the general fund for expenditures from belated claims appropriations to be disbursed on vouchers approved by the office of financial management:

Medical Disciplinary Account	\$	520
Institutional Impact Account	\$	26,153
ORV (Off-Road-Vehicle) Account	\$	23
Hospital Commission Account	\$	15,224
Centennial Commission Account	\$	940

Public Safety and Education Account	\$	1151
Health Professions Account	\$	734
Forest Development Account	\$	6,122
Real Estate Commission Account	\$	1,614
Reclamation Revolving Account	\$	103
Landowner Contingency Forest Fire Suppression Account	\$	600
Capitol Building Construction Account	\$	40,251
Resource Management Cost Account	\$	9,295
Litter Control Account	\$	34,305
State Building Construction Account	\$	35
Outdoor Recreation Account	\$	1,958
Local Governance Study Commission Account	\$	42
Grade Crossing Protective Fund	\$	1,029
State Patrol Highway Account	\$	25,745
Motorcycle Safety Education Fund	\$	266
Fire Service Training Account	\$	447
Seed Fund	\$	3,023
Electrical License Fund	\$	724
State Wildlife Fund	\$	20,500
Highway Safety Fund	\$	7,774
Motor Vehicle Fund	\$	14,046
Puget Sound Ferry Operations Account	\$	12
Public Service Revolving Fund	\$	6,042
Insurance Commissioner's Regulatory Account	\$	1,910
State Treasurer's Service Fund	\$	1,053
Legal Services Revolving Fund	\$	2,557
Municipal Revolving Fund	\$	5,671
Department of Personnel Service Fund	\$	6,472
State Auditing Services Revolving Fund	\$	1,240
Liquor Revolving Fund	\$	15,445
Department of Retirement Systems Expense Fund	\$	2,982
Accident Fund	\$	62,964
Medical Aid Fund	\$	57,948
Western Library Network Computer System Revolving Fund	\$	460
Pressure Systems Safety Fund	\$	32

NEW SECTION, Sec. 714. FOR SUNDRY CLAIMS

The following sums, or so much thereof as are necessary, are appropriated from the general fund, unless otherwise indicated, for the payment of court judgments and for relief of various individuals, firms, and corporations for sundry claims. These appropriations are to be disbursed on vouchers approved by the director of the department of general administration, except as otherwise provided, as follows:

- (1) For transfer to the Tort Claims Revolving Fund to reimburse the Tort Claims Revolving Fund for payments made to Lori Ann Newman per order of Pierce County Superior Court, Cause No. 85-2-06030-5
- (2) Juan Manuel Palomarez, in settlement of all claims for expenses per order of Yakima County Superior Court, Cause No. 86-1-01381-0, pursuant to RCW 9.01.200, including interest
- (3) Michael Ringo, in settlement of all claims for expenses per order of Kitsap County Superior Court, Cause No. 87-1-00115-4, pursuant to RCW 9.01.200, including interest
- (4) Lee Arthur Jackson, in settlement of all claims for expenses per order of Spokane County Superior Court, Cause No. 87-1-00516-1, pursuant to RCW 9.01.200, including interest
- (5) Thomas A. Simmons, in settlement of all claims for expenses per order of Airport District Court, King County, Cause No. POS 94143, pursuant to RCW 9.01.200, including interest
- (6) Daniel L. Boyer, in settlement of all claims for expenses per order of Wahkiakum County Superior Court, Cause No. CR-296, pursuant to RCW 9.01.200, including interest
- (7) Alex Rooney, in settlement of all claims for expenses per order of Mason County Superior Court, Cause No. 87-1-00074-5, pursuant to RCW 9.01.200, including interest
- (8) Kevin Keniston, in settlement of all claims for expenses per order of Airport District Court, King County, Cause No. 85-188358, pursuant to RCW 9.01.200, including interest

(9) Richard Woods, in settlement of all claims for expenses per order of Pierce County District Court No. 1, Cause No. 88-661977-9, pursuant to RCW 9.01.200, including interest	\$	3,264.21
(10) Donald L. Bakko, in settlement of all claims for expenses per order of Cowlitz County District Court, Cause No. 13818/88-2168, pursuant to RCW 9.01.200, including interest	\$	3,353.09
(11) Curtis A. Fifield, in settlement of all claims for expenses per order of Aukueen District Court, King County, Cause No. K-91052, pursuant to RCW 9.01.200, including interest	\$	4,782.20
(12) Richard J. Giakovmis, in settlement of all claims for expenses per order of Grant County Superior Court, Cause No. 86-2-00119-7	\$	6,437.50
(13) Edward Frank Simpson, in settlement of all claims for expenses per order of Spokane County Superior Court, Cause No. 88-1-00710-2, pursuant to RCW 9.01.200, including interest	\$	12,454.06
(14) Lisa Marie Jones, payment of judgment against The Evergreen State College, per order of Thurston County Superior Court, Cause No. 87-2-01331-3	\$	22,900.00
(15) Mary F. Simmerer Lewis and Timothy P. Lewis, payment of judgment against The Evergreen State College, per order of Thurston County Superior Court, Cause No. 87-2-01331-3	\$	6,000.00
(16) Quigg Bros.-McDonald, Inc., payment based upon consent decree against Bekaert Steel Wire, per order of King County Superior Court, Cause No. 87-2-10275-1 and Stipulation of Settlement No. C88-289TB entered in the U.S. District Court, Western District of Washington	\$	8,571.00
(17) Clyde Waverly Fondern, in settlement of all claims for expenses per order of Klickitat County Superior Court, Cause No. C-2100, pursuant to RCW 9.01.200, including interest	\$	128,601.04
(18) Compensation to the following for all pending claims of damage to crops by game: PROVIDED, That payment shall be made from the Wildlife Fund:		
(a) Phyllis L. Thompson, on behalf of Hidden Valley Nursery	\$	3,587.92
(b) Harold J. Weber	\$	6,145.76
(c) Joe C. Greutz	\$	11,591.75

NEW SECTION. Sec. 715. FOR THE GOVERNOR—COMPENSATION—SALARY AND INSURANCE BENEFITS

General Fund Appropriation—State	\$	72,621,000
General Fund Appropriation—Federal	\$	22,503,000
Special Fund Salary and Insurance Contribution		
Increase Revolving Fund Appropriation	\$	53,624,000
Total Appropriation	\$	148,748,000

The appropriations in this section, or so much thereof as may be necessary, shall be expended solely for the purposes designated in this section and are subject to the conditions and limitations specified in this section.

(1) \$47,410,000 of the general fund—state appropriation, \$15,799,000 of the general fund—federal appropriation, and \$34,920,000 of the special fund salary and insurance contribution increase revolving fund appropriation are provided for a 2.5% across-the-board salary increase effective January 1, 1990, and an additional average 8.5% salary increase effective January 1, 1991, for all classified and exempt employees under the state personnel board, staff of the higher education personnel board, staff of the state board for community colleges, and staff of the higher education coordinating board. The January 1, 1991, salary increase shall fund as much of the 1988 trend salary survey (catch-up plus keep-up results less the January 1, 1989, increase) as possible. If the application of this increase results in a fractional range, the increase shall be rounded to the nearest whole range. These increases shall be implemented in compliance and conformity with all requirements of the comparable worth agreement ratified by 1986 Senate Concurrent Resolution No. 126, where applicable.

(2) \$191,000 of the general fund—state appropriation and \$2,954,000 of the special fund salary and insurance contribution increase revolving fund appropriation are provided for a 4.0 percent salary increase effective January 1, 1990, and an additional 4.0 percent salary increase effective January 1, 1991, for commissioned officers of the Washington state patrol. These increases shall be implemented in compliance and conformity with all requirements of the comparable worth agreement ratified by 1986 Senate Concurrent Resolution No. 126, where applicable.

(3) The governor shall allocate to state agencies from the general fund—state appropriation \$3,327,000 for fiscal year 1990 and \$6,654,000 for fiscal year 1991, from the general fund—federal appropriation \$513,000 for fiscal year 1990 and \$1,027,000 for fiscal year 1991, and from the special fund salary and insurance contribution increase revolving fund appropriation \$2,587,000 for fiscal year 1990 and \$5,173,000 for fiscal year 1991 to fulfill the 1989-91

obligations of the comparable worth agreement ratified by 1986 Senate Concurrent Resolution No. 126.

(4)(a) The monthly contributions for insurance benefit premiums shall not exceed \$239.86 per eligible employee.

(b) The monthly contributions for the margin in the self-insured medical and dental plans and for the operating costs of the health care authority shall not exceed \$16.21 per eligible employee.

(c) Any returns of funds to the health care authority resulting from favorable claims experienced during the 1989-91 biennium shall be held in reserve within the state employees insurance account until appropriated by the legislature.

(d) Funds provided under this section, including funds resulting from dividends or refunds, shall not be used to increase employee insurance benefits over the level of services provided on the effective date of this act. Contributions by any county, municipal, or other political subdivision to which coverage is extended after the effective date of this act shall not receive the benefit of any surplus funds attributable to premiums paid prior to the date on which coverage is extended.

(5) To facilitate the transfer of moneys from dedicated funds and accounts, the state treasurer is directed to transfer sufficient moneys from each dedicated fund or account to the special fund salary and insurance contribution increase revolving fund in accordance with schedules provided by the office of financial management.

(6) In calculating individual agency allocations for this section, the office of financial management shall calculate the allocation of each subsection separately. The separate allocations for each agency may be combined under a single appropriation code for improved efficiency. The office of financial management shall transmit a list of agency allocations by subsection to the senate committee on ways and means and the house of representatives committee on appropriations.

(7) No salary increase may be paid under this section to any person whose salary has been Y-rated pursuant to rules adopted by the state personnel board.

(8) Moneys from the appropriation in this section may be expended for salary and benefit increases for ferry workers in accordance with the 1989-91 transportation appropriations act.

NEW SECTION, Sec. 716. FOR THE DEPARTMENT OF RETIREMENT SYSTEMS—CONTRIBUTIONS TO RETIREMENT SYSTEMS

The appropriations in this section are subject to the following conditions and limitations: The appropriations shall be made on a quarterly basis.

(1) There is appropriated for state contributions to the law enforcement officers' and fire fighters' retirement system:

General Fund Appropriation	\$	FY 1990 63,000,000	FY 1991 62,167,000
Total Appropriation		\$125,167,000	

The appropriation in this subsection is subject to the following conditions and limitations: If Substitute Senate Bill No. 5418 is enacted before June 30, 1989, the FY 1991 appropriation in this subsection shall lapse.

(2) There is appropriated for contributions to the judicial retirement system:

General Fund Appropriation	\$	FY 1990 1,100,000	FY 1991 1,100,000
Total Appropriation		\$2,200,000	

(3) There is appropriated for contributions to the judges retirement system:

General Fund Appropriation	\$	FY 1990 250,000	FY 1991 250,000
Total Appropriation		\$500,000	

(4) If Substitute Senate Bill No. 5418 is enacted by June 30, 1989, the initial employer trust fund contribution rate for all employers of members of the retirement system governed by chapter 41.32 RCW (the teachers' retirement system) shall be set at 11.34% of earnable compensation, beginning July 1, 1989, and 12.60% of earnable compensation, beginning September 1, 1990. If Substitute Senate Bill No. 5418 is not enacted by June 30, 1989, the initial employer trust fund contribution rate for all employers of members of the retirement system governed by chapter 41.32 RCW (the teachers' retirement system) shall be set at 11.34% of earnable compensation, beginning July 1, 1989.

(5) If Substitute Senate Bill No. 5418 is enacted by June 30, 1989, the initial employer trust fund contribution rate for all employers of members of the retirement system governed by chapter 41.40 RCW (the public employees' retirement system) shall be set at 5.99% of compensation earnable, beginning July 1, 1989, and 7.1% of earnable compensation, beginning September 1, 1990. If Substitute Senate Bill No. 5418 is not enacted by June 30, 1989, the initial employer trust fund contribution rate for all employers of members of the retirement system governed by chapter 41.40 RCW (the public employees' retirement system) shall be set at 5.99% of compensation earnable, beginning July 1, 1989.

(6) The employer rate for all employers of members of the retirement system governed by chapter 43.43 RCW (the state patrol retirement system) shall be set at 19.88% of compensation for the 1989-91 biennium.

NEW SECTION, Sec. 717. FOR THE OFFICE OF FINANCIAL MANAGEMENT—CONTRIBUTIONS TO RETIREMENT SYSTEMS

	FY 1990	FY 1991
General Fund—State Appropriation	\$ 2,469,000	9,417,000
	FY 1990	FY 1991
General Fund—Federal Appropriation	480,000	2,012,000
Retirement Contribution Increase Revolving Fund		
Appropriation	\$ 1,954,000	9,494,000
Total Appropriation	\$25,826,000	

The appropriation in this section is subject to the following conditions and limitations:

(1) \$500,000, or as much thereof as may be necessary, shall be distributed to state agencies to increase state contributions to the public employees' retirement system.

(2) \$4,108,000 of the general fund—state appropriation, \$948,000 of the general fund—federal appropriation, and \$4,349,000 of the retirement contribution increase revolving fund appropriation, or as much thereof as may be necessary, shall be distributed to state agencies to increase state contributions to the public employees' retirement system resulting from Engrossed Substitute House Bill No. 1322. If the bill is not enacted by June 30, 1989, the amount provided in this subsection shall lapse.

(3) \$6,544,000 of the general fund—state appropriation, \$1,486,000 of the general fund—federal appropriation, and \$7,157,000 of the retirement contribution increase revolving fund appropriation, or as much thereof as may be necessary, shall be distributed to state agencies to increase state contributions to the public employees' retirement system resulting from Engrossed Substitute Senate Bill No. 5418. If the bill is not enacted by June 30, 1989, the amount provided in this subsection shall lapse.

(4) \$343,000, or as much as may be necessary, shall be distributed to state agencies to increase state contributions to the teachers' retirement fund resulting from Engrossed Substitute House Bill No. 1322. If the bill is not enacted by June 30, 1989, the amount provided in this subsection shall lapse.

(5) \$391,000, or as much thereof as may be necessary, shall be distributed to state agencies to increase state contributions to the teachers' retirement fund resulting from Substitute Senate Bill No. 5418. If the bill is not enacted by June 30, 1989, the amount provided in this subsection shall lapse.

NEW SECTION, Sec. 718. FOR THE DEPARTMENT OF RETIREMENT SYSTEMS—TRANSFERS

General Fund Appropriation: For transfer to the Department of Retirement Systems Expense Fund	\$	28,000
Motor Vehicle Fund—State Patrol Highway Account Appropriation: For transfer to the Department of Retirement Systems Expense Fund	\$	125,000

NEW SECTION, Sec. 719. FOR THE STATE TREASURER—TRANSFERS

General Fund Appropriation: For transfer to the Institutional Impact Account	\$	332,536
General Government Special Revenue Fund—State Treasurer's Service Account Appropriation: For transfer to the general fund on or before July 20, 1991, an amount up to \$10,000,000 in excess of the cash requirements in the State Treasurer's Service Account for fiscal year 1992, for credit to the fiscal year in which earned	\$	10,000,000
General Fund Appropriation: For transfer to the Natural Resources Fund—Water Quality Account	\$	15,378,000
Data Processing Revolving Account: For transfer to the General Fund	\$	2,400,000
Public Facilities Construction Loan and Grant Revolving Fund: For transfer to the General Fund	\$	3,110,000
Puget Sound Ferry Operations Account: For transfer to the Tort Claims Revolving Fund for claims paid on behalf of the department of transportation, Washington state ferry system during the period July 1, 1989, through June 30, 1991	\$	1,353,000
Motor Vehicle Fund: For transfer to the Tort Claims Revolving Fund for claims paid on behalf of the department of transportation and the state patrol during the period July 1, 1989, through June 30, 1991	\$	14,000,000
Resource Cost Management Cost Account: For transfer to the University of Washington Bond Retirement Account	\$	15,000,000
Water Quality Account Appropriation: For transfer to the water pollution revolving fund. Transfers shall be made at intervals coinciding with deposits of federal capitalization grant money into the revolving fund. The amounts transferred shall not exceed the		

match required for each federal deposit	\$	15,800,000
Building Code Council Account Appropriation: For transfer to the general fund	\$	210,000
General Fund Appropriation, FY 1991: For transfer to the law enforcement officers' and fire fighters' retirement system as provided in Substitute Senate Bill No. 5418. If the bill is not enacted by June 30, 1989, this appropriation shall lapse	\$	62,167,000
Children's Initiative Fund—K-12 Education Account Appropriation: For transfer to the Common School Construction Fund	\$	45,000,000

PART VIII
MISCELLANEOUS

NEW SECTION. Sec. 801. The appropriations contained in this act are maximum expenditure authorizations. Pursuant to RCW 43.88.037, moneys disbursed from the treasury on the basis of formalized loan agreements with other governmental entities shall be treated as loans and are to be recorded as loans receivable and not as expenditures for accounting purposes. To the extent that moneys are disbursed on a loan basis, the corresponding appropriation shall be reduced by the amount of loan moneys disbursed from the treasury during the 1989-91 biennium.

NEW SECTION. Sec. 802. Agencies shall comply with the following requirements regarding information systems projects when specifically directed to do so by this act.

(1) The agency shall produce a feasibility study for each information systems project in accordance with published department of information services instructions. In addition to department of information services requirements, the study shall examine and evaluate the costs and benefits of maintaining status quo.

(2) The agency shall produce a project management plan for each project. The plan or plans shall address all factors critical to successful completion of each project. The plan shall include, but is not limited to, the following elements: A description of the problem or opportunity that the information systems project is intended to address; a statement of project objectives and assumptions; definition of phases, tasks, and activities to be accomplished and the estimated cost of each phase; a description of how the agency will facilitate responsibilities of oversight agencies; a description of key decision points in the project life cycle; a description of variance control measures; a definitive schedule that shows the elapsed time estimated to complete the project and when each task is to be started and completed; and a description of resource requirements to accomplish the activities within specified time, cost, and functionality constraints.

(3) A copy of each feasibility study and project management plan shall be provided to the department of information services, the office of financial management, and appropriate legislative committees. Authority to expend any funds for individual information systems projects is conditioned on approval of the relevant feasibility study and project management plan by the department of information services and the office of financial management.

(4) A project status report shall be submitted to the department of information services, the office of financial management, and appropriate legislative committees for each project prior to reaching key decision points identified in the project management plan. Project status reports shall examine and evaluate project management, accomplishments, budget, action to address variances, risk management, cost and benefits analysis, and other aspects critical to completion of a project.

Work shall not commence on any task in a subsequent phase of a project until the status report for the preceding key decision point has been approved by the department of information services and the office of financial management.

(5) If a project review is requested in accordance with department of information services policies, the reviews shall examine and evaluate: System requirements specifications; scope; system architecture; change controls; documentation; user involvement; training; availability and capability of resources; programming languages and techniques; system inputs and outputs; plans for testing, conversion, implementation, and post-implementation; and other aspects critical to successful construction, integration, and implementation of automated systems. Copies of project review written reports shall be forwarded to the office of financial management and appropriate legislative committees by the agency.

(6) A written post-implementation review report shall be prepared by the agency for each information systems project in accordance with published department of information services instructions. In addition to the information requested pursuant to the department of information services instructions, the post-implementation report shall evaluate the degree to which a project accomplished its major objectives including, but not limited to, a comparison of original cost and benefit estimates to actual costs and benefits achieved. Copies of the post-implementation review report shall be provided to the department of information services, the office of financial management, and appropriate legislative committees.

NEW SECTION. Sec. 803. No agency may spend any portion of any appropriation in this act for new video telecommunication equipment, new video telecommunication transmission, or

new video telecommunication programming, or for expanding current video telecommunication systems without first complying with chapter 43.105 RCW, including but not limited to RCW 43.105.041(2), and without first submitting a video telecommunications expenditure plan, in accordance with the policies of the department of information services, for review and assessment by the department of information services under RCW 43.105.052. Prior to any such expenditure by a public school, a video telecommunications expenditure plan shall be approved by the superintendent of public instruction. The office of the superintendent of public instruction shall coordinate the use of video telecommunications in public schools by providing educational information to local school districts and shall assist local school districts and educational service districts in telecommunications planning and curriculum development. Prior to any such expenditure by a public institution of postsecondary education, a telecommunications expenditure plan shall be approved by the higher education coordinating board. The higher education coordinating board shall coordinate the use of video telecommunications for instruction and instructional support in postsecondary education, including the review and approval of instructional telecommunications course offerings.

NEW SECTION. Sec. 804. Prior to submitting any request to the department of personnel for personnel reclassifications or other modifications to any compensation plans or schedules, an agency shall submit to the office of financial management a report describing the fiscal impact of the request and a description of the moneys available to the agency to fund the request. The office of financial management, pursuant to its statutory duties under RCW 43.88.160(1)(c), shall review the report. The results of that review shall be submitted to the requesting agency, the department of personnel, the senate committee on ways and means, and the house of representatives committee on appropriations prior to action on the request by the personnel board or its successor.

NEW SECTION. Sec. 805. Except for the appropriations in sections 107 through 112 of this act, the general fund—state appropriations in this act are subject to the following conditions and limitations: For any agency, the percentage of its total 1989-91 biennial general fund—state appropriations spent for personal service contracts shall not exceed the percentage of its total 1987-89 biennial general fund—state appropriations spent for personal service contracts, unless such excess expenditures are approved in advance by the director of the office of financial management for good cause.

NEW SECTION. Sec. 806. Whenever allocations are made from the governor's emergency fund appropriation to an agency that is financed in whole or in part by other than general fund moneys, the director of financial management may direct the repayment of such allocated amount to the general fund from any balance in the fund or funds which finance the agency. No appropriation shall be necessary to effect such repayment.

NEW SECTION. Sec. 807. In addition to the amounts appropriated in this act for revenue for distribution, state contributions to the law enforcement officers' and fire fighters' retirement system, and bond retirement and interest including ongoing bond registration and transfer charges, transfers, interest on registered warrants, and certificates of indebtedness, there is also appropriated such further amounts as may be required or available for these purposes under any statutory formula or under any proper bond covenant made in accordance with law.

NEW SECTION. Sec. 808. In addition to such other appropriations as are made by this act, there is hereby appropriated to the state finance committee from legally available bond proceeds in the applicable construction or building funds and accounts such amounts as are necessary to pay the expenses incurred in the issuance and sale of the subject bonds.

NEW SECTION. Sec. 809. No agency may expend or transfer any portion of any appropriation from the children's initiative fund—children's services and support account or from the children's initiative fund—K-12 education account unless Initiative 102 is enacted by December 31, 1989. If Initiative 102 is not enacted by December 31, 1989, these accounts, and all appropriations from them, are null and void.

Sec. 810. Section 10, chapter 218, Laws of 1973 1st ex. sess. as last amended by section 505, chapter 405, Laws of 1985 and RCW 9.46.100 are each amended to read as follows:

There is hereby created a fund to be known as the 'gambling revolving fund' which shall consist of all moneys receivable for licensing, penalties, forfeitures, and all other moneys, income, or revenue received by the commission. The state treasurer shall be custodian of the fund. All moneys received by the commission or any employee thereof, except for change funds and an amount of petty cash as fixed by rule or regulation of the commission, shall be deposited each day in a depository approved by the state treasurer and transferred to the state treasurer to be credited to the gambling revolving fund. Disbursements from the revolving fund shall be on authorization of the commission or a duly authorized representative thereof. In order to maintain an effective expenditure and revenue control the gambling revolving fund shall be subject in all respects to chapter 43.88 RCW but no appropriation shall be required to permit expenditures and payment of obligations from such fund. All expenses relative to commission business, including but not limited to salaries and expenses of the director and other commission employees shall be paid from the gambling revolving fund.

The ~~((office of financial management may direct the))~~ state treasurer ~~((to loan))~~ shall transfer to the general fund ~~((an amount not to exceed \$1,400,000))~~ one million dollars from the gambling revolving fund for the ~~((1983-85))~~ 1989-91 fiscal biennium.

Sec. 811. Section 7, chapter 13, Laws of 1983 1st ex. sess. as amended by section 710, chapter 289, Laws of 1988 and RCW 50.16.070 are each amended to read as follows:

The federal interest payment fund shall consist of contributions payable by each employer (except employers as described in RCW 50.44.010 and 50.44.030 who have properly elected to make payments in lieu of contributions, employers who are required to make payments in lieu of contributions, and employers paying contributions under RCW 50.44.035) for any calendar quarter which begins on or after January 1, 1984, and for which the commissioner determines that the department will have an outstanding balance of accruing federal interest at the end of the calendar quarter. The amount of wages subject to tax shall be determined according to RCW 50.24.010. The tax rate applicable to wages paid during the calendar quarter shall be determined by the commissioner and shall not exceed fifteen one-hundredths of one percent. In determining whether to require contributions as authorized by this section, the commissioner shall consider the current balance in the federal interest payment fund and the projected amount of interest which will be due and payable as of the following September 30. Except as appropriated for the fiscal biennium ending June 30, ~~((1989))~~ 1991, any excess moneys in the federal interest payment fund shall be retained in the fund for future interest payments.

Contributions under this section shall become due and be paid by each employer in accordance with such rules as the commissioner may prescribe and shall not be deducted, in whole or in part, from the remuneration of individuals in the employ of the employer. Any deduction in violation of this section is unlawful.

In the payment of any contributions under this section, a fractional part of a cent shall be disregarded unless it amounts to one-half cent or more, in which case it shall be increased to one cent.

NEW SECTION. Sec. 812. Notwithstanding RCW 43.01.090 the house of representatives, the senate, and the permanent statutory committees shall pay expenses quarterly to the department of general administration facilities and services revolving fund for services rendered by the department for operations, maintenance, and supplies relating to buildings, structures, and facilities used by the legislature for the biennium beginning July 1, 1989.

NEW SECTION. Sec. 813. Amounts received by an agency as reimbursements pursuant to RCW 39.34.130 shall be considered as returned loans of materials supplied or services rendered. Such amounts may be expended as a part of the original appropriation of the fund to which it belongs, without further or additional appropriation, subject to conditions and procedures prescribed by the director of financial management, which shall provide for determination of full costs, disclosure of such reimbursements in the governor's budget, maximum interagency usage of data processing equipment and services, and such restrictions as will promote more economical operations of state government without incurring continuing costs beyond those reimbursed.

NEW SECTION. Sec. 814. The appropriations of moneys and the designation of funds and accounts by this and other acts of the 1989 legislature shall be construed in a manner consistent with legislation enacted by the 1985 and 1987 legislatures to conform state funds and accounts with generally accepted accounting principles.

NEW SECTION. Sec. 815. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 816. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect July 1, 1989."

On page 1, line 1 of the title, after "matters;" strike the remainder of the title and insert "making appropriations and authorizing expenditures for the operations of state agencies for the fiscal biennium beginning July 1, 1989, and ending June 30, 1991; amending RCW 9.46.100 and 50.16.070; providing an effective date; and declaring an emergency."

Signed by Representatives Locke, Chair; Grant, Vice Chair; H. Sommers, Vice Chair; Appelwick, Belcher, Braddock, Brekke, Bristow, Dorn, Ebersole, Hine, Rust, Sayan, Spanel, Sprengle, Valle and Wang.

MINORITY recommendation: Do not pass. Signed by Representatives Silver, Ranking Republican Member; Youngsman, Assistant Ranking Republican Member; Bowman, Brough, Doty, Ferguson, McLean, Nealey and Padden.

Absent: Representatives Holland and May.

MOTION

Mr. Ebersole moved that the rules be suspended and the bill be placed on the second reading calendar. The motion was carried.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5352, by Committee on Ways & Means (originally sponsored by Senators McDonald, Gaspard and Rasmussen; by request of Governor)

Making appropriation for the 1989-91 biennium.

The bill was read the second time. Committee on Appropriations recommendation: Majority, do pass as amended. (For committee amendment, see today's Journal, Evening Session.)

Mr. Locke moved adoption of the committee amendment.

Ms. Silver moved adoption of the following amendment by Representatives Silver, Horn, Holland, Brough, Bowman and May to the committee amendment:

On page 2, after line 4, insert:

"(3) Any and all references to the Children's initiative fund and any and all 'appropriations' from that fund are hereby declared NULL AND VOID."

Ms. Silver spoke in favor of adoption of the amendment to the committee amendment.

Mr. May demanded an electric roll call vote, and the demand was sustained.

Representatives Ebersole and Locke spoke against the amendment to the committee amendment, and Mr. Padden spoke in favor of it.

ROLL CALL

The Clerk called the roll on adoption of the amendment by Representative Silver and others to the committee amendment by Committee on Appropriations to Engrossed Substitute Senate Bill No. 5352, and the amendment to the committee amendment was not adopted by the following vote: Yeas, 34; nays, 63; excused, 1.

Voting yea: Representatives Ballard, Baugher, Beck, Betrozoff, Bowman, Brooks, Brough, Brumsickle, Chandler, Doty, Fuhrman, Hankins, Holland, Horn, May, McLean, Miller, Moyer, Nealey, Padden, Patrick, Prince, Rayburn, Schmidt, Schoon, Silver, Smith, Sommers D, Tate, Walker, Wilson S, Wolfe, Youngsman, Zellinsky - 34.

Voting nay: Representatives Anderson, Appelwick, Basich, Belcher, Braddock, Brekke, Bristow, Cantwell, Cole, Cooper, Crane, Day, Dellwo, Dorn, Ebersole, Ferguson, Fisher G, Fisher R, Fraser, Grant, Hargrove, Haugen, Heavey, Hine, Inslee, Jacobsen, Jesernig, Jones, King P, King R, Kremen, Leonard, Locke, Meyers R, Morris, Myers H, Nelson, Nutley, O'Brien, Peery, Phillips, Prentice, Pruitt, Raiter, Rasmussen, Rector, Rust, Sayan, Scott, Sommers H, Spanel, Sprengle, Todd, Valle, Van Luven, Vekich, Walk, Wang, Wilson K, Wineberry, Winsley, Wood, and Mr. Speaker - 63.

Excused: Representative Gallagher - 1.

Mr. Ebersole moved adoption of the following amendments by Representatives Ebersole and Silver to the committee amendment:

On page 4, line 25 of the amendment, increase the general fund appropriation by \$250,000.

On page 4, line 27, after "limitations:" insert "(1)"

On page 4, after line 30 of the amendment insert:

"(2) \$250,000 of the general fund appropriation is provided solely for acquisition and implementation of necessary redistricting data processing systems in conjunction with the senate and the secretary of state."

On page 4, after line 32 of the amendment, insert:

"The appropriation in this section is subject to the following conditions and limitations: \$250,000 of the general fund appropriation is provided solely for acquisition and implementation of necessary redistricting data processing systems in conjunction with the house of representatives and the secretary of state."

On page 4, line 32 of the amendment, increase the general fund appropriation by \$250,000.

On page 8, line 21 of the amendment, increase the general fund appropriation by \$200,000.

On page 8, line 26 of the amendment, increase the total appropriation by \$200,000.

On page 8, after line 28 of the amendment insert:

"(1) \$200,000 of the general fund appropriation is provided solely for acquisition and implementation of necessary redistricting data processing systems in conjunction with the house of representatives and the senate."

Mr. Ebersole spoke in favor of adoption of the amendments to the committee amendment, and they were adopted.

Ms. K. Wilson moved adoption of the following amendments by Representatives K. Wilson, Scott, R. King, P. King and Cantwell to the committee amendment:
 On page 6, line 1 of the amendment, increase the general fund appropriation by \$82,000
 On page 6, line 4 of the amendment, increase the total appropriation by \$82,000

Ms. K. Wilson spoke in favor of the amendments to the committee amendment, and Mr. Locke spoke against them. The amendments to the committee amendment were not adopted.

The Clerk read the following amendments by Representatives Wineberry, Phillips, Anderson and Appelwick to the committee amendment:
 On page 6, line 3 of the amendment, increase the public safety and education account appropriation by \$77,000
 On page 6, line 4 of the amendment, increase the total appropriation by \$77,000

With consent of the House, Representative Wineberry withdrew the amendments to the committee amendment.

Mr. Tate moved adoption of the following amendment to the committee amendment:

On page 7, after line 31, insert:
 "(10) The administrator for the courts shall conduct a study of the judicial barriers to the timely implementation of death penalty sentences in Washington state. The administrator shall examine rules of procedure and practice to determine how the time between sentencing and execution can be reduced. The administrator for the courts shall submit his finding to the house of representatives committee on judiciary and the senate committee on law and justice by January 15, 1990."

Mr. Tate spoke in favor of adoption of the amendment to the committee amendment, and Mr. R. Meyers spoke against it. Mr. Tate again spoke in favor of the amendment to the committee amendment, and it was not adopted.

Mr. Locke moved adoption of the following amendment to the committee amendment:

On page 7, after line 31 of the amendment, insert:
 "(10) Within the appropriations provided in this section, the administrator for the courts shall implement Substitute House Bill No. 1565."

Mr. Locke spoke in favor of adoption of the amendment to the committee amendment, and it was adopted.

Mr. Locke moved adoption of the following amendment by Representatives Locke, Ballard and Silver to the committee amendment:

On page 8, after line 12 of the amendment, insert:
 "(4) The governor's office is authorized to use moneys from the general fund appropriation-state for implementation of House Bill No. 2129."

Mr. Locke spoke in favor of adoption of the amendment to the committee amendment, and it was adopted.

Ms. R. Fisher moved adoption of the following amendment to the committee amendment:

On page 12, line 22 of the amendment, after "1360" insert ", House Bill No. 2236."

Ms. R. Fisher spoke in favor of adoption of the amendment to the committee amendment, and it was adopted.

Mr. May moved adoption of the following amendment by Representatives Ballard, May and Horn to the committee amendment:

On page 15, after line 20 of the amendment, insert:
 "(3) The department of general administration shall prepare by January 15, 1990, a report for the house capital facilities & financing committee and the senate ways & means committee, comparing the costs that the state chooses to pay for building construction by artificially increasing the cost of construction through the prevailing wage law (Chapter 39.12 RCW) and what the buildings would cost to construct if the act did not apply."

Mr. May spoke in favor of adoption of the amendment to the committee amendment.

Mr. Fuhrman demanded an electric roll call vote, and the demand was sustained.

Ms. H. Sommers spoke against the amendment to the committee amendment.

ROLL CALL

The Clerk called the roll on adoption of the amendment by Representative Ballard and others to the committee amendment by Committee on Appropriations to Engrossed Substitute Senate Bill No. 5352, and the amendment to the committee amendment was not adopted by the following vote: Yeas, 35; nays, 61; absent, 1; excused, 1.

Voting yea: Representatives Ballard, Beck, Betrozoff, Bowman, Brooks, Brough, Brumsickle, Chandler, Doty, Ferguson, Fuhrman, Hankins, Holland, Horn, May, McLean, Miller, Moyer, Nealey, Padden, Patrick, Prince, Schmidt, Schoon, Scott, Silver, Smith, Sommers D. Tate, Van Luven, Walker, Wilson S. Wolfe, Wood, Youngsman - 35.

Voting nay: Representatives Anderson, Appelwick, Basich, Baugher, Belcher, Braddock, Brekke, Bristow, Cantwell, Cole, Cooper, Crane, Day, Dellwo, Dorn, Ebersole, Fisher G, Fisher R, Fraser, Grant, Hargrove, Haugen, Heavey, Hine, Inslee, Jacobsen, Jesernig, Jones, King P, King R, Kremen, Leonard, Locke, Meyers R, Morris, Myers H, Nelson, Nutley, O'Brien, Peery, Phillips, Prentice, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sommers H, Spanel, Sprenkle, Todd, Valle, Vekich, Walk, Wang, Wilson K, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 61.

Absent: Representative Sayan - 1.

Excused: Representative Gallagher - 1.

Mr. Locke moved adoption of the following amendment by Representatives Locke and Silver to the committee amendment:

On page 15, line 26 of the amendment, increase the insurance commissioner's regulatory account appropriation by \$483,000

Mr. Locke spoke in favor of adoption of the amendment to the committee amendment, and it was adopted.

Mr. Wolfe moved adoption of the following amendment to the committee amendment:

On page 17, after line 33, insert:

"(4) The department of social and health services may not expend any funds received from any source to, in any manner, support the illegal distribution of drug paraphernalia. For the purposes of this act, needle exchange programs constitute the support of an illegal distribution of drug paraphernalia as prohibited by RCW 69.50.412."

Mr. Wolfe spoke in favor of adoption of the amendment to the committee amendment.

Mr. May demanded an electric roll call vote, and the demand was sustained.

Representatives Braddock, Heavey and Wineberry spoke against adoption of the amendment to the committee amendment, and Mr. Padden spoke in favor of it. Mr. Braddock again spoke against the amendment to the committee amendment.

ROLL CALL

The Clerk called the roll on adoption of the amendment by Representative Wolfe to the committee amendment by Committee on Appropriations to Engrossed Substitute Senate Bill No. 5352, and the amendment to the committee amendment was not adopted by the following vote: Yeas, 37; nays, 58; absent, 2; excused, 1.

Voting yea: Representatives Ballard, Baugher, Beck, Betrozoff, Bowman, Brough, Brumsickle, Cantwell, Chandler, Crane, Doty, Ferguson, Fuhrman, Hankins, Hargrove, Holland, Horn, Inslee, May, McLean, Miller, Nealey, Padden, Peery, Rayburn, Schmidt, Schoon, Silver, Smith, Sommers D. Tate, Todd, Van Luven, Winsley, Wolfe, Wood, Youngsman - 37.

Voting nay: Representatives Anderson, Appelwick, Basich, Belcher, Braddock, Brekke, Bristow, Brooks, Cole, Cooper, Day, Dellwo, Dorn, Ebersole, Fisher G, Fisher R, Fraser, Grant, Haugen, Heavey, Hine, Jacobsen, Jesernig, Jones, King P, King R, Kremen, Leonard, Locke, Meyers R, Morris, Moyer, Myers H, Nelson, Nutley, O'Brien, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rector, Rust, Sayan, Scott, Sommers H, Spanel, Sprenkle, Valle, Vekich, Walker, Wang, Wilson K, Wilson S, Wineberry, Zellinsky, and Mr. Speaker - 58.

Absent: Representatives Patrick, Walk - 2.

Excused: Representative Gallagher - 1.

Mr. Moyer moved adoption of the following amendments by Representatives Moyer and Silver to the committee amendment:

On page 18, line 21 of the amendment, increase the general fund appropriation-state by \$161,000

On page 18, line 28 of the amendment, increase the total appropriation by \$161,000

On page 20, after line 36, insert a new subsection as follows:

"(11) \$161,000 of the general fund appropriation-state is provided solely to expand the 'Volunteers of America's Crosswalk Program' providing services to street youth."

Mr. Moyer spoke in favor of adoption of the amendments to the committee amendment, and Mr. Sayan spoke against them.

Mr. May demanded an electric roll call vote, and the demand was sustained.

ROLL CALL

The Clerk called the roll on adoption of the amendments by Representative Moyer and Silver to the committee amendment by Committee on Appropriations to Engrossed Substitute Senate Bill No. 5352, and the amendments to the committee amendment were not adopted by the following vote: Yeas, 40; nays, 54; absent, 3; excused, 1.

Voting yea: Representatives Ballard, Beck, Betrozoff, Bowman, Bristow, Brooks, Brough, Brumsickle, Chandler, Day, Dellwo, Doty, Ferguson, Fuhrman, Hankins, Holland, Horn, May, McLean, Miller, Moyer, Nealey, Padden, Patrick, Prince, Schmidt, Schoon, Silver, Smith, Sommers D, Tate, Van Luven, Walker, Wilson S, Wineberry, Winsley, Wolfe, Wood, Youngsman - 40.

Voting nay: Representatives Anderson, Appelwick, Basich, Baugher, Belcher, Braddock, Brekke, Cantwell, Cole, Cooper, Crane, Ebersole, Fisher G, Fisher R, Fraser, Grant, Hargrove, Haugen, Heavey, Hine, Inslee, Jacobsen, Jesernig, Jones, King P, King R, Kremen, Leonard, Locke, Meyers R, Morris, Myers H, Nelson, Nutley, O'Brien, Peery, Phillips, Prentice, Pruitt, Raiter, Rasmussen, Rayburn, Rust, Sayan, Sommers H, Spanel, Sprenkle, Valle, Vekich, Walk, Wang, Wilson K, Zellinsky, and Mr. Speaker - 54.

Absent: Representatives Dorn, Scott, Todd - 3.

Excused: Representative Gallagher - 1.

Mr. Brooks moved adoption of the following amendments by Representatives Brooks, Holland, Brough and Moyer to the committee amendment:

On page 18, line 21 of the amendment, increase the general fund appropriation-state by \$680,000

On page 18, line 25 of the amendment, decrease the children's initiative fund-children's services and support account appropriation by \$340,000

On page 18, line 28 of the amendment, increase the total appropriation by \$340,000

On page 19, line 31 of the amendment, strike "\$56,371,000" and insert "\$56,031,000"

On page 20, after line 36 of the amendment, add a new subsection as follows:

"(11) \$680,000 of the general fund appropriation-state is provided solely for childhood immunization programs."

Mr. Brooks spoke in favor of adoption of the amendments to the committee amendment.

Mr. May demanded an electric roll call vote, and the demand was sustained.

Mr. Braddock spoke against adoption of the amendments to the committee amendment.

POINT OF ORDER

Ms. Brough: I believe the gentleman, who is now speaking, is not adhering to Reed's Rules in respect to courtesy of our fellow colleagues.

SPEAKER'S REPLY

The Speaker: Representative Braddock, would you, in the future, please refer to our distinguished colleagues in a more august manner?

ROLL CALL

The Clerk called the roll on adoption of the amendments by Representative Brooks and others to the committee amendment by Committee on Appropriations to Engrossed Substitute Senate Bill No. 5352, and the amendments to the committee amendment were not adopted by the following vote: Yeas, 37; nays, 60; excused, 1.

Voting yea: Representatives Anderson, Ballard, Beck, Betrozoff, Bowman, Brooks, Brough, Brumsickle, Chandler, Doty, Ferguson, Fuhrman, Hankins, Holland, Horn, Jacobsen, May, McLean, Miller, Moyer, Nealey, Padden, Patrick, Prince, Schmidt, Schoon, Silver, Smith, Sommers D, Tate, Van Luven, Walker, Wilson S, Winsley, Wolfe, Wood, Youngsman - 37.

Voting nay: Representatives Appelwick, Basich, Baugher, Belcher, Braddock, Brekke, Bristow, Cantwell, Cole, Cooper, Crane, Day, Dellwo, Dorn, Ebersole, Fisher G, Fisher R, Fraser, Grant, Hargrove, Haugen, Heavey, Hine, Inslee, Jesernig, Jones, King P, King R, Kremen,

Leonard, Locke, Meyers R, Morris, Myers H, Nelson, Nutley, O'Brien, Peery, Phillips, Prentice, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Scott, Sommers H, Spanel, Sprenkle, Todd, Valle, Vekich, Walk, Wang, Wilson K, Wineberry, Zellinsky, and Mr. Speaker - 60.

Excused: Representative Gallagher - 1.

Mr. Holland moved adoption of the following amendments by Representatives Holland and Van Luven to the committee amendment:

On page 18, line 21 of the amendment, increase the general fund appropriation--state by \$240,000

On page 18, line 28 of the amendment, increase the total appropriation by \$240,000

On page 19, line 16 of the amendment, strike "\$5,090,000" and insert "\$5,370,000"

On page 19, line 23, strike "\$200,000" and insert "\$480,000"

Mr. Holland spoke in favor of adoption of the amendments to the committee amendment, and Mr. Locke spoke against them.

Mr. May demanded an electric roll call vote, and the demand was sustained.

ROLL CALL

The Clerk called the roll on adoption of the amendments by Representatives Holland and Van Luven to the committee amendment by Committee on Appropriations to Engrossed Substitute Senate Bill No. 5352, and the amendments to the committee amendment were not adopted by the following vote: Yeas, 39; nays, 58; excused, 1.

Voting yea: Representatives Ballard, Beck, Betrozoff, Bowman, Brooks, Brough, Brumsickle, Chandler, Doty, Ferguson, Fuhrman, Hankins, Heavey, Holland, Horn, Inslée, Jones, May, McLean, Miller, Moyer, Nealey, Padden, Patrick, Prince, Rector, Schmidt, Schoon, Silver, Smith, Sommers D, Tate, Van Luven, Walker, Wilson S, Winsley, Wolfe, Wood, Youngsman - 39.

Voting nay: Representatives Anderson, Appelwick, Basich, Baugher, Belcher, Braddock, Brekke, Bristow, Cantwell, Cole, Cooper, Crane, Day, Dellwo, Dorn, Ebersole, Fisher G, Fisher R, Fraser, Grant, Hargrove, Haugen, Hine, Jacobsen, Jesernig, King P, King R, Kremen, Leonard, Locke, Meyers R, Morris, Myers H, Nelson, Nutley, O'Brien, Peery, Phillips, Prentice, Pruitt, Raiter, Rasmussen, Rayburn, Rust, Sayan, Scott, Sommers H, Spanel, Sprenkle, Todd, Valle, Vekich, Walk, Wang, Wilson K, Wineberry, Zellinsky, and Mr. Speaker - 58.

Excused: Representative Gallagher - 1.

Ms. Rector moved adoption of the following amendments by Representatives Rector, Dellwo, Brumsickle and Bowman to the committee amendment:

On page 18, line 21 of the amendment, increase the general fund appropriation--state by \$500,000

On page 18, line 28 of the amendment, increase the total appropriation by \$500,000

On page 20, after line 36, insert a new subsection as follows:

"(11) \$500,000 of the general fund--state appropriation is provided solely for continuation of the 'Continuum of Care' projects as provided for in section 203(15), chapter 289, Laws of 1988, through June 30, 1990."

Representatives Rector, Bowman and Locke spoke in favor of adoption of the amendments to the committee amendment, and they were adopted.

Mr. Wineberry moved adoption of the following amendments by Representatives Wineberry, Locke, Ebersole, Hine and Moyer to the committee amendment:

On page 18, line 21 of the amendment, increase the general fund appropriation--state by \$250,000

On page 18, line 28 of the amendment, increase the total appropriation by \$250,000

On page 20, after line 36, insert a new subsection as follows:

"(11) \$250,000 of the general fund--state appropriation is provided solely for employer-related child care activities, including outreach and technical assistance to employers by the department of social and health services or community-based child care resource and referral agencies as outlined in ESHB 1133 and 2SSB 6051. No moneys provided in this subsection may be spent for grants or loans to employers."

Mr. Wineberry spoke in favor of adoption of the amendments to the committee amendment, and they were adopted.

On motion of Mr. Locke, the following amendments by Representatives Locke and Silver to the committee amendment were adopted:

On page 18, line 22 of the amendment, increase the general fund appropriation--federal by \$5,336,000

On page 18, line 28 of the amendment, increase the total appropriation by \$5,336,000

Mr. Locke moved adoption of the following amendments by Representatives Locke, Silver and Bristow to the committee amendment:

Beginning on page 22, after line 34 of the amendment, strike all of the language through "state-wide" on page 26, line 20 and insert:

"(a) If Second Substitute Senate Bill No. 5400, as amended by the House, is not enacted by June 30, 1989, the following conditions and limitations are subject to the appropriations in this subsection:

(i) The legislature assumes that the improvements funded in this section are the first step towards building a mental health system with strong coordination within communities and between communities and the state hospitals. Should Second Substitute Senate Bill No. 5400 not be enacted, the legislature intends to proceed with the transition described in that bill. The legislature intends that counties or groups of counties will form regional support networks to provide comprehensive mental health services to their residents. Comprehensive services include short term evaluation and treatment, emergency intervention, community residential and support services, and other services needed to support the mentally ill. The legislature intends that the state hospitals will continue to play an important role in the mental health system. It is also intended that networks gradually reduce their reliance on the state hospitals for routine short term evaluation and treatment.

(ii) Beginning July 1, 1989, the department of social and health services shall track by county and by region the use and cost of state hospital and local evaluation and treatment facilities, including the use of local hospitals under medicaid. Reports shall include information on seventy-two hour detentions and fourteen-day, ninety-day, and one hundred eighty-day commitments. In addition, the report shall include information on voluntary inpatient care at state hospitals and in the community. To the extent feasible, reports shall reflect client county of residence. Reports shall be made available to regional support networks and counties at six-month intervals.

(iii) Contracts with regional support networks and service providers shall include provisions requiring such data, statistics, schedules, and information as the secretary of the department of social and health services may reasonably require. The contracts shall provide that failure to meet contract reporting requirements without good cause shall result in penalties, which may include termination of the contract, or withholding of payment. The contracts shall provide for written notice of failure to comply with reporting requirements and a thirty-day period for corrective action.

(iv) Counties or groups of counties wishing to enter into regional support network contracts with the secretary of the department of social and health services for the 1989-91 biennium, shall notify the secretary and submit a preliminary plan by October 30, 1989. The networks shall submit an overall six-year plan (including operating and capital budgets, and a time-line) in a format specified by the secretary no later than sixty days prior to the proposed contract implementation date. The secretary shall negotiate and finalize contracts with regional support networks for implementation of approved plans no later than March 1, 1990. Consistent with legislative intent in (i) above, the secretary shall ensure that contracts reflect plans which implement the transition to local responsibility for comprehensive services. Transition steps may include but are not limited to development of local resource management, development of local evaluation and treatment programs, and development of local housing and support systems.

(v) The secretary of the department of social and health services, in consultation with affected parties, shall develop a distribution formula for the funds appropriated in this section. The secretary shall report on the formula to the appropriations and human services committees of the house of representatives and the ways and means and health care and corrections committees of the senate by October 1, 1989.

(vi) The department, in cooperation with the state congressional delegation, shall actively seek waivers of federal requirements and such modifications of federal regulations as are necessary to allow federal medicaid reimbursement for services provided by free-standing evaluation and treatment facilities certified under chapter 71.05 RCW. The department shall periodically report its efforts to the ways and means and health care and corrections committees of the senate and the appropriations and human services committees of the house of representatives.

(vii) The department shall study and report to the legislature by December 2, 1989, on expanding the use of federal Title XIX funds and the definition of institutions for mental diseases to provide services to persons who are acutely mentally ill, chronically mentally ill, or at risk of becoming so. The study shall also include an assessment of the impact of Title XIX funds and the definition of institutions for mental diseases on the use of state funds to provide needed mental health services to the chronically mentally ill.

(b) A maximum of \$33,012,000 of the general fund—state appropriation and \$16,057,000 of the general fund—federal appropriation are provided for approved regional network plans through contracts negotiated with the secretary of the department of social and health services.

(i) Contracts shall include financial plans which ensure that the ongoing cost of programs initiated during state fiscal year 1991 can be sustained by approximately the same level of resources, adjusted for inflation, in state fiscal year 1992. It is the intent of the legislature that contracting for new resources in subsequent biennia not be unduly restricted by "bow wave" costs from 1989-91 contracts. Of the amounts provided in this subsection, a maximum of \$500,000 from the general fund—state appropriation may be used for planning and technical assistance grants to counties or regions wishing to form networks. The amounts in this subsection include moneys needed to implement the omnibus budget and reconciliation act of 1987 ("OBRA"). First priority for necessary mental health services shall be given to individuals transferred from nursing homes because of OBRA. Such services shall be consistent with an individual's discharge plan and shall include residential services, if needed. Assumptions regarding the number of transfers from the nursing homes shall be incorporated into each contract and shall be consistent with the state-wide plan. The department shall coordinate OBRA transfers consistent with the provisions of each contract. The secretary shall negotiate contracts with networks from areas comprising no more than two-thirds of the state's population. Contracts shall be negotiated in at least two competitive rounds. The first round of contracts shall be effective no later than January 1, 1990. The last round of contracts shall be effective no later than March 1, 1990.

(ii) The department shall continue contracting directly for the Kitsap mental health services residential care alternative project until such time as Kitsap county becomes or joins a regional support network. The reimbursement rate per available bed-day shall not exceed \$208 in fiscal year 1990 and \$216 in fiscal year 1991. During the contract period, all eligible involuntary treatment referrals for Kitsap county residents shall be made to the project. No involuntary referrals shall be made to western state hospital except when the following conditions are met: The Kitsap residential treatment facility is filled to capacity; and the mental health division and the Kitsap county mental health coordinator concur with the referral. Priority for referral to western state hospital shall be given to individuals under ninety-day or one hundred eighty-day commitments and individuals who have exhausted all community placement options.

(iii) Chartley house may be continued as a part of a network contract or funded directly by the department.

(c) \$2,000,000 of the general fund—state appropriation is provided solely for a mental health housing reserve. The secretary of the department of social and health services shall transfer funds from the reserve to the state hospitals in any quarter in which hospital census exceeds the December 1988 forecast. Any amount remaining after March 1991 may be used for one-time grants. In making grants, the secretary shall give priority to proposals that facilitate network development, demonstrate integration with other mental health services and that are designed to reduce involuntary treatment.

(d) \$6,000,000 of the general fund—state appropriation is provided solely for increases for involuntary treatment act administration, including costs associated with involuntary medication hearings.

(e) \$2,700,000 of the general fund—state appropriation is provided solely for information system requirements associated with Second Substitute Senate Bill No. 5400 as amended.

(f) \$600,000 of the general fund—state appropriation and \$400,000 of the general fund—federal appropriation are provided solely for increasing local hospital outlier payments.

(g) \$2,000,000 of the general fund—state appropriation, \$500,000 of the general fund—federal appropriation, and \$3,000,000 of the children's services and support account appropriation are for community mental health services for children, including \$600,000 of the general fund—state appropriation to expand the primary intervention program to ten additional school districts in 1989-90. Priority for the remaining moneys shall be given to maintaining Title XIX eligibility for children's outpatient services at risk of losing federal financial participation because of lack of state match.

(h) \$6,343,000 of the children's services and support account is provided solely for the expansion of the primary intervention program.

(i) \$500,000 of the children's services and support account appropriation is provided solely for a study of children's mental health services state-wide.

(j) \$5,128,000 of the general fund—state appropriation and \$1,931,000 of the general fund—federal appropriation are for vendor rate increases for vendors providing services to the mental health program, as specified in section 202 of this act."

On page 27, line 12 of the amendment, after "hospitals" insert "or with mental health providers in underserved areas"

Mr. Locke spoke in favor of adoption of the amendments to the committee amendment, and they were adopted.

Mr. Braddock moved adoption of the following amendments to the committee amendment:

On page 30, after line 5 of the amendment, strike all material through "1864" on line 10, and insert:

"(11) A maximum of \$2,820,000 of the general fund—state appropriation and \$3,180,000 of the general fund—federal appropriation may be expended for nursing care expenditures in excess of the nursing center cost lid. Amounts provided in this subsection, however, shall not be used to fund prospective costs related to pool or temporary staff."

On page 30, line 17, after "staff" strike all material through "staff" on line 18

On page 30, line 23, after "If" insert "the provision for exemptions from the nursing center cost lid included in"

Mr. Braddock spoke in favor of adoption of the amendments to the committee amendment, and they were adopted.

Mr. Locke moved adoption of the following amendments to the committee amendment:

On page 30, line 28, increase the general fund—state appropriation by \$2,675,000

On page 30, line 29, increase the general fund—federal appropriation by \$3,183,000

On page 30, line 33, increase the total appropriation by \$5,858,000

On page 31, beginning on line 1 of the amendment, strike subsection (1) and insert a new subsection (1) as follows:

"(1) \$10,038,000 of the general fund—state appropriation and \$9,967,000 of the general fund—federal appropriation are provided solely for a two percent standard increase beginning January 1, 1990, for the aid-to-families-with-dependent-children, general assistance, consolidated emergency assistance and refugee assistance programs."

Mr. Locke spoke in favor of adoption of the amendments to the committee amendment, and they were adopted.

Mr. Padden moved adoption of the following amendments by Representatives Padden, Patrick and Van Luvan to the committee amendment:

On page 35, after line 10, insert:

"(12) No state funds shall be used to pay for any abortions unless the physician performing the abortion has certified in writing prior to the procedure that the patient provided her informed consent under RCW 7.70.060: PROVIDED, That such consent shall not be required in the event of a medical emergency."

On page 36, after line 20, insert:

"(7) No state funds shall be used to pay for any abortions unless the physician performing the abortion has certified in writing prior to the procedure that the patient provided her informed consent under RCW 7.70.060: PROVIDED, That such consent shall not be required in the event of a medical emergency."

Representatives Padden and Moyer spoke in favor of adoption of the amendments to the committee amendment, and Ms. R. Fisher spoke against them.

A division was called. The Speaker called upon the House to divide. The result of the division was: Yeas - 30; Nays -58. The amendments were not adopted.

MOTION

On motion of Ms. Miller, Representative Beck was excused.

Ms. Silver moved adoption of the following amendments to the committee amendment:

On page 38, after line 25, strike section 216 and insert the following:

"NEW SECTION, Sec. 216. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—REVENUE COLLECTIONS PROGRAM

General Fund Appropriation—State	\$	39,307,000
General Fund Appropriation—Federal	\$	70,768,000
General Fund Appropriation—Local	\$	949,000
Total Appropriation	\$	111,024,000

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

(1) \$3,419,000 of the general fund—state appropriation and \$6,786,000 of the general fund—federal appropriation are provided solely to implement the requirements of the family support act.

(2) \$1,800,000 of the general fund—state appropriation, \$4,940,000 of the general fund—federal appropriation, and \$706,000 of the general fund—local appropriation are provided solely for information systems projects named in this subsection for which work will commence or continue in this biennium. Authority to expend these funds is conditioned upon compliance with section 802 of this act. For the purposes of this subsection, "information systems projects" means the projects known by the following names or successor names: Office of support enforcement case tracking and collection.

(3) \$1,429,000 of the general fund—state appropriation, \$828,000 of the general fund—federal appropriation, and \$43,000 of the general fund—local appropriation are provided

solely for information systems projects named in this subsection for which work will commence or continue in this biennium. Authority to expend these funds is conditioned upon compliance with section 802 of this act. For the purposes of this subsection, 'information systems projects' means the projects known by the following names or successor names: Office of financial recovery accounts receivable management system.

(4) \$310,000 of the general fund—state appropriation and \$582,000 of the general fund—federal appropriation are provided solely for the implementation of the employer reporting amendments to RCW 26.23.040 contained in Senate Bill No. 5664 (support enforcement). If these amendments are not enacted by June 30, 1989, the amounts provided in this subsection shall lapse.

(5) \$2,391,000 of the general fund—state appropriation and \$4,696,000 of the general fund—federal appropriation are provided solely for the enforcement of health insurance provisions of child support orders pursuant to Substitute Senate Bill No. 5665 (medical support enforcement). If the bill is not enacted by June 30, 1989, the amounts provided in this subsection shall lapse."

Renumber remaining sections consecutively and correct internal references accordingly.

On page 30, after line 25, strike section 208 and insert new sections as follows:

*NEW SECTION. Sec. 208. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—	
INCOME ASSISTANCE PROGRAM	
General Fund Appropriation—State	\$ 435,111,000
General Fund Appropriation—Federal	\$ 394,412,000
Total Appropriation	\$ 829,523,000

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

(1) Payment levels in the aid to families with dependent children, general assistance, and refugee assistance programs shall contain an energy allowance to offset the costs of energy. The allowance shall be excluded from consideration as income for the purpose of determining eligibility and benefit levels of the food stamp program to the maximum extent such exclusion is authorized under federal law and RCW 74.08.046. To this end, up to \$150,000,000 is so designated for exemptions of the following amounts:

Family size:	1	2	3	4	5	6	7	8 or more
Exemption:	\$30	39	46	56	63	72	84	92

(2) \$300,000 of the general fund—state appropriation is provided solely to replace federal funding reductions in the refugee assistance program.

(3) No funds are provided under this section for the consolidated emergency assistance program. The department of social and health services shall eliminate the program as of July 1, 1989.

***NEW SECTION. Sec. 209. FOR THE 1991 HUMAN RESOURCES RESERVE ACCOUNT**

\$24,629,000, of which \$13,069,000 is from federal funds, is appropriated from the general fund to the 1991 human resources reserve account, which account is hereby created in the state treasury. This appropriation represents the fiscal year 1991 costs to operate the family independence program. All moneys in the 1991 human resources reserve account not appropriated by law by June 30, 1990, shall revert to the general fund."

Renumber remaining sections consecutively and correct internal references accordingly.

On page 37, after line 10, strike section 215 and insert the following new section:

*NEW SECTION. Sec. 215. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—	
COMMUNITY SERVICES ADMINISTRATION PROGRAM	
General Fund Appropriation—State	\$ 168,313,000
General Fund Appropriation—Federal	\$ 186,327,000
Total Appropriation	\$ 354,360,000

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

(1) If any transfer under this section affects the comparability of historical expenditure information at the program, category, or budget-unit level, the department shall reconstruct historical data for the preceding six fiscal years.

(2) \$11,544,000 of the general fund—state appropriation and \$16,304,000 of the general fund—federal appropriation are provided solely for information systems projects named in this subsection for which work will commence or continue in this biennium. Authority to expend these funds is conditioned upon compliance with section 802 of this act. For the purposes of this subsection, 'information systems projects' means the projects known by the following names or successor names: Community services management and operation system.

(3) \$496,000 of the general fund—state appropriation is provided solely for information systems projects named in this subsection for which work will commence or continue in this biennium. Authority to expend these funds is conditioned upon compliance with section 802 of this act. For the purposes of this subsection, 'information systems projects' means the projects known by the following names or successor names: GA-U quality control.

(4) \$3,178,000 of the general fund—state appropriation is provided solely to expand the supplemental security income pilot project state-wide.

(5) \$454,000 of the general fund—state appropriation and \$840,000 of the general fund—federal appropriation are provided solely to expand the division of medical assistance patient requiring regulation program and provider review program.

(6) \$850,000 of the general fund—state appropriation and \$923,000 of the general fund—federal appropriation are provided solely for administrative costs associated with the 'first steps' prenatal care program. This act provides specific funding for Substitute Senate Bill No. 6080 (maternity care access). However, no funding is provided for outstationing department staff to make eligibility determinations under Substitute Senate Bill No. 6080.

(7) \$1,000,000 of the general fund—state appropriation and \$1,000,000 of the general fund—federal appropriation shall be transferred by interagency agreement to the Washington state institute for public policy to continue to conduct a longitudinal study of public assistance recipients, pursuant to section 14, chapter 434, Laws of 1987.

(8) \$600,000 of the general fund—state appropriation and \$1,121,000 of the general fund—federal appropriation shall be transferred by July 1, 1989, through interagency agreement to the legislative budget committee for the purpose of an independent evaluation of the family independence program as required by section 14, chapter 434, Laws of 1987.

(9) \$102,000 of the general fund—state appropriation and \$306,000 of the general fund—federal appropriation are provided for the department of social and health services and the employment security department for costs associated with the evaluation of the family independence program."

Ms. Silver spoke in favor of adoption of the amendments to the committee amendment, and Ms. Brekke spoke against them. The amendments to the committee amendment were not adopted.

Ms. Scott moved adoption of the following amendments by Representatives Scott, S. Wilson, P. King, Cantwell, R. King, K. Wilson, Beck, Wood, Haugen, Zellinsky and Jesernig to the committee amendment:

On page 39, line 16 of the amendment, increase the general fund appropriation—state by \$307,000

On page 39, line 29 of the amendment, increase the total appropriation by \$307,000

On page 43, after line 35 of the amendment, insert:

"(18) \$307,000 of the general fund—state appropriation is provided solely for the department to continue homeport activities."

Renumber remaining sections consecutively and correct internal references accordingly.

Representatives Scott and Grant spoke in favor of adoption of the amendments to the committee amendment, and they were adopted.

Mr. Schoon moved adoption of the following amendments by Representatives Schoon, Youngsman, Van Luven, May, Silver, Patrick and Horn to the committee amendment:

On page 39, line 16 of the amendment, increase the general fund appropriation—state by \$1,000,000

On page 39, line 29 of the amendment, increase the total appropriation by \$1,000,000

On page 43, after line 35 of the amendment, insert:

"(18) \$1,000,000 of the general fund—state appropriation is provided solely for community action programs to serve at-risk children and their families."

Renumber remaining sections consecutively and correct internal references accordingly.

Mr. Schoon spoke in favor of adoption of the amendments to the committee amendment.

Mr. May demanded an electric roll call vote, and the demand was sustained.

Mr. Locke spoke against the amendments to the committee amendment, and Mr. Youngsman spoke in favor of them.

ROLL CALL

The Clerk called the roll on adoption of the amendments by Representative Schoon and others to the committee amendment by Committee on Appropriations to Engrossed Substitute Senate Bill No. 5352, and the amendments to the committee amendment were not adopted by the following vote: Yeas, 43; nays, 53; excused, 2.

Voting yea: Representatives Ballard, Baugher, Betrozoff, Bowman, Bristow, Brooks, Brough, Brunsickle, Chandler, Doty, Ferguson, Fuhrman, Hankins, Holland, Horn, Jones, Leonard, May, McLean, Miller, Moyer, Myers H, Nealey, Padden, Patrick, Prince, Pruitt, Rector, Schmidt, Schoon, Silver, Smith, Sommers D, Spanel, Tate, Todd, Van Luven, Walker, Wilson S, Winsley, Wolfe, Wood, Youngsman - 43.

Voting nay: Representatives Anderson, Appelwick, Basich, Belcher, Braddock, Brekke, Cantwell, Cole, Cooper, Crane, Day, Dellwo, Dorn, Ebersole, Fisher G, Fisher R, Fraser, Grant, Hargrove, Haugen, Heavey, Hine, Inslee, Jacobsen, Jesernig, King P, King R, Kremen, Locke, Meyers R, Morris, Nelson, Nutley, O'Brien, Peery, Phillips, Prentice, Raiter, Rasmussen, Rayburn, Rust, Sayan, Scott, Sommers H, Sprenkle, Valle, Vekich, Walk, Wang, Wilson K, Wineberry, Zellinsky, and Mr. Speaker - 53.

Excused: Representatives Beck, Gallagher - 2.

Mr. Brumsickle moved adoption of the following amendments by Representatives Brumsickle, Bowman and Horn to the committee amendment:

On page 39, line 16 of the amendment, increase the general fund appropriation—state by \$475,000

On page 39, line 29 of the amendment, increase the total appropriation by \$475,000

On page 43, after line 35 of the amendment, insert:

"(18) \$475,000 of the general fund—state appropriation is provided solely for the Lewis County technology demonstration project."

Renumber remaining sections consecutively and correct internal references accordingly.

Mr. Brumsickle spoke in favor of adoption of the amendments to the committee amendment, and Ms. Belcher spoke against them.

ROLL CALL

The Clerk called the roll on adoption of the amendments by Representative Brumsickle and others to the committee amendment by Committee on Appropriations to Engrossed Substitute Senate Bill No. 5352, and the amendments to the committee amendment were not adopted by the following vote: Yeas, 38; nays, 58; excused, 2.

Voting yea: Representatives Ballard, Betzoff, Bowman, Brooks, Brough, Brumsickle, Chandler, Dorn, Doty, Ferguson, Fisher G, Fuhrman, Hankins, Holland, Horn, May, McLean, Miller, Moyer, Nealey, Padden, Patrick, Prince, Raiter, Rector, Schmidt, Schoon, Silver, Smith, Sommers D, Tate, Todd, Van Loven, Walker, Wilson S, Winsley, Wolfe, Youngsman - 38.

Voting nay: Representatives Anderson, Appelwick, Basich, Baugher, Belcher, Braddock, Brekke, Bristow, Cantwell, Cole, Cooper, Crane, Day, Dellwo, Ebersole, Fisher R, Fraser, Grant, Hargrove, Haugen, Heavey, Hine, Inslee, Jacobsen, Jesernig, Jones, King P, King R, Kremen, Leonard, Locke, Meyers R, Morris, Myers H, Nelson, Nutley, O'Brien, Peery, Phillips, Prentice, Pruitt, Rasmussen, Rayburn, Rust, Sayan, Scott, Sommers H, Spanel, Sprenkle, Valle, Vekich, Walk, Wang, Wilson K, Wineberry, Wood, Zellinsky, and Mr. Speaker - 58.

Excused: Representatives Beck, Gallagher - 2.

MOTION

On motion of Ms. Miller, Representative Chandler was excused.

Ms. Brough moved adoption of the following amendments by Representatives Brough and McLean to the committee amendment:

On page 39, line 16 of the amendment, increase the general fund appropriation—state by \$715,000

On page 39, line 29 of the amendment, increase the total appropriation by \$715,000

On page 43, after line 25 of the amendment, strike all of subsection (16)

Renumber remaining sections consecutively and correct internal references accordingly.

Ms. Brough spoke in favor of adoption of the amendments to the committee amendment.

Mr. May demanded an electric roll call vote, and the demand was sustained.

Ms. Belcher spoke against adoption of the amendments to the committee amendment.

ROLL CALL

The Clerk called the roll on adoption of the amendments by Representative Brough and McLean to the committee amendment by Committee on Appropriations to Engrossed Substitute Senate Bill No. 5352, and the amendments to the committee amendment were not adopted by the following vote: Yeas, 41; nays, 54; excused, 3.

Voting yea: Representatives Ballard, Baugher, Betzoff, Bowman, Brooks, Brough, Brumsickle, Crane, Dorn, Doty, Ferguson, Fuhrman, Hankins, Holland, Horn, Jones, Kremen, May, McLean, Meyers R, Miller, Morris, Nealey, Padden, Patrick, Prince, Schmidt, Schoon, Silver, Smith, Sommers D, Tate, Todd, Walker, Wilson S, Winsley, Wolfe, Wood, Youngsman, Zellinsky - 41.

Voting nay: Representatives Anderson, Appelwick, Basich, Belcher, Braddock, Brekke, Bristow, Cantwell, Cole, Cooper, Day, Dellwo, Ebersole, Fisher G, Fisher R, Fraser, Grant, Hargrove, Haugen, Heavey, Hine, Inslee, Jacobsen, Jesernig, King P, King R, Leonard, Locke, Myers H, Nelson, Nutley, O'Brien, Peery, Phillips, Prentice, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Scott, Sommers H, Spanel, Sprengle, Valle, Van Luven, Vekich, Walk, Wang, Wilson K, Wineberry, and Mr. Speaker - 54.

Excused: Representatives Beck, Chandler, Gallagher - 3.

Mr. Locke moved adoption of the following amendments by Representatives Locke and Silver to the committee amendment:

On page 39, line 16 of the amendment, increase the general fund appropriation-state by \$35,000

On page 39, line 29 of the amendment, increase the total appropriation by \$35,000

Mr. Locke spoke in favor of adoption of the amendments to the committee amendment, and they were adopted.

Mr. Nelson moved adoption of the following amendment to the committee amendment:

On page 43, after line 35 of the amendment, insert:

"(18) \$305,000 of the general fund-federal appropriation, or so much thereof as may be necessary, may be spent for implementation of ESHB 2198."

Re-number remaining subsections consecutively and correct internal references accordingly

Mr. Nelson spoke in favor of adoption of the amendment to the committee amendment, and it was adopted.

Mr. Locke moved adoption of the following amendments by Representatives Locke, Appelwick, Wineberry and Anderson to the committee amendment:

On page 44, after line 26, insert:

"Appropriations in this section are subject to the following conditions and limitations: The criminal justice training commission shall report on the implementation of HB 2237 or 2SSB 5073 and shall monitor criminal justice data to the extent necessary for implementation of HB 2237 or 2SSB 5073."

Mr. Locke spoke in favor of adoption of the amendment to the committee amendment.

POINT OF INFORMATION

Mr. Padden: One of the bills indicated in the amendment was just introduced, I believe, today or yesterday. I am just wondering about the technical effect of this amendment. Does it somehow keep that bill alive, when it has already missed the cut-off? The other bill, Second Substitute Senate Bill No. 5073, has passed the House.

SPEAKER'S REPLY

The Speaker: Representative Padden, I think you raised the right concern. I know the concern that you are addressing. The Speaker simply won't anticipate that ruling in advance. The intention of the members may very well be to bring a bill alive. The Speaker would rule when that bill is before us and not at this point.

Representatives Padden and Brough spoke against adoption of the amendment to the committee amendment.

Mr. Padden asked Mr. Wineberry to yield to a question, and Mr. Wineberry would not yield.

Mr. Padden again opposed the amendment to the committee amendment. Mr. Fuhrman spoke against the amendment to the committee amendment, and Mr. Appelwick spoke in favor of it.

Mr. May demanded an electric roll call vote, and the demand was sustained.

ROLL CALL

The Clerk called the roll on adoption of the amendment by Representative Locke and others to the committee amendment by Committee on Appropriations to Engrossed Substitute Senate Bill No. 5352, and the amendment to the committee amendment was adopted by the following vote: Yeas, 58; nays, 36; absent, 1; excused, 3.

Voting yea: Representatives Anderson, Appelwick, Belcher, Braddock, Brekke, Bristow, Cantwell, Cole, Cooper, Crane, Day, Dellwo, Ebersole, Fisher G, Fisher R, Fraser, Grant, Haugen, Heavey, Hine, Insee, Jacobsen, Jesernig, Jones, King P, King R, Kremen, Leonard, Locke, Meyers R, Morris, Myers H, Nelson, Nutley, O'Brien, Peery, Phillips, Prentice, Pruitt, Raiter, Rasmussen, Rector, Rust, Sayan, Scott, Sommers H, Spanel, Sprenkle, Todd, Valle, Vekich, Walk, Wang, Wilson K, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 58.

Voting nay: Representatives Ballard, Basich, Baugher, Betzoff, Bowman, Brooks, Brough, Brumsickle, Dorn, Doty, Ferguson, Fuhrman, Hankins, Hargrove, Holland, Horn, May, McLean, Miller, Moyer, Nealey, Padden, Patrick, Prince, Rayburn, Schmidt, Schoon, Silver, Smith, Sommers D, Tate, Van Luven, Walker, Wolfe, Wood, Youngsman - 36.

Absent: Representative Wilson S - 1.

Excused: Representatives Beck, Chandler, Gallagher - 3.

Ms. Rust moved adoption of the following amendment to the committee amendment:

On page 52, after line 22 of the amendment, strike all of subsection (11) and insert:
 (11) \$231,000 of the state toxics control account appropriation is provided solely for the office of waste reduction.

Ms. Rust spoke in favor of adoption of the amendment to the committee amendment, and it was adopted.

Mr. Locke moved adoption of the following amendment by Representatives Locke and Silver to the committee amendment:

On page 54, after line 6 of the amendment, strike all of line 7

Mr. Locke spoke in favor of adoption of the amendment to the committee amendment, and it was adopted.

Mr. Locke moved adoption of the following amendments to the committee amendment:

On page 54, line 17 of the amendment, decrease the general fund appropriation by \$94,000

On page 54, line 20 of the amendment, decrease the total appropriation by \$94,000

On page 55, line 16 of the amendment, strike "\$239,000" and insert "\$145,000"

Mr. Locke spoke in favor of adoption of the amendments to the committee amendment, and they were adopted.

Mr. Kremen moved adoption of the following amendments by Representatives Kremen, Rasmussen, Bristow, Vekich, Hargrove, Cooper, H. Myers, Dorn, Jesernig, Insee, Spanel, Haugen, Baugher, Jones, Rayburn, Todd, Crane, Raiter and Braddock to the committee amendment:

On page 59, line 10 of the amendment, increase the general fund appropriation by \$831,000

On page 59, line 12 of the amendment, increase the total appropriation by \$831,000

On page 59, line 14 of the amendment, after "limitations" insert "(1)"

On page 59, after line 17 of the amendment, insert:

(2) \$581,000 of the general fund appropriation is provided solely for grants to conservation districts for operating purposes. In order to qualify for grants, conservation districts shall provide an equal amount of matching money.

Mr. Kremen spoke in favor of adoption of the amendments to the committee amendment.

Mr. May demanded an electric roll call vote, and the demand was sustained.

Representatives Nealey and Haugen spoke in favor of the amendments to the committee amendment, and Mr. Locke opposed them.

ROLL CALL

The Clerk called the roll on adoption of the amendments by Representative Kremen and others to the committee amendment by Committee on Appropriations to Engrossed Substitute Senate Bill No. 5352, and the amendments to the committee amendment were adopted by the following vote: Yeas, 60; nays, 35; excused, 3.

Voting yea: Representatives Ballard, Basich, Baugher, Betzoff, Bowman, Braddock, Bristow, Brooks, Brough, Brumsickle, Cooper, Crane, Dorn, Doty, Ferguson, Fuhrman, Grant, Hankins, Hargrove, Haugen, Holland, Horn, Insee, Jesernig, Jones, Kremen, May, McLean, Miller, Moyer, Myers H, Nealey, Padden, Patrick, Peery, Prince, Raiter, Rasmussen, Rayburn, Sayan, Schmidt, Schoon, Silver, Smith, Sommers D, Spanel, Sprenkle, Tate, Todd, Van Luven, Vekich, Walk, Walker, Wilson K, Wilson S, Winsley, Wolfe, Wood, Youngsman, Zellinsky - 60.

Voting nay: Representatives Anderson, Appelwick, Belcher, Brekke, Cantwell, Cole, Day, Dellwo, Ebersole, Fisher G, Fisher R, Fraser, Heavey, Hine, Jacobsen, King P, King R, Leonard, Locke, Meyers R, Morris, Nelson, Nutley, O'Brien, Phillips, Prentice, Pruitt, Rector, Rust, Scott, Sommers H, Valle, Wang, Wineberry, and Mr. Speaker - 35.

Excused: Representatives Beck, Chandler, Gallagher - 3.

Mr. R. King moved adoption of the following amendments by Representatives R. King, Scott, S. Wilson, P. King, Jesernig, K. Wilson, Zellinsky, Schmidt, Beck, Wood, R. Meyers, Sprenkle and Haugen to the committee amendment:

On page 60, line 8 of the amendment, increase the general fund-state appropriation by \$100,000

On page 60, line 13 of the amendment, increase the total appropriation by \$100,000

On page 60, after line 18 of the amendment, insert:

"(2) \$100,000 of the general fund appropriation is provided solely for monitoring of navy homeport dredging and dumping."

Remember the remaining subsections consecutively and correct internal references accordingly.

Representatives R. King and Grant spoke in favor of adoption of the amendments to the committee amendment, and they were adopted.

POINT OF ORDER

Ms. Brough: I am rising, Mr. Speaker, to suggest that under Rule 14(C) it is time to terminate our toils for the day.

MOTION

Mr. Ebersole moved that the House suspend Rule 14(C), and the motion was carried.

Mr. Locke moved adoption of the following amendment to the committee amendment:

On page 62, line 23 of the amendment, after "lands" insert ", described in House Bill No. 1190,"

Mr. Locke spoke in favor of adoption of the amendment to the committee amendment, and it was adopted.

Ms. Rayburn moved adoption of the following amendments by Representatives Rayburn, Kremen and Nealey to the committee amendment:

On page 64, line 9 of the amendment, increase the general fund-state appropriation by \$507,000

On page 64, line 12 of the amendment, increase the total appropriation by \$507,000

Representatives Rayburn and Nealey spoke in favor of the amendments to the committee amendment, and Mr. Grant spoke against them.

Mr. May demanded an electric roll call vote, and the demand was sustained.

ROLL CALL

The Clerk called the roll on adoption of the amendments by Representatives Rayburn, Nealey and Kremen to the committee amendment by Committee on Appropriations to Engrossed Substitute Senate Bill No. 5352, and the amendments to the committee amendment were not adopted by the following vote: Yeas, 41; nays, 54; excused, 3.

Voting yea: Representatives Ballard, Baugher, Betzoff, Bowman, Bristow, Brooks, Brough, Brumsickle, Cantwell, Doty, Ferguson, Fuhrman, Hankins, Holland, Horn, Insløe, Kremen, May, McLean, Miller, Moyer, Myers H, Nealey, Padden, Patrick, Prince, Rayburn, Schmidt, Schoon, Silver, Smith, Sommers D, Tate, Todd, Van Luven, Walker, Wilson S, Winsley, Wolfe, Wood, Youngsman - 41.

Voting nay: Representatives Anderson, Appelwick, Basich, Belcher, Braddock, Brekke, Cole, Cooper, Crane, Day, Dellwo, Dorn, Ebersole, Fisher G, Fisher R, Fraser, Grant, Hargrove, Haugen, Heavey, Hine, Jacobsen, Jesernig, Jones, King P, King R, Leonard, Locke, Meyers R, Morris, Nelson, Nutley, O'Brien, Peery, Phillips, Prentice, Pruitt, Raiter, Rasmussen, Rector, Rust, Sayan, Scott, Sommers H, Spanel, Sprenkle, Valle, Vekich, Walk, Wang, Wilson K, Wineberry, Zellinsky, and Mr. Speaker - 54.

Excused: Representatives Beck, Chandler, Gallagher - 3.

The Clerk read the following amendments by Representatives Nealey, Doty and Rayburn to the committee amendment:

On page 64, line 9 of the amendment, increase the general fund-state appropriation by \$330,000

On page 64, line 12 of the amendment, increase the total appropriation by \$330,000

With consent of the House, Mr. Nealey withdrew the amendment.

Mr. Betrozoff moved adoption of the following amendment by Representatives Betrozoff, Brough, Schoon, Miller, May, Horn, Van Luven and Bowman to the committee amendment:

On page 64, after line 7 of the amendment, insert the following:

***NEW SECTION, Sec. 316. FOR THE DEPARTMENT OF NATURAL RESOURCES—COMMON SCHOOL CONSTRUCTION**

The following amounts are appropriated for the acquisition in fee of land and standing mature timber on approximately 6,000 acres of common school trust lands in western Jefferson county:

General Fund Appropriation for fiscal year 1990	\$	50,000,000
General Fund Appropriation for the period April 15, 1990, through June 30, 1991	\$	50,000,000
Total Appropriation	\$	100,000,000

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

(1) The timber purchased under this section shall not be harvested and shall be managed pursuant to chapter 79.71 RCW.

(2) The specific land and timber to be purchased shall be determined by the board of natural resources after reviewing the report of the commission on old growth alternatives for Washington forest trust land, giving weight to the commission's recommendations regarding common school trust lands most in need of long-term protection.

(3) The land and timber shall be appraised and purchased at full market value.

(4) The proceeds of the sales of timber shall be deposited by the department in the same manner as timber revenues from other common school trust lands, except that no deduction shall be made for the resource management cost account under RCW 79.64.040.

(5) The proceeds of the sales of land shall be used by the department to acquire replacement land of equal value to be managed as common school trust land."

Renumber remaining sections consecutively and correct internal references accordingly.

Mr. Betrozoff spoke in favor of adoption of the amendment to the committee amendment.

Mr. May demanded an electric roll call vote, and the demand was sustained.

Representatives H. Sommers and Hargrove spoke against the amendment to the committee amendment, and Mr. Schoon spoke in favor of it.

ROLL CALL

The Clerk called the roll on adoption of the amendment by Representative Betrozoff and others to the committee amendment by Committee on Appropriations to Engrossed Substitute Senate Bill No. 5352, and the amendment to the committee amendment was not adopted by the following vote: Yeas, 33; nays, 61; absent, 1; excused, 3.

Voting yea: Representatives Ballard, Betrozoff, Bowman, Brooks, Brough, Brumsickle, Cole, Doty, Ferguson, Fisher G, Fuhrman, Hankins, Holland, Horn, May, McLean, Miller, Moyer, Nealey, Padden, Patrick, Prince, Schmidt, Schoon, Silver, Smith, Sommers D, Tate, Van Luven, Walker, Wolfe, Wood, Youngsman - 33.

Voting nay: Representatives Anderson, Appelwick, Basich, Baugher, Belcher, Braddock, Brekke, Bristow, Cantwell, Cooper, Crane, Day, Dellwo, Dorn, Ebersole, Fisher R, Fraser, Grant, Hargrove, Haugen, Heavey, Hine, Insee, Jacobsen, Jesernig, Jones, King P, King R, Kremen, Leonard, Locke, Meyers R, Morris, Myers H, Nelson, Nutley, O'Brien, Peery, Phillips, Prentice, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Sommers H, Spanel, Sprengle, Todd, Valle, Vekich, Walk, Wang, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 61.

Absent: Representative Scott - 1.

Excused: Representatives Beck, Chandler, Gallagher - 3.

Ms. Spanel moved adoption of the following amendments by Representatives Spanel and Youngsman to the committee amendment:

On page 68, line 17 of the amendment, increase the general fund appropriation by \$150,000

On page 68, line 20 of the amendment, increase the total appropriation by \$150,000

On page 73, line 5 of the amendment, after "of" strike "\$3,925,000" and insert "\$4,075,000"

On page 73, after line 16 of the amendment, insert:

"(d) A maximum of \$150,000 of the general fund appropriation may be expended to enhance funding provided under subsections (1) through (7) of this section for remote and necessary schools on islands without scheduled public transportation."

Representatives Spanel and Youngsman spoke in favor of the amendments to the committee amendment, and Mr. Peery spoke against them. The amendments to the committee amendment were not adopted.

Mr. Holland moved adoption of the following amendments by Representatives Holland, Brough, Walker, Winsley, Patrick, Horn, Van Luven, Bowman, Miller, May, Schoon and Silver to the committee amendment:

On page 74, line 10 of the amendment, increase the general fund—state appropriation by \$22,352,000 to \$228,284,000

On page 76, line 10 of the amendment, strike "\$157,981,000" and insert "\$180,333,000"

On page 77, after line 26 of the amendment, strike all material through "39,701" on line 24, page 78, and insert the following:

1989-90 STATE-WIDE SALARY ALLOCATION SCHEDULE
FOR INSTRUCTIONAL STAFF

Years of Service	BA	BA+15	BA+30	BA+45
0	18,304	18,798	19,311	19,823
1	18,981	19,494	20,025	20,574
2	19,677	20,208	20,757	21,361
3	20,409	20,958	21,526	22,166
4	21,159	21,745	22,331	23,008
5	21,946	22,551	23,155	23,887
6	22,770	23,374	24,015	24,802
7	23,612	24,234	24,893	25,735
8	24,472	25,131	25,809	26,724
9		26,065	26,779	27,731
10			27,767	28,792
11				29,890
12				
13				
14 or more				

1989-90 STATE-WIDE SALARY ALLOCATION SCHEDULE
FOR INSTRUCTIONAL STAFF

Years of Service	BA+90	BA+135	MA	MA+45	MA+90 or PHD
0	21,471	22,532	22,532	23,636	24,794
1	22,276	23,356	23,356	24,500	25,701
2	23,100	24,216	24,216	25,403	26,648
3	23,942	25,113	25,113	26,344	27,634
4	24,839	26,047	26,047	27,323	28,662
5	25,754	27,017	27,017	28,341	29,729
6	26,706	28,005	28,005	29,377	30,817
7	27,694	29,048	29,048	30,472	31,965
8	28,719	30,128	30,128	31,605	33,153
9	29,781	31,245	31,178	32,706	34,308
10	30,879	32,398	32,281	33,863	35,522
11	32,032	33,588	33,424	35,062	36,780
12	33,222	34,833	34,627	36,324	38,104
13	34,448	36,114	35,874	37,632	39,476
14 or more		37,450	37,165	38,986	40,896"

Mr. Holland spoke in favor of adoption of the amendments to the committee amendment.

Mr. May demanded an electric roll call vote, and the vote was sustained.

Mr. Peery spoke against adoption of the amendments to the committee amendment.

ROLL CALL

The Clerk called the roll on adoption of the amendments by Representative Holland and others to the committee amendment by Committee on Appropriations to Engrossed Substitute Senate Bill No. 5352, and the amendments to the committee amendment were not adopted by the following vote: Yeas, 41; nays, 52; absent, 2; excused, 3.

Voting yea: Representatives Ballard, Baugher, Betzoff, Bowman, Brooks, Brough, Brumstick, Cantwell, Dorn, Doty, Ferguson, Fisher G, Holland, Horn, Insløe, King P, May, McLean, Meyers R, Miller, Moyer, Nealey, Patrick, Prince, Pruitt, Rayburn, Rector, Schmidt, Schoon, Silver, Smith, Sommers D, Tate, Todd, Van Luven, Walker, Wilson S, Winsley, Wood, Youngsman, Zellinsky - 41.

Voting nay: Representatives Anderson, Appelwick, Basich, Braddock, Brække, Bristow, Cole, Cooper, Day, Dellwo, Ebersole, Fisher R, Fraser, Fuhrman, Grant, Hankins, Hargrove, Haugen, Heavey, Hine, Jacobsen, Jesernig, Jones, King R, Kremen, Leonard, Locke, Morris, Myers H, Nelson, Nutley, O'Brien, Padden, Peery, Phillips, Prentice, Raiter, Rasmussen, Rust, Sayan, Scott, Sommers H, Spanel, Sprengle, Valle, Vekich, Walk, Wang, Wilson K, Wineberry, Wolfe, and Mr. Speaker - 52.

Absent: Representatives Belcher, Crane - 2.

Excused: Representatives Beck, Chandler, Gallagher - 3.

Mr. Schoon moved adoption of the following amendment by Representatives Schoon, Horn, Patrick, Holland, Van Luven, May, Youngsman, Ferguson and Moyer to the committee amendment:

On page 84, beginning on line 1, strike all of section 508 and insert the following:

***NEW SECTION. Sec. 508. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR VOCATIONAL-TECHNICAL INSTITUTES AND ADULT EDUCATION AT VOCATIONAL-TECHNICAL INSTITUTES**

General Fund Appropriation \$ 83,469,000

The appropriation in this section is subject to the following conditions and limitations:

(1) Funding for vocational programs during the 1989-90 school year shall be distributed at a rate of \$3,267 per student for a maximum of 12,655 full time equivalent students. This amount includes \$154 per student solely to replace out-of-date or worn-out equipment.

(2) Funding for vocational programs during the 1990-91 school year shall be distributed at a rate of \$3,331 per student for a maximum of 12,655 full time equivalent students. This amount includes \$161 per student solely to replace out-of-date or worn-out equipment.

(3) Funding for adult basic education programs during the 1989-90 school year shall be distributed at a rate of \$1.46 per hour of student service for a maximum of 288,690 hours.

(4) Funding for adult basic education programs during the 1990-91 school year shall be distributed at a rate of \$1.48 per hour of student service for a maximum of 288,690 hours."

Representatives Schoon and Horn spoke in favor of adoption of the amendment to the committee amendment, and Mr. Peery spoke against it. The amendment to the committee amendment was not adopted.

Mr. Holland moved adoption of the following amendments to the committee amendment:

On page 86, line 26 of the amendment, increase the general fund appropriation by \$451,000

On page 86, line 28 of the amendment, increase the total appropriation by \$451,000

On page 86, line 33 of the amendment, strike "\$10,154,000" and insert "\$10,425,000"

On page 87, line 7 of the amendment, strike "\$3,647,000" and insert "\$4,098,000"

On page 87, line 10 of the amendment, strike "\$6,728" and insert "\$7,228"

On page 87, line 35 of the amendment, strike "\$6,741" and insert "\$7,241"

On page 87, line 36 of the amendment, strike "\$3,701,000" and insert "\$3,976,000"

On page 88, line 32 of the amendment, after "program," insert "Funding increases are provided under this section for programs in state institutions for delinquent youth, to assist school districts with the costs of offering a full-day summer program."

Mr. Holland spoke in favor of adoption of the amendments to the committee amendment.

Mr. May demanded an electric roll call vote, and the demand was sustained.

Mr. Peery spoke against the amendments to the committee amendment.

ROLL CALL

The Clerk called the roll on adoption of the amendments by Representative Holland to the committee amendment by Committee on Appropriations to Engrossed Substitute Senate Bill No. 5352, and the amendments to the committee

amendment were not adopted by the following vote: Yeas, 35; nays, 59; absent, 1; excused, 3.

Voting yea: Representatives Ballard, Betzoff, Bowman, Brooks, Brough, Brumsickle, Doty, Ferguson, Fuhrman, Hankins, Holland, Horn, Leonard, May, McLean, Miller, Moyer, Nealey, Padden, Patrick, Prince, Rector, Schmidt, Schoon, Silver, Smith, Sommers D, Tate, Todd, Walker, Wilson S, Winsley, Wolfe, Wood, Youngsman - 35.

Voting nay: Representatives Anderson, Appelwick, Basich, Baugher, Belcher, Braddock, Brekke, Bristow, Cantwell, Cole, Cooper, Crane, Day, Dellwo, Dorn, Ebersole, Fisher G, Fisher R, Fraser, Grant, Hargrove, Haugen, Heavey, Hine, Inslee, Jacobsen, Jesernig, Jones, King P, King R, Kremen, Locke, Meyers R, Morris, Myers H, Nelson, Nutley, Peery, Phillips, Prentice, Pruitt, Raiter, Rasmussen, Rayburn, Rust, Sayan, Scott, Sommers H, Spanel, Sprenkle, Valle, Van Luven, Vekich, Walk, Wang, Wilson K, Wineberry, Zellinsky, and Mr. Speaker - 59.

Absent: Representative O'Brien - 1.

Excused: Representatives Beck, Chandler, Gallagher - 3.

Mr. Youngsman moved adoption of the following amendments by Representatives Youngsman, Van Luven, Holland, Patrick, Horn, Bowman, Brough, May and Silver to the committee amendment:

On page 89, line 5, increase the general fund appropriation by \$1,204,000

On page 89, line 11, after "1989-90" strike everything through "year" on line 12 and insert "school year shall be distributed at a maximum rate"

On page 89, after line 14, insert the following:

"(3) Allocations for school district programs for highly capable students during the 1990-91 school year shall be distributed at a maximum rate of \$368 per student for up to one and one-half percent of each district's full time equivalent enrollment."

Remember the remaining subsections consecutively and correct internal references accordingly.

Mr. Youngsman spoke in favor of adoption of the amendments to the committee amendment, and Mr. Wineberry spoke against them.

Mr. May demanded an electric roll call vote, and the demand was sustained.

Mr. Holland spoke in favor of adoption of the amendments to the committee amendment.

ROLL CALL

The Clerk called the roll on adoption of the amendments by Representative Youngsman and others to the committee amendment by Committee on Appropriations to Engrossed Substitute Senate Bill No. 5352, and the amendments to the committee amendment were not adopted by the following vote: Yeas, 39; nays, 56; excused, 3.

Voting yea: Representatives Ballard, Baugher, Betzoff, Bowman, Brooks, Brough, Brumsickle, Doty, Ferguson, Fuhrman, Hankins, Holland, Horn, May, McLean, Meyers R, Miller, Morris, Moyer, Nealey, Padden, Patrick, Prince, Rayburn, Rector, Schmidt, Schoon, Silver, Smith, Sommers D, Tate, Todd, Van Luven, Walker, Wilson S, Winsley, Wolfe, Wood, Youngsman - 39.

Voting nay: Representatives Anderson, Appelwick, Basich, Belcher, Braddock, Brekke, Bristow, Cantwell, Cole, Cooper, Crane, Day, Dellwo, Dorn, Ebersole, Fisher G, Fisher R, Fraser, Grant, Hargrove, Haugen, Heavey, Hine, Inslee, Jacobsen, Jesernig, Jones, King P, King R, Kremen, Leonard, Locke, Myers H, Nelson, Nutley, O'Brien, Peery, Phillips, Prentice, Pruitt, Raiter, Rasmussen, Rust, Sayan, Scott, Sommers H, Spanel, Sprenkle, Valle, Vekich, Walk, Wang, Wilson K, Wineberry, Zellinsky, and Mr. Speaker - 56.

Excused: Representatives Beck, Chandler, Gallagher - 3.

Ms. Walker moved adoption of the following amendments by Representatives Walker, Holland, Schoon, Bowman and Van Luven to the committee amendment:

On page 90, line 24 of the amendment, increase the general fund appropriations--state by \$3,000,000

On page 93, after line 2 of the amendment, insert:

"(15) \$3,000,000 of the K-12 education account appropriations is provided solely for grants for the development and implementation of an elementary school counselor program. The superintendent of public instruction shall appoint an advisory committee on elementary school counseling composed of certificated and noncertificated staff, principals, superintendents, school board members, parents, school counselors and other individuals as the superintendent finds necessary. The committee shall propose criteria to the superintendent to evaluate grant proposals for elementary counselor programs. The criteria shall include but not be limited to the following requirements: (a) The proposal requires one elementary counselor be provided for an elementary school serving more than three hundred students and a half-time counselor be provided to schools with less than three hundred students covered by the grant proposal.

(b) the proposal provides for an annual evaluation of the program, (c) the district will commit matching funds equivalent to the funds requested in the grant application to fund the proposal, and (d) the proposal outlines the types of services to be provided and how those services will utilize and complement existing services within the community."

Ms. Walker spoke in favor of adoption of the amendments to the committee amendment, and Mr. Dorn spoke against them. The amendments to the committee amendment were not adopted.

Ms. Winsley moved adoption of the following amendments by Representatives Winsley and Van Luven to the committee amendment:

On page 90, line 24 of the amendment, increase the general fund appropriation by \$800,000

On page 90, line 28 of the amendment, increase the total appropriation by \$800,000

On page 93, after line 2 of the amendment, insert the following:

"(15) \$800,000 of the general fund—state appropriation is provided solely for a pilot program of grants to school districts for elementary school counselors and intervention specialists, targeted to those schools with the greatest needs. The superintendent of public instruction shall select proposals for funding based upon applications identifying the number of counselors and intervention specialists currently assigned to elementary schools, and providing data on the student attendance area to be served, as determined by the superintendent. The data submitted shall include but not be limited to indicators of the number of students living in poverty, unemployment rates, juvenile justice referrals, and social service caseloads. The minimum grant award per district or cooperative of districts under this subsection shall be \$20,000 per school year. For the purposes of this subsection, 'intervention specialist' may include school psychologists, school social workers, counselors, and social workers employed by the department of social and health services providing services to schools under contract, and children's mental health specialists as defined in RCW 71.34.020 providing services to schools under contract."

Representatives Winsley and Locke spoke in favor of adoption of the amendments to the committee amendment, and they were adopted.

Mr. Betrozoff moved adoption of the following amendment by Representatives Betrozoff, Schoon, Youngsman, Bowman, May, Horn, Van Luven, Patrick, McLean, Walker, Holland and Brough to the committee amendment:

On page 94, after line 20 of the amendment, strike all of section 523 and insert the following:

"NEW SECTION, Sec. 523. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—LOCAL EDUCATION PROGRAM ENHANCEMENT FUNDS

General Fund Appropriation \$ 54,463,000

The appropriation in this section is subject to the following conditions and limitations:

(1) \$5,053,000 of the general fund appropriation is provided solely for the remaining months of the 1988-89 school year.

(2) Each school district shall be eligible to receive funds appropriated by this section if the school district's board of directors has:

(a) Assessed the needs of the schools within the district;

(b) Prioritized the identified needs; and

(c) Developed an evaluation methodology to assess benefit to the students.

(3) School districts receiving moneys pursuant to this section shall expend such moneys to meet educational needs identified by the district within the following program areas:

(a) Prevention and intervention services in the elementary grades;

(b) Reduction of class size;

(c) Early childhood education;

(d) Student-at-risk programs, including dropout prevention and retrieval, and substance abuse awareness and prevention;

(e) Staff development and in-service programs;

(f) Student logical reasoning and analytical skill development;

(g) Programs for highly capable students; and

(h) Other purposes that enhance a school district's basic education program.

New and existing education program enhancements funded pursuant to this section do not fall within the definition of basic education for purposes of Article IX of the state Constitution and the state's funding duty thereunder, nor shall such funding as now or hereafter appropriated and allocated constitute levy reduction funds for purposes of RCW 84.52.0531.

(4)(a) The superintendent of public instruction shall distribute funds appropriated by this section to eligible school districts on the basis of the number of annual average full time equivalent students. For school districts enrolling not more than one hundred annual average full time equivalent students and for small school plants within any school district designated as remote and necessary plants, the funds shall be determined as follows:

- (i) Enrollment of not more than sixty annual average full time equivalent students in grades kindergarten through six shall generate funding based on sixty full time equivalent students;
 - (ii) Enrollment of not more than twenty annual average full time equivalent students in grades seven and eight shall generate funding based on twenty full time equivalent students; and
 - (iii) Enrollment of sixty or fewer annual average full time equivalent students in grades nine through twelve shall generate funding based on sixty full time equivalent students.
- (b) Funding for the local education enhancement program shall be distributed at the rate of \$35.26 for the 1989-90 and 1990-91 school years per full time equivalent student as determined under subsection (4)(a) of this section.
- (c) Funds shall be distributed pursuant to RCW 28A.48.010."

Mr. Betrozoff spoke in favor of adoption of the amendment to the committee amendment, and Mr. Peery spoke against it.

Mr. May demanded an electric roll call vote, and the demand was sustained.

ROLL CALL

The Clerk called the roll on adoption of the amendment by Representative Betrozoff and others to the committee amendment by Committee on Appropriations to Engrossed Substitute Senate Bill No. 5352, and the amendment to the committee amendment was not adopted by the following vote: Yeas, 38; nays, 57; excused, 3.

Voting yea: Representatives Ballard, Betrozoff, Bowman, Brooks, Brough, Brumsickle, Cole, Doty, Ferguson, Fisher G. Fuhrman, Hankins, Holland, Horn, May, McLean, Miller, Moyer, Nealey, Padden, Patrick, Prince, Rayburn, Rector, Schmidt, Schoon, Silver, Smith, Sommers D, Tate, Todd, Van Luven, Walker, Wilson S, Winsley, Wolfe, Wood, Youngsman - 38.

Voting nay: Representatives Anderson, Appelwick, Basich, Baugher, Belcher, Braddock, Brekke, Bristow, Cantwell, Cooper, Crane, Day, Dellwo, Dorn, Ebersole, Fisher R, Fraser, Grant, Hargrove, Haugen, Heavey, Hine, Inslee, Jacobsen, Jesernig, Jones, King P, King R, Kremen, Leonard, Locke, Meyers R, Morris, Myers H, Nelson, Nutley, O'Brien, Peery, Phillips, Prentice, Pruitt, Raiter, Rasmussen, Rust, Sayan, Scott, Sommers H, Spanel, Sprengle, Valle, Vekich, Walk, Wang, Wilson K, Wineberry, Zellinsky, and Mr. Speaker - 57.

Excused: Representatives Beck, Chandler, Gallagher - 3.

Mr. Locke moved adoption of the following amendments to the committee amendment:

On page 98, line 21 of the amendment, after "through" strike "608" and insert "610"

On page 99, after line 4 of the amendment, insert "Higher Education Coordinating Board.....\$125,000"

On page 99, after line 20 of the amendment, insert "Higher Education Coordinating Board...2.5%...8.5%"

On page 106, line 1 of the amendment, increase the general fund-state appropriation by \$120,000

On page 106, line 2 of the amendment, increase the general fund-federal appropriation by \$5,000

On page 106, line 4 of the amendment, increase the total appropriation by \$125,000

On page 119, line 30 of the amendment, after "personnel board" strike ", staff of the state board for community colleges, and staff of the higher education coordinating board"

Mr. Locke spoke in favor of adoption of the amendments to the committee amendment, and they were adopted.

Mr. Nealey moved adoption of the following amendments to the committee amendment:

On page 99, after line 12 of the amendment, strike all material down to and including all of line 23 and insert the following:

University of Washington	8.6%	8.6%
Washington State University	8.6%	8.6%
Eastern Washington University	9.0%	9.0%
Central Washington University	9.0%	9.0%
The Evergreen State College	9.0%	9.0%
Western Washington University	9.0%	9.0%
State Board for Community College Education	8.7%	8.7%
Exempt Staff (all institutions)	3.0%	3.0%

On page 102, line 10 of the amendment, increase the general fund appropriation by \$5,566,000

On page 102, line 4 of the amendment, increase the total appropriation by \$5,566,000

On page 103, line 6 of the amendment, increase the general fund appropriation by \$5,662,000

On page 103, line 10 of the amendment, increase the total appropriation by \$5,662,000

On page 103, line 32 of the amendment, increase the general fund appropriation by \$3,880,000

On page 104, line 12 of the amendment, increase the general fund appropriation by \$800,000

On page 104, line 22 of the amendment, increase the general fund appropriation by \$832,000

On page 105, line 3 of the amendment, increase the general fund appropriation by \$249,000

On page 105, line 17 of the amendment, increase the general fund appropriation by \$772,000

Mr. Nealey spoke in favor of adoption of the amendments to the committee amendment, and Mr. Jacobsen spoke against them. The amendments to the committee amendment were not adopted.

Mr. Inslee moved adoption of the following amendments by Representatives Inslee, Ballard, Doty, Smith, Chandler, Baugher, Rayburn and Locke to the committee amendment:

On page 102, line 10 of the amendment, decrease the general fund appropriation by \$177,000

On page 102, line 14, decrease the total appropriation by \$177,000

On page 103, line 6 of the amendment, decrease the general fund appropriation by \$163,000

On page 103, line 10 of the amendment, decrease the total appropriation by \$163,000

On page 103, line 32 of the amendment, decrease the general fund appropriation by \$36,000

On page 104, line 22 of the amendment, increase the general fund appropriation by \$400,000

On page 105, line 17 of the amendment, decrease the general fund appropriation by \$24,000

Representatives Inslee, Doty and Locke spoke in favor of adoption of the amendments to the committee amendment, and they were adopted.

Ms. Bowman moved adoption of the following amendments by Representatives Bowman, Van Luven, Fuhrman, Hankins, Smith, Miller, Betrozoff, Nealey, Doty, Ferguson, Wood, Horn, Brumsickle, McLean, Youngsman, Wolfe and Patrick to the committee amendment:

On page 102, line 10 of the amendment, increase the general fund appropriation by \$1,528,800

On page 102, line 14 of the amendment, increase the total appropriation by \$1,528,800

Ms. Bowman spoke in favor of adoption of the amendments to the committee amendment.

Mr. May demanded an electric roll call vote, and the demand was sustained.

Mr. Jacobsen spoke against adoption of the amendments to the committee amendment, and Mr. Smith spoke in favor of them.

ROLL CALL

The Clerk called the roll on adoption of the amendments by Representative Bowman and others to the committee amendment by Committee on Appropriations to Engrossed Substitute Senate Bill No. 5352, and the amendments to the committee amendment were not adopted by the following vote: Yeas, 45; nays, 50; excused, 3.

Voting yea: Representatives Ballard, Basich, Baugher, Betrozoff, Bowman, Brooks, Brough, Brumsickle, Crane, Doty, Ferguson, Fisher G, Fuhrman, Hankins, Holland, Horn, Inslee, May, McLean, Meyers R, Miller, Morris, Moyer, Myers H, Nealey, Padden, Patrick, Prentice, Prince, Rayburn, Schmidt, Schoon, Silver, Smith, Sommers D, Tate, Todd, Van Luven, Walker, Wilson S, Winsley, Wolfe, Wood, Youngsman, Zellinsky - 45.

Voting nay: Representatives Anderson, Appelwick, Belcher, Braddock, Brekke, Bristow, Cantwell, Cole, Cooper, Day, Dellwo, Dorn, Ebersole, Fisher R, Fraser, Grant, Hargrove, Haugen, Heavey, Hine, Jacobsen, Jesernig, Jones, King P, King R, Kremen, Leonard, Locke, Nelson, Nutley, O'Brien, Peery, Phillips, Pruitt, Raiter, Rasmussen, Rector, Rust, Sayan, Scott, Sommers H, Spanel, Sprenkle, Valle, Vekich, Walk, Wang, Wilson K, Wineberry, and Mr. Speaker - 50.

Excused: Representatives Beck, Chandler, Gallagher - 3.

On motion of Mr. Locke, the following amendment by Representatives Locke and Silver to the committee amendment was adopted:

On page 104, line 1 of the amendment, after "least" strike "\$1,721,000" and insert "\$2,018,000"

On motion of Mr. Locke, the following amendments by Representatives Locke and Silver to the committee amendment were adopted:

On page 107, line 33, increase the higher education personnel board service fund appropriation by \$59,000

On page 107, after line 33, insert:

"The appropriation in this section is subject to the following conditions and limitations:

\$50,000 of the appropriation is provided solely for a 2.5% across-the-board salary increase effective January 1, 1990, and an additional average 8.5% salary increase effective January 1, 1991, for staff of the higher education personnel board. The January 1, 1991, salary increase shall fund as much of the 1988 trend salary survey (catch-up plus keep-up results less the January 1, 1989, increase) as possible. If the application of this increase results in a fractional range, the increase shall be rounded to the nearest whole range. These increases shall be implemented in compliance and conformity with all requirements of the comparable worth agreement ratified by 1986 Senate Concurrent Resolution No. 126, where applicable."

Ms. Silver moved adoption of the following amendment by Representatives Silver, Holland, Brough and Horn to the committee amendment:

On page 132, after line 1 of the amendment, insert:

"NEW SECTION, Sec. 813. (1) The office of financial management shall reduce the allotments of those agencies funded under ESSB 5352 in such a way as to bring those agencies to the essential requirement levels assumed by the senate under ESSB 5352 (in the form in which it initially passed the senate) as determined by the office of financial management.

(2) The office of financial management shall adjust the allotments of those agencies funded under ESSB 5352 in such a way as to bring those agencies to the enhancement level assumed by the senate under ESSB 5352 (in the form in which it initially passed the senate) as determined by the office of financial management."

Re-number remaining sections consecutively and correct internal references as necessary.

Ms. Silver spoke in favor of adoption of the amendments to the committee amendment.

Mr. May demanded an electric roll call vote, and the demand was sustained.

Mr. Locke spoke against adoption of the amendments to the committee amendment, and Ms. Brough spoke in favor of them.

ROLL CALL

The Clerk called the roll on adoption of the amendments by Representative Silver and others to the committee amendment by Committee on Appropriations to Engrossed Substitute Senate Bill No. 5352, and the amendments to the committee amendment were not adopted by the following vote: Yeas, 35; nays, 60; excused, 3.

Voting yea: Representatives Ballard, Betzoff, Bowman, Brooks, Brough, Brumsickle, Crane, Doty, Ferguson, Fuhrman, Hankins, Holland, Horn, May, McLean, Miller, Moyer, Nealey, Padden, Patrick, Prince, Schmidt, Schoon, Silver, Smith, Sommers D, Tate, Todd, Van Luven, Walker, Wilson S, Winsley, Wolfe, Wood, Youngsman - 35.

Voting nay: Representatives Anderson, Appelwick, Basich, Baugher, Belcher, Braddock, Brekke, Bristow, Cantwell, Cole, Cooper, Day, Dellwo, Dorn, Ebersole, Fisher G, Fisher R, Fraser, Grant, Hargrove, Haugen, Heavey, Hine, Insee, Jacobsen, Jesernig, Jones, King P, King R, Kremen, Leonard, Locke, Meyers R, Morris, Myers H, Nelson, Nutley, O'Brien, Peery, Phillips, Prentice, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Scott, Sommers H, Spanel, Sprengle, Valle, Vekich, Walk, Wang, Wilson K, Wineberry, Zellinsky, and Mr. Speaker - 60.

Excused: Representatives Beck, Chandler, Gallagher - 3.

The committee amendment as amended was adopted.

With consent of the House, the committee amendment to the title was adopted.

With consent of the House, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Mr. Locke spoke in favor of passage of the bill, and Ms. Silver spoke against it.

POINT OF INQUIRY

Mr. Sayan yielded to question by Mr. Sprengle.

Mr. Sprengle: Representative Sayan, you proposed an amendment in the Appropriations Committee which eventually became the language clarifying the status of school food service employees and salary increases. Did you mean that every food service employee would receive the same salary increase as other classified employees?

Mr. Sayan: Representative Sprengle, you are referencing sections 504 and 509 of the budget, and the answer is "no." The language merely means that food service employees would have equal access to the salary increase money and it would be subject to local discretion.

Representatives Holland, Walker and Brough spoke against passage of the bill, and Mr. Ebersole spoke in favor of it. Mr. Locke again spoke in favor of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute Senate Bill No. 5352 as amended by the House, and the bill passed the House by the following vote: Yeas, 60; nays, 35; excused, 3.

Voting yea: Representatives Anderson, Appelwick, Basich, Belcher, Braddock, Brekke, Bristow, Cantwell, Cole, Cooper, Crane, Day, Dellwo, Dorn, Ebersole, Fisher G, Fisher R, Fraser, Grant, Hargrove, Haugen, Heavey, Hine, Insee, Jacobsen, Jesernig, Jones, King P, King R, Kremen, Leonard, Locke, Meyers R, Morris, Myers H, Nelson, Nutley, O'Brien, Peery, Phillips, Prentice, Pruitt, Raiter, Rasmussen, Rector, Rust, Sayan, Scott, Sommers H, Spanel, Sprengle, Todd, Valle, Vekich, Walk, Wang, Wilson K, Wineberry, Winsley, and Mr. Speaker - 60.

Voting nay: Representatives Ballard, Baugher, Betzoff, Bowman, Brooks, Brough, Brumsickle, Doty, Ferguson, Fuhrman, Hankins, Holland, Horn, May, McLean, Miller, Moyer, Nealey, Padden, Patrick, Prince, Rayburn, Schmidt, Schoon, Silver, Smith, Sommers D, Tate, Van Luven, Walker, Wilson S, Wolfe, Wood, Youngsman, Zellinsky - 35.

Excused: Representatives Beck, Chandler, Gallagher - 3.

Engrossed Substitute Senate Bill No. 5352 as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

There being no objection, the House advanced to the eleventh order of business.

MOTION

On motion of Mr. Ebersole, the House adjourned until 9:00 a.m., Saturday, April 15, 1989.

JOSEPH E. KING, Speaker

ALAN THOMPSON, Chief Clerk

NINETY-SEVENTH DAY

MORNING SESSION

House Chamber, Olympia, Saturday, April 15, 1989

The House was called to order at 9:00 a.m. by the Speaker (Mr. O'Brien presiding). The Clerk called the roll and all members were present except Representatives Betrozoff, Ferguson, Fuhrman, Gallagher, Locke, R. Meyers, Todd, Vekich and Walk. On motion of Ms. Cole, Representatives Gallagher, Locke, R. Meyers, Todd, Vekich and Walk were excused. On motion of Ms. Miller, Representatives Betrozoff, Ferguson and Fuhrman were excused.

The flag was escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Marilyn Kennedy and Amy Knold. Prayer was offered by The Reverend Don Nicholson, Minister of the Victory Christian Center of Olympia.

Reading of the Journal of the previous day was dispensed with and it was ordered to stand approved.

CENTENNIAL MESSAGE FROM THE WASHINGTON STATE HISTORICAL SOCIETY

April 15, 1989

On this day in 1889, the results of the April 13 school levy election were made public. The levy passed with only two negative votes. It called for ten thousand dollars to buy a site and forty thousand dollars to build a school house. The citizens were said to have been aroused to the need for better public schools.

And, on this day in 1889, the steamer "City of Ellensburg" reached Orondo in Douglas County on its first trip of the season up the Columbia River. It also stopped at Waterville. Until railroads arrived, easy access to the area depended on the amount of water in the Columbia River.

And, on this day in 1889, Territorial Governor Miles C. Moore proclaimed that election day for delegates to the Constitutional Convention would be May 14.

On April 15, 1907 members of the Quinault Tribe left to visit President Theodore Roosevelt about forest reserves.

On April 15, 1925 the first cargo shipped directly from Grays Harbor to Europe left aboard the Norwegian ship "Dagfred."

And on this day in 1951, after more than fifty years, the DuPont Company permitted residents of Dupont to buy their own homes. The residents voted to incorporate.

MESSAGES FROM THE SENATE

April 14, 1989

Mr. Speaker:

The Senate has passed:

SUBSTITUTE SENATE BILL NO. 5521,
SUBSTITUTE SENATE BILL NO. 6145,

and the same are herewith transmitted.

W. D. Naismith, Assistant Secretary.

April 14, 1989

Mr. Speaker:

The President has signed:

SENATE BILL NO. 5154,
SENATE BILL NO. 5246,
SENATE BILL NO. 5329,
SUBSTITUTE SENATE BILL NO. 5348,

SUBSTITUTE SENATE BILL NO. 5418,
 SENATE BILL NO. 5552,
 SENATE BILL NO. 5592,
 SENATE BILL NO. 5679,
 SENATE BILL NO. 5689,
 SENATE BILL NO. 5701,
 SENATE BILL NO. 5737,
 SENATE BILL NO. 5738,
 SUBSTITUTE SENATE BILL NO. 5903,
 SENATE JOINT MEMORIAL NO. 8010,
 SENATE JOINT RESOLUTION NO. 8210,

and the same are herewith transmitted.

Gordon A. Golob, Secretary.

April 15, 1989

Mr. Speaker:

The President has signed:

SUBSTITUTE HOUSE BILL NO. 1250,
 HOUSE BILL NO. 1286,
 SUBSTITUTE HOUSE BILL NO. 1322,
 SUBSTITUTE HOUSE BILL NO. 1426,
 HOUSE BILL NO. 1552,
 HOUSE BILL NO. 1794,
 HOUSE BILL NO. 1802,
 SUBSTITUTE HOUSE BILL NO. 1858,
 SUBSTITUTE HOUSE BILL NO. 1952,
 HOUSE BILL NO. 1976,
 HOUSE BILL NO. 1996,
 HOUSE BILL NO. 2013,
 SUBSTITUTE HOUSE BILL NO. 2036,
 HOUSE BILL NO. 2051,
 HOUSE BILL NO. 2054,
 HOUSE BILL NO. 2075,
 SUBSTITUTE HOUSE BILL NO. 2088,
 HOUSE BILL NO. 2135,
 HOUSE BILL NO. 2161,
 HOUSE JOINT MEMORIAL NO. 4000,
 HOUSE JOINT MEMORIAL NO. 4015,

and the same are herewith transmitted.

Gordon A. Golob, Secretary.

Representatives Betrozoff, Ferguson, Fuhrman and Vekich appeared at the bar of the House.

SENATE AMENDMENT TO HOUSE BILL

April 4, 1989

Mr. Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 1056 with the following amendment:

On page 1, line 14, after "industry," insert "The maximum number of herring spawn on kelp permits shall not exceed five annually."

and the same is herewith transmitted.

W. D. Naismith, Assistant Secretary.

MOTION

Mr. R. King moved that the House do concur in the Senate amendment to Substitute House Bill No. 1056.

Mr. R. King spoke in favor of the motion, and it was carried.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

The Speaker (Mr. O'Brien presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1056 as amended by the Senate.

Mr. Sayan spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1056 as amended by the Senate, and the bill passed the House by the following vote: Yeas, 93; excused, 5.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Baugher, Beck, Belcher, Betrozoff, Bowman, Braddock, Brekke, Bristow, Brooks, Brough, Brumsickle, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Fraser, Fuhrman, Grant, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Inslee, Jacobsen, Jesernig, Jones, King P, King R, Kremen, Leonard, May, McLean, Miller, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Padden, Patrick, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith, Sommers D, Sommers H, Spanel, Sprenkle, Tate, Valle, Van Luven, Vekich, Walker, Wang, Wilson K, Wilson S, Wineberry, Winsley, Wolfe, Wood, Youngsman, Zellinsky, and Mr. Speaker - 93.

Excused: Representatives Gallagher, Locke, Meyers R, Todd, Walk - 5.

Substitute House Bill No. 1056 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

The Speaker (Mr. O'Brien presiding) declared the House to be at ease.
The Speaker called the House to order.

MOTION

On motion of Ms. Cole, Representatives Dorn and Sprenkle were excused.

SENATE AMENDMENTS TO HOUSE BILL

March 29, 1989

Mr. Speaker:

The Senate has passed ENGROSSED HOUSE BILL NO. 1077 with the following amendments:

Strike everything after the enacting clause and insert the following:

NEW SECTION. Sec. 1. A new section is added to chapter 40.14 RCW to read as follows:

The director of the department of veterans affairs shall coordinate the design, construction, and placement of a memorial within the state capitol grounds honoring Washington state residents who died or are 'missing-in-action' in the Korean conflict.

NEW SECTION. Sec. 2. A new section is added to chapter 40.14 RCW to read as follows:

The director of the department of veterans affairs or the director's designee shall chair an advisory committee composed of seven members to include the director of the department of veterans affairs or the director's designee, the secretary of state or the secretary's designee, the director of the department of general administration or the director's designee, and two members who are representatives of state veterans' organizations and who served in the Korean conflict, one appointed by the speaker of the house of representatives and one appointed by the president of the senate. In addition, two members who served in the Korean conflict will be appointed by the director of the department of veterans affairs. The advisory committee and the state capitol committee shall approve the design and placement of the memorial before construction begins.

NEW SECTION. Sec. 3. The sum of twenty-five thousand dollars, or so much thereof as may be necessary, is appropriated for the biennium ending June 30, 1991, from the general fund to the department of veteran affairs to carry out the purposes of this act."

On page 1, line 1 of the title, after "memorial," strike the remainder of the title and insert "adding new sections to chapter 40.14 RCW; and making an appropriation."

and the same is herewith transmitted.

W. D. Naismith, Assistant Secretary.

MOTION

Ms. Haugen moved that the House do concur in the Senate amendment to Engrossed House Bill No. 1077. The motion was carried.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

The Speaker stated the question before the House to be the final passage of Engrossed House Bill No. 1077 as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 1077 as amended by the Senate, and the bill passed the House by the following vote: Yeas, 91; excused, 7.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Baugher, Beck, Belcher, Betzoff, Bowman, Braddock, Brekke, Bristow, Brooks, Brough, Brumsickie, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Fraser, Fuhrman, Grant, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Insee, Jacobsen, Jesernig, Jones, King P, King R, Kremen, Leonard, May, McLean, Miller, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Padden, Patrick, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith, Sommers D, Sommers H, Spanel, Tate, Valle, Van Luven, Vekich, Walker, Wang, Wilson K, Wilson S, Wineberry, Winsley, Wolfe, Wood, Youngsman, Zellinsky, and Mr. Speaker - 91.

Excused: Representatives Dorn, Gallagher, Locke, Meyers R, Sprengle, Todd, Walk - 7.

Engrossed House Bill No. 1077 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SENATE AMENDMENTS TO HOUSE BILL

April 7, 1989

Mr. Speaker:

The Senate has passed HOUSE BILL NO. 1198 with the following amendments:

Strike everything after the enacting clause and insert the following:

"NEW SECTION, Sec. 1. A new section is added to chapter 35.92 RCW to read as follows:

(1) Cities of the first class which operate electric generating facilities and distribution systems shall have power and authority to participate and enter into agreements for the undivided ownership of high voltage transmission facilities and for the undivided ownership of any type of electric generating plants and facilities, including, but not limited to, nuclear and other thermal power generating plants and facilities and transmission facilities including, but not limited to, related transmission facilities, to be called 'common facilities'; and for the planning, financing, acquisition, construction, operation, and maintenance with: (a) Each other; (b) electrical companies which are subject to the jurisdiction of the Washington utilities and transportation commission or the regulatory commission of any other state, to be called 'regulated utilities'; (c) rural electric cooperatives, including generation and transmission cooperatives in any state; (d) municipal corporations, utility districts, or other political subdivisions in any state; and (e) any agency of the United States authorized to generate or transmit electrical energy. It shall be provided in such agreements that each city shall own a percentage of any common facility equal to the percentage of the money furnished or the value of property supplied by it for the acquisition and construction of the facility and shall own and control a like percentage of the electrical output.

(2) The agreement must provide that each participant shall defray its own interest and other payments required to be made or deposited in connection with any financing undertaken by it to pay its percentage of the money furnished or value of property supplied by it for the planning, acquisition, and construction of any common facility, or any additions or betterments. The agreement shall provide a uniform method of determining and allocating operation and maintenance expenses of a common facility.

(3) Each city participating in the ownership or operation of a common facility shall pay all taxes chargeable to its share of the common facility and the electric energy generated under any applicable statutes and may make payments during preliminary work and construction for any increased financial burden suffered by any county or other existing taxing district in the county in which the common facility is located, under agreement with such county or taxing district.

(4) In carrying out the powers granted in this section, each such city shall be severally liable only for its own acts and not jointly or severally liable for the acts, omissions, or obligations of others. No money or property supplied by any such city for the planning, financing, acquisition, construction, operation, or maintenance of any common facility shall be credited or otherwise applied to the account of any other participant therein, nor shall the undivided share of any city in any common facility be charged, directly or indirectly, with any debt or obligation of any other participant or be subject to any lien as a result thereof. No action in connection with a common facility shall be binding upon any city unless authorized or approved by resolution or ordinance of its governing body.

(5) Any city acting jointly outside the state of Washington, by mutual agreement with any participant under authority of this section, shall not acquire properties owned or operated by any public utility district, by any regulated utility, or by any public utility owned by a municipality without the consent of the utility owning or operating the property, and shall not participate in any condemnation proceeding to acquire such properties."

On page 1, line 2 of the title, after "utility;" strike the remainder of the title and insert "and adding a new section to chapter 35.92 RCW."

and the same is herewith transmitted.

W. D. Naismith, Assistant Secretary.

MOTION

Mr. Nelson moved that the House do concur in the Senate amendments to House Bill No. 1198.

Mr. Nelson spoke in favor of the motion, and it was carried.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

The Speaker stated the question before the House to be the final passage of House Bill No. 1198 as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1198 as amended by the Senate, and the bill passed the House by the following vote: Yeas, 88; absent, 3; excused, 7.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Baugher, Beck, Belcher, Betzoff, Bowman, Braddock, Brekke, Bristow, Brough, Brumsickle, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Fraser, Fuhrman, Grant, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Inslee, Jacobsen, Jesernig, Jones, King P, King R, Kremen, Leonard, May, McLean, Miller, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Padden, Patrick, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rector, Rust, Schmidt, Schoon, Scott, Silver, Smith, Sommers D, Sommers H, Spanel, Tate, Valle, Van Luven, Vekich, Walker, Wang, Wilson K, Wilson S, Wineberry, Winsley, Wolfe, Wood, Youngsman, Zellinsky, and Mr. Speaker - 88.

Absent: Representatives Brooks, Rayburn, Sayan - 3.

Excused: Representatives Dorn, Gallagher, Locke, Meyers R, Sprenkle, Todd, Walk - 7.

House Bill No. 1198 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SENATE AMENDMENT TO HOUSE BILL

April 3, 1989

Mr. Speaker:

The Senate has passed ENGROSSED HOUSE BILL NO. 1231 with the following amendment:

On page 1, line 14, after "from" strike "the sales of skins and furs" and insert "(the) sales" and the same is herewith transmitted.

W. D. Naismith, Assistant Secretary.

MOTION

Mr. R. King moved that the House do concur in the Senate amendment to Engrossed House Bill No. 1231.

Mr. R. King spoke in favor of the motion, and it was carried.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

The Speaker stated the question before the House to be the final passage of Engrossed House Bill No. 1231 as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 1231 as amended by the Senate, and the bill passed the House by the following vote: Yeas, 90; absent, 1; excused, 7.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Baugher, Beck, Belcher, Betzoff, Bowman, Braddock, Brekke, Bristow, Brooks, Brough, Brumsickle, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Fraser, Fuhrman, Grant, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Jacobsen, Jesernig, Jones, King P, King R, Kremen, Leonard, May, McLean, Miller, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Padden, Patrick, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith, Sommers D, Sommers H, Spanel, Tate, Valle, Van Luven, Vekich, Walker, Wang, Wilson K, Wilson S, Wineberry, Winsley, Wolfe, Wood, Youngsman, Zellinsky, and Mr. Speaker - 90.

Absent: Representative Inslee - 1.

Excused: Representatives Dorn, Gallagher, Locke, Meyers R, Sprenkle, Todd, Walk - 7.

Engrossed House Bill No. 1231 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SENATE AMENDMENT TO HOUSE BILL

April 3, 1989

Mr. Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 1254 with the following amendment:

On page 1, line 16, after "liability" strike all material through "agency" on line 17 and insert "arising from the communication of such complaint or information" and the same is herewith transmitted.

W. D. Naismith, Assistant Secretary.

MOTION

Mr. Appelwick moved that the House refuse to concur in the Senate amendment to Substitute House Bill No. 1254 and ask the Senate for a conference thereon.

Representatives Appelwick and Padden spoke in favor of the motion, and it was carried.

APPOINTMENT OF CONFEREES

The Speaker appointed Representatives Appelwick, H. Myers and Padden as conferees on Substitute House Bill No. 1254.

SENATE AMENDMENTS TO HOUSE BILL

April 4, 1989

Mr. Speaker:

The Senate has passed ENGROSSED HOUSE BILL NO. 1258 with the following amendments:

On page 1, line 28, after "assault" strike all material down to the period on page 2, line 3. On page 1, line 2 of the title, after "personnel;" strike the remainder of the title and insert "amending RCW 9A.36.031; and prescribing penalties." and the same is herewith transmitted.

W. D. Naismith, Assistant Secretary.

There being no objection, the House concurred in the Senate amendments to Engrossed House Bill No. 1258.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

The Speaker stated the question before the House to be the final passage of Engrossed House Bill No. 1258 as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 1258 as amended by the Senate, and the bill passed the House by the following vote: Yeas, 90; nays, 1; excused, 7.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Baugher, Beck, Belcher, Betrozoff, Bowman, Braddock, Brekke, Bristow, Brooks, Brough, Brumsickle, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Fraser, Fuhrman, Grant, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Insee, Jacobsen, Jesernig, Jones, King P, King R, Kremen, Leonard, May, McLean, Miller, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Padden, Patrick, Peery, Phillips, Prentice, Prince, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith, Sommers D, Sommers H, Spanel, Tate, Valle, Van Luven, Vekich, Walker, Wang, Wilson K, Wilson S, Wineberry, Winsley, Wolfe, Wood, Youngsman, Zellinsky, and Mr. Speaker - 90.

Voting nay: Representative Pruitt - 1.

Excused: Representatives Dorn, Gallagher, Locke, Meyers R, Sprenkle, Todd, Walk - 7.

Engrossed House Bill No. 1258 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SENATE AMENDMENTS TO HOUSE BILL

April 3, 1989

Mr. Speaker:

The Senate has passed HOUSE BILL NO. 1354 with the following amendments:

On page 3, beginning on line 11, strike all of section 3 through line 33, renumber the remaining sections consecutively, and correct internal references accordingly.

In line 2 of the title, after "43.99.020," strike "43.99.130,"

and the same is herewith transmitted.

W. D. Naismith, Assistant Secretary.

MOTION

Ms. R. Fisher moved that the House refuse to concur in the Senate amendments to House Bill No. 1354 and ask the Senate to recede therefrom.

MOTION

Mr. McLean moved that the House do concur in the Senate amendments to House Bill No. 1354.

Mr. McLean spoke in favor of the motion, and Ms. R. Fisher spoke against it.

Mr. Fuhrman demanded an electric roll call vote, and the demand was sustained.

ROLL CALL

The Clerk called the roll on the motion by Representative McLean to concur in the Senate amendments to House Bill No. 1354, and the motion was not carried by the following vote: Yeas, 36; nays, 55; excused, 7.

Voting yea: Representatives Ballard, Beck, Betrozoff, Bowman, Brooks, Brough, Brumsickle, Chandler, Doty, Ferguson, Fuhrman, Hankins, Hargrove, Holland, Horn, May, McLean, Miller, Moyer, Nealey, Padden, Patrick, Prince, Schmidt, Schoon, Silver, Smith, Sommers D. Tate, Van Luven, Walker, Wilson S. Winsley, Wolfe, Wood, Youngsman - 36.

Voting nay: Representatives Anderson, Appelwick, Basich, Baugher, Belcher, Braddock, Brekke, Bristow, Cantwell, Cole, Cooper, Crane, Day, Dellwo, Ebersole, Fisher G. Fisher R. Fraser, Grant, Haugen, Heavey, Hine, Inslee, Jacobsen, Jesernig, Jones, King P, King R, Kremen, Leonard, Morris, Myers H, Nelson, Nutley, O'Brien, Peery, Phillips, Prentice, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Scott, Sommers H, Spanel, Valle, Vekich, Wang, Wilson K, Wineberry, Zellinsky, and Mr. Speaker - 55.

Excused: Representatives Dorn, Gallagher, Locke, Meyers R, Sprengle, Todd, Walk - 7.

The Speaker stated that, by its action, the House refused to concur in the Senate amendments to House Bill No. 1354.

MOTION

On motion of Ms. R. Fisher, the House asked the Senate to recede from its amendments to House Bill No. 1354.

SENATE AMENDMENTS TO HOUSE BILL

March 32, 1989

Mr. Speaker:

The Senate has passed ENGROSSED HOUSE BILL NO. 1358 with the following amendments:

On page 6, line 15, after "7.68.110" insert "and 51.48.131"

On page 132, line 17, after "71A.10.070;" strike "and"

On page 132, line 19, after "community" insert ";" and

(g) A decision to change a person's placement from one category of residential services to a different category of residential services"

and the same is herewith transmitted.

W. D. Naismith, Assistant Secretary.

MOTION

Mr. Appelwick moved that the House do concur in the Senate amendments to Engrossed House Bill No. 1358.

Representatives Appelwick and Padden spoke in favor of the motion, and it was carried.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

The Speaker stated the question before the House to be the final passage of Engrossed House Bill No. 1358 as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 1358 as amended by the Senate, and the bill passed the House by the following vote: Yeas, 91; excused, 7.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Baugher, Beck, Belcher, Betzoff, Bowman, Braddock, Brekke, Bristow, Brooks, Brough, Brumsickle, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Fraser, Fuhrman, Grant, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Inslie, Jacobsen, Jesernig, Jones, King P, King R, Kremen, Leonard, May, McLean, Miller, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Padden, Patrick, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith, Sommers D, Sommers H, Spanel, Tate, Vaile, Van Luven, Vekich, Walker, Wang, Wilson K, Wilson S, Wineberry, Winsley, Wolfe, Wood, Youngsman, Zellinsky, and Mr. Speaker - 91.

Excused: Representatives Dorn, Gallagher, Locke, Meyers R, Sprengle, Todd, Walk - 7.

Engrossed House Bill No. 1358 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SENATE AMENDMENTS TO HOUSE BILL

April 4, 1989

Mr. Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 1386 with the following amendments:

Strike everything after the enacting clause and insert the following:

NEW SECTION, Sec. 1. A county may use a small works roster and award contracts under sections 2 through 4 of this act for any project for which the estimated cost is one hundred thousand dollars or less.

NEW SECTION, Sec. 2. Each county may maintain a small works roster which shall be comprised of all contractors requesting to be on the roster and who are, where required by law, properly licensed or registered to perform work in the state of Washington. Whenever possible, the county shall actively solicit participation by women and minority contractors.

NEW SECTION, Sec. 3. Whenever construction is done by contract for which the estimated cost is one hundred thousand dollars or less and the county uses a small works roster, the county shall invite proposals from appropriate contractors on the small works roster. Such invitation shall include an estimate of the scope and nature of the work to be performed as well as materials and equipment to be furnished. Whenever possible, not less than five separate appropriate contractors shall be requested to submit proposals on any individual contract.

Once a contractor on the small works roster has been offered an opportunity to submit a proposal, that contractor shall not be offered another opportunity on any contract until all other appropriate contractors, including minority and women contractors, have been afforded an opportunity to submit a proposal on a contract.

NEW SECTION, Sec. 4. When awarding such a contract for work, the estimated cost of which is one hundred thousand dollars or less, the county shall award the contract to the contractor submitting the lowest responsible proposal.

NEW SECTION, Sec. 5. Sections 1 through 4 of this act are each added to chapter 36.32 RCW.

Sec. 6. Section 36.32.250, chapter 4, Laws of 1963 as last amended by section 9, chapter 169, Laws of 1985 and by section 1, chapter 369, Laws of 1985 and RCW 36.32.250 are each reenacted and amended to read as follows:

No contract, lease, or purchase may be entered into by the county legislative authority or by any elected or appointed officer of such county until after bids have been submitted to the county upon specifications therefor. Such specifications shall be in writing and shall be filed with the clerk of the county legislative authority for public inspection, and an advertisement thereof stating the time and place where bids will be opened, the time after which bids will not be received, the character of the work to be done, or material, equipment, or service to be purchased, and that specifications therefor may be seen at the office of the clerk of the county legislative authority, shall be published in the county official newspaper: PROVIDED, That advertisements for public works contracts for construction, alteration, repair, or improvement of public facilities shall be additionally published in a legal newspaper of general circulation in or as near as possible to that part of the county in which such work is to be done: AND PROVIDED FURTHER, That if the county official newspaper is a newspaper of general circulation covering at least forty percent of the residences in that part of the county in which such public

works are to be done publication of an advertisement of the applicable specifications in the county official newspaper only shall be sufficient. Such advertisements shall be published at least once in each week for two consecutive weeks prior to the last date upon which bids will be received and as many additional publications as shall be determined by the county legislative authority. The bids shall be in writing, shall be filed with the clerk, shall be opened and read in public at the time and place named therefor in said advertisements, and after being opened, shall be filed for public inspection. No bid may be considered for public work unless it is accompanied by a bid deposit in the form of a surety bond, postal money order, cash, cashier's check, or certified check in an amount equal to five percent of the amount of the bid proposed. The contract for the public work, lease, or purchase shall be awarded to the lowest responsible bidder, taking into consideration the quality of the articles or equipment to be purchased or leased. Any or all bids may be rejected for good cause. The county legislative authority shall require from the successful bidder for such public work a contractor's bond in the amount and with the conditions imposed by law. If the bidder to whom the contract is awarded fails to enter into the contract and furnish the contractor's bond as required within ten days after notice of the award, exclusive of the day of notice, the amount of the bid deposit shall be forfeited to the county and the contract awarded to the next lowest and best bidder. The bid deposit of all unsuccessful bidders shall be returned after the contract is awarded and the required contractor's bond given by the successful bidder is accepted by the county legislative authority. In the letting of any contract, lease, or purchase involving less than ~~((three thousand five hundred))~~ ten thousand dollars, advertisement and competitive bidding may be dispensed with on order of the county legislative authority. Notice of intention to let contracts or to enter into lease agreements involving amounts exceeding one thousand dollars but less than ~~((three thousand five hundred))~~ ten thousand dollars, shall be posted by the county legislative authority on a bulletin board in its office not less than three days prior to making such lease or contract. For advertisement and competitive bidding to be dispensed with as to purchases between one thousand and ~~((three thousand five hundred))~~ ten thousand dollars, the county legislative authority must authorize by resolution a county procedure for securing telephone or written quotations, or both, from enough vendors to assure establishment of a competitive price and for awarding such contracts for purchase of materials, equipment, or services to the lowest responsible bidder. The procedure shall include the annual establishment of an array of general categories in which such contracts, leases, or purchases are anticipated. A roster shall be developed for each category, consisting of all potential bidders who have requested to be included on the roster. The county shall invite proposals from all vendors listed on the appropriate roster for each purchase between one thousand and ten thousand dollars. Immediately after the award is made, the bid quotations obtained shall be recorded and open to public inspection and shall be available by telephone inquiry. Wherever possible, supplies shall be purchased in quantities for a period of at least three months, and not to exceed one year. Supplies generally used throughout the various departments shall be standardized insofar as possible, and may be purchased and stored for general use by all of the various departments which shall be charged for the supplies when withdrawn from the purchasing department.

This section does not apply to performance-based contracts, as defined in RCW 39.35A.020(3), that are negotiated under chapter 39.35A RCW."

On page 1, line 2 of the title, after "counties;" strike the remainder of the title and insert "reenacting and amending RCW 36.32.250; and adding new sections to chapter 36.32 RCW." and the same is herewith transmitted.

W. D. Naismith, Assistant Secretary.

MOTION

Ms. Haugen moved that the House do concur in the Senate amendments to Substitute House Bill No. 1386.

Ms. Haugen spoke in favor of the motion, and it was carried.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

The Speaker stated the question before the House to be the final passage of Substitute House Bill No. 1386 as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1386 as amended by the Senate, and the bill passed the House by the following vote: Yeas, 91; excused, 7.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Baugher, Beck, Belcher, Betzozoff, Bowman, Braddock, Brekke, Bristow, Brooks, Brough, Brumsickle, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Fraser, Fuhrman, Grant, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Insee, Jacobsen, Jesernig, Jones, King P, King R, Kremen, Leonard, May, McLean, Miller, Morris,

Moyer, Myers H. Nealey, Nelson, Nutley, O'Brien, Padden, Patrick, Peery, Phillips, Prentice, Prince, Pruitt, Ratter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith, Sommers D, Sommers H, Spanel, Tate, Valle, Van Luven, Vekich, Walker, Wang, Wilson K, Wilson S, Wineberry, Winsley, Wolfe, Wood, Youngsman, Zellinsky, and Mr. Speaker - 91.

Excused: Representatives Dorn, Gallagher, Locke, Meyers R, Sprenkle, Todd, Walk - 7.

Substitute House Bill No. 1386 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SENATE AMENDMENTS TO HOUSE BILL

April 4, 1989

Mr. Speaker:

The Senate has passed HOUSE BILL NO. 1400 with the following amendments:

On page 1, line 13, after "or more" strike "competent persons" and insert "~~((competent persons))~~ attorneys"

On page 1, line 17, after "authority" strike "in counties of the third through ninth class" and the same is herewith transmitted.

W. D. Natismith, Assistant Secretary.

MOTION

Mr. Appelwick moved that the House do concur in the Senate amendments to House Bill No. 1400.

Mr. Appelwick spoke in favor of the motion, and it was carried.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

The Speaker stated the question before the House to be the final passage of House Bill No. 1400 as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1400 as amended by the Senate, and the bill passed the House by the following vote: Yeas, 89; nays, 2; excused, 7.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Baugher, Beck, Belcher, Betzoff, Bowman, Braddock, Brekke, Bristow, Brooks, Brumsickle, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Fraser, Fuhrman, Grant, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Inslee, Jacobsen, Jesernig, Jones, King P, King R, Kremen, Leonard, May, McLean, Miller, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Padden, Patrick, Peery, Phillips, Prentice, Prince, Pruitt, Ratter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith, Sommers D, Sommers H, Spanel, Tate, Valle, Van Luven, Vekich, Walker, Wang, Wilson S, Wineberry, Winsley, Wolfe, Wood, Youngsman, Zellinsky, and Mr. Speaker - 89.

Voting nay: Representatives Brough, Wilson K - 2.

Excused: Representatives Dorn, Gallagher, Locke, Meyers R, Sprenkle, Todd, Walk - 7.

House Bill No. 1400 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

Representative R. Meyers appeared at the bar of the House.

SENATE AMENDMENTS TO HOUSE BILL

April 5, 1989

Mr. Speaker:

The Senate has passed HOUSE BILL NO. 1690 with the following amendments:

On page 1, line 9, before "not" strike "shall" and insert "~~((shall))~~ do"

On page 1, line 10, after "while" strike "they are" and insert "~~((they are))~~"

On page 1, line 22, after "director" strike "as hereinafter provided and" and insert "~~((as hereinafter provided and))~~"

On page 1, line 23, after "as" strike "he" and insert "~~((he))~~ the director"

On page 1, line 24, after "section" strike "shall be" and insert "~~((shall be))~~ is"

On page 1, line 26, after "covering" strike "such" and insert "~~((such))~~"

On page 1, line 26, after "exempt" strike "sale" and insert "~~((sale))~~ sales"

On page 3, line 5, after "hereunder" strike "shall" and insert "~~((shall))~~ do"

On page 3 beginning on line 10, strike all material through "faith." on line 17, and insert:

"(In support of any exemption from taxes on account of sales of motor vehicle fuel in individual quantities of five hundred gallons or less for export by the purchaser, the distributor shall retain in his files for at least three years an export certificate executed by the purchaser in such form and containing such information as shall be prescribed by the director. This certificate shall be prima facie evidence of the exportation of the motor vehicle fuel to which it applies only if accepted by the distributor in good faith:)"

On page 3, line 19, after "information" strike "he" and insert "~~(he)~~ the director"

On page 3, line 29, after "which" strike "he" and insert "~~(he)~~ the director"

On page 4, line 1, after "director," strike "shall be" and insert "are"

On page 4, line 2, after "chapter" strike ". This exemption shall be allowed only" and the same is herewith transmitted.

W. D. Naismith, Assistant Secretary.

MOTION

Mr. Baugher moved that the House do concur in the Senate amendments to House Bill No. 1690.

Mr. Baugher spoke in favor of the motion, and it was carried.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

The Speaker stated the question before the House to be the final passage of House Bill No. 1690 as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1690 as amended by the Senate, and the bill passed the House by the following vote: Yeas, 92; excused, 6.

Yoting yea: Representatives Anderson, Appelwick, Ballard, Basich, Baugher, Beck, Belcher, Betzoff, Bowman, Braddock, Brekke, Bristow, Brooks, Brough, Brumsickle, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Fraser, Fuhrman, Grant, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Inslee, Jacobsen, Jesernig, Jones, King P, King R, Kremen, Leonard, May, McLean, Meyers R, Miller, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Padden, Patrick, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith, Sommers D, Sommers H, Spanel, Tate, Valle, Van Luven, Vekich, Walker, Wang, Wilson K, Wilson S, Wineberry, Winsley, Wolfe, Wood, Youngsman, Zellinsky, and Mr. Speaker - 92.

Excused: Representatives Dorn, Gallagher, Locke, Sprengle, Todd, Walk - 6.

House Bill No. 1690 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SENATE AMENDMENTS TO HOUSE BILL

April 7, 1989

Mr. Speaker:

The Senate has passed HOUSE BILL NO. 1757 with the following amendments:

Strike everything after the enacting clause and insert the following:

"Sec. 1. Section 1, chapter 44, Laws of 1983 1st ex. sess. and RCW 42.23.030 are each amended to read as follows:

No municipal officer shall be beneficially interested, directly or indirectly, in any contract which may be made by, through or under the supervision of such officer, in whole or in part, or which may be made for the benefit of his office, or accept, directly or indirectly, any compensation, gratuity or reward in connection with such contract from any other person beneficially interested therein. This section shall not apply in the following cases:

(1) The furnishing of electrical, water or other utility services by a municipality engaged in the business of furnishing such services, at the same rates and on the same terms as are available to the public generally;

(2) The designation of public depositories for municipal funds;

(3) The publication of legal notices required by law to be published by any municipality, upon competitive bidding or at rates not higher than prescribed by law for members of the general public;

(4) The designation of a school director as clerk or as both clerk and purchasing agent of a school district;

(5) The employment of any person by a municipality, other than a county of the first class or higher, a city of the first or second class, an irrigation district encompassing in excess of fifty

thousand acres, or a first class school district, for unskilled day labor at wages not exceeding one hundred dollars in any calendar month:

(6) The letting of any other contract (except a sale or lease as seller or lessor) by a municipality, other than a county of the first class or higher, a city of the first or second class, an irrigation district encompassing in excess of fifty thousand acres, or a first class school district: PROVIDED, That the total volume of business represented by such contract or contracts in which a particular officer is interested, singly or in the aggregate, as measured by the dollar amount of the municipality's liability thereunder, shall not exceed seven hundred fifty dollars in any calendar month: PROVIDED FURTHER, That in the case of a particular officer of a city or town of the third, or fourth class, or a noncharter optional code city, or a member of any county fair board in a county which has not established a county purchasing department pursuant to RCW 36.32.240, the total volume of such contract or contracts authorized in this subsection may exceed seven hundred fifty dollars in any calendar month but shall not exceed nine thousand dollars in any calendar year: PROVIDED FURTHER, That there shall be public disclosure by having an available list of such purchases or contracts, and if the supplier or contractor is an official of the municipality, he or she shall not vote on the authorization:

(7) The leasing by a port district as lessor of port district property to a municipal officer or to a contracting party in which a municipal officer may be beneficially interested, if in addition to all other legal requirements, a board of three disinterested appraisers, who shall be appointed from members of the American institute of real estate appraisers by the presiding judge of the superior court in the county where the property is situated, shall find and the court finds that all terms and conditions of such lease are fair to the port district and are in the public interest:

(8) The letting of any contract for the driving of a school bus in a second class school district: PROVIDED, That the terms of such contract shall be commensurate with the pay plan or collective bargaining agreement operating in the district:

(9) The letting of any contract to the spouse of an officer of a second class school district in which less than two hundred full time equivalent students are enrolled at the start of the school year as defined in RCW 28A.01.020, when such contract is solely for employment as a certificated or classified employee of the school district, or the letting of any contract to the spouse of an officer of a second class district in which less than five hundred full time equivalent students are enrolled at the start of the school year as defined in RCW 28A.01.020, when such contract is solely for employment as a substitute teacher for the school district: PROVIDED, That the terms of such contract shall be commensurate with the pay plan or collective bargaining agreement applicable to all district employees and the board of directors has found, consistent with the written policy under section 2 of this act, that there is a shortage of substitute teachers in the school district.

NEW SECTION. Sec. 2. A new section is added to chapter 28A.60 RCW to read as follows:

The board of directors of each second class school district shall adopt a written policy governing procedures for the letting of any employment contract authorized under RCW 42.23-.030. This policy shall include provisions to ensure fairness and the appearance of fairness in all matters pertaining to employment contracts so authorized.

NEW SECTION. Sec. 3. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 4. This act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect immediately."

On page 1, line 2 of the title, after "districts;" strike the remainder of the title and insert "amending RCW 42.23.030; adding a new section to chapter 28A.60 RCW; and declaring an emergency."

and the same is herewith transmitted.

W. D. Naismith, Assistant Secretary.

MOTION

Mr. Peery moved that the House do concur in the Senate amendments to House Bill No. 1757.

Mr. Peery spoke in favor of the motion, and it was carried.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

The Speaker stated the question before the House to be the final passage of House Bill No. 1757 as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1757 as amended by the Senate, and the bill passed the House by the following vote: Yeas, 92; excused, 6.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Baugher, Beck, Belcher, Betzoff, Bowman, Braddock, Brekke, Bristow, Brooks, Brough, Brumsickle, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Fraser, Fuhrman, Grant, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Inslee, Jacobsen, Jesernig, Jones, King P, King R, Kremen, Leonard, May, McLean, Meyers R, Miller, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Padden, Patrick, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith, Sommers D, Sommers H, Spanel, Tate, Valle, Van Luvan, Vekich, Walker, Wang, Wilson K, Wilson S, Wineberry, Winsley, Wolfe, Wood, Youngsman, Zellinsky, and Mr. Speaker - 92.

Excused: Representatives Dorn, Gallagher, Locke, Sprengle, Todd, Walk - 6.

House Bill No. 1757 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SENATE AMENDMENTS TO HOUSE BILL

April 7, 1989

Mr. Speaker:

The Senate has passed HOUSE BILL NO. 1772 with the following amendments:

On page 3, after line 10, insert the following:

"(19) 'Food fish product' means any article of food offered, sold, or intended for human consumption, that is wholly or in part comprised of the meat or other bodily parts of a fish."

On page 4, after line 20, insert the following:

"NEW SECTION. Sec. 3. A new section is added to chapter 75.12 RCW to read as follows:

If a food fish product is comprised of a species of fish for which a definition and standard of identity has been established in 'the list of common and scientific names of fishes from the United States and Canada, 1980 edition,' by the American fisheries society, it shall be unlawful for a person to label, sell, or offer to sell that food fish product under another name, or make any representation that is likely to cause a prospective purchaser to be misled as to the correct species."

On page 1, at the beginning of line 2 of the title, strike "and" and on line 2, after "77.08.020" insert "; and adding a new section to chapter 75.12 RCW"

and the same is herewith transmitted.

W. D. Naismith, Assistant Secretary.

MOTION

Mr. R. King moved that the House refuse to concur in the Senate amendments to House Bill No. 1772 and ask the Senate to recede therefrom.

Mr. R. King spoke in favor of the motion, and it was carried.

SENATE AMENDMENTS TO HOUSE BILL

April 5, 1989

Mr. Speaker:

The Senate has passed ENGROSSED SUBSTITUTE HOUSE BILL NO. 1853 with the following amendments:

On page 8, beginning on line 26, strike "of a continuing violation (" and insert "~~of a continuing violation~~" and after ")") insert "the spill poses risks to the environment as determined by the director"

On page 8, line 30, after "violation" strike ", for each day of continuing violation" and insert "and for each day the spill poses risks to the environment as determined by the director" and the same is herewith transmitted.

W. D. Naismith, Assistant Secretary.

MOTION

Ms. Rust moved that the House do concur in the Senate amendments to Engrossed Substitute House Bill No. 1853.

Ms. Rust spoke in favor of the motion, and it was carried.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

The Speaker stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 1853 as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1853 as amended by the Senate, and the bill passed the House by the following vote: Yeas, 92; excused, 6.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Baugher, Beck, Belcher, Betzoff, Bowman, Braddock, Brekke, Bristow, Brooks, Brough, Brumsickle, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Fraser, Fuhrman, Grant, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Insee, Jacobsen, Jesernig, Jones, King P, King R, Kremen, Leonard, May, McLean, Meyers R, Miller, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Padden, Patrick, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith, Sommers D, Sommers H, Spanel, Tate, Valle, Van Luven, Vekich, Walker, Wang, Wilson K, Wilson S, Wineberry, Winsley, Wolfe, Wood, Youngsman, Zellinsky, and Mr. Speaker - 92.

Excused: Representatives Dorn, Gallagher, Locke, Sprenkle, Todd, Walk - 6.

Engrossed Substitute House Bill No. 1853 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SENATE AMENDMENT TO HOUSE BILL

April 6, 1989

Mr. Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 1854 with the following amendment:

On page 3, line 7, after "discharges" insert ", including sewer sludge," and the same is herewith transmitted.

W. D. Naismith, Assistant Secretary.

MOTION

Ms. Rust moved that the House do concur in the Senate amendment to Substitute House Bill No. 1854.

Ms. Rust spoke in favor of the motion, and it was carried.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

The Speaker stated the question before the House to be the final passage of Substitute House Bill No. 1854 as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1854 as amended by the Senate, and the bill passed the House by the following vote: Yeas, 92; excused, 6.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Baugher, Beck, Belcher, Betzoff, Bowman, Braddock, Brekke, Bristow, Brooks, Brough, Brumsickle, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Fraser, Fuhrman, Grant, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Insee, Jacobsen, Jesernig, Jones, King P, King R, Kremen, Leonard, May, McLean, Meyers R, Miller, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Padden, Patrick, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith, Sommers D, Sommers H, Spanel, Tate, Valle, Van Luven, Vekich, Walker, Wang, Wilson K, Wilson S, Wineberry, Winsley, Wolfe, Wood, Youngsman, Zellinsky, and Mr. Speaker - 92.

Excused: Representatives Dorn, Gallagher, Locke, Sprenkle, Todd, Walk - 6.

Substitute House Bill No. 1854 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SENATE AMENDMENTS TO HOUSE BILL

April 6, 1989

Mr. Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 1894 with the following amendments:

Strike everything after the enacting clause and insert the following:

NEW SECTION, Sec. 1. REQUIREMENTS FOR LICENSURE. (1) The department shall issue a license to any applicant who, as determined by the director:

(a) Has successfully completed an educational program approved by the director. This educational program shall include course work encompassing the subject areas within the scope of the license to practice dental hygiene in the state of Washington;

(b) Has successfully completed an examination administered by the dental hygiene examining committee; and

(c) Has not engaged in unprofessional conduct or is not unable to practice with reasonable skill and safety as a result of a physical or mental impairment.

(2) Applications for licensure shall be submitted on forms provided by the department. The department may require any information and documentation necessary to determine if the applicant meets the criteria for licensure as provided in this chapter and chapter 18.130 RCW. Each applicant shall pay a fee determined by the director as provided in RCW 43.24.086. The fee shall be submitted with the application.

NEW SECTION, Sec. 2. RENEWALS. The director shall establish by rule the requirements for renewal of licenses. The director shall establish a renewal and late renewal penalty fee as provided in RCW 43.24.086. Failure to renew invalidates the license and all privileges granted by the license. The director shall determine by rule whether a license shall be canceled for failure to renew and shall establish procedures and requirements for relicensure.

NEW SECTION, Sec. 3. DENTAL HYGIENE EXAMINING COMMITTEE—CREATION—MEMBERSHIP—TERMS—REMOVAL. There shall be a dental hygiene examining committee consisting of three practicing dental hygienists and one public member appointed by the director, to be known as the Washington dental hygiene examining committee. Each dental hygiene member shall be licensed and have been actively practicing dental hygiene for a period of not less than five years immediately before appointment and shall not be connected with any dental hygiene school. The public member shall not be connected with any dental hygiene program or engaged in any practice or business related to dental hygiene. Members of the committee shall be appointed by the director to prepare and conduct examinations for dental hygiene licensure. Members shall be appointed to serve for terms of three years from October 1 of the year in which they are appointed. Terms of the members shall be staggered. Each member shall hold office for the term of his or her appointment and until his or her successor is appointed and qualified. Any member of the committee may be removed by the director for neglect of duty, misconduct, malfeasance, or misfeasance in office, after being given a written statement of the charges against him or her and sufficient opportunity to be heard thereon. Members of the committee shall be compensated in accordance with RCW 43.03.240 and shall be reimbursed for travel expenses in accordance with RCW 43.03.050 and 43.03.060.

NEW SECTION, Sec. 4. COMMITTEE'S AUTHORITY. The director in consultation with the Washington dental hygiene examining committee shall:

(1) Adopt rules in accordance with chapter 34.05 RCW necessary to prepare and conduct examinations for dental hygiene licensure;

(2) Require an applicant for licensure to pass an examination consisting of written and practical tests upon such subjects and of such scope as the committee determines;

(3) Set the standards for passage of the examination;

(4) Administer at least two examinations each calendar year in conjunction with examinations for licensure of dentists under chapter 18.32 RCW. Additional examinations may be given as necessary; and

(5) Establish by rule the procedures for an appeal of an examination failure.

NEW SECTION, Sec. 5. DIRECTOR'S AUTHORITY. In addition to any other authority provided by law, the director may:

(1) Adopt rules in accordance with chapter 34.05 RCW necessary to implement this chapter;

(2) Establish forms necessary to administer this chapter;

(3) Issue a license to any applicant who has met the education and examination requirements for licensure and deny a license to applicants who do not meet the minimum qualifications for licensure. Proceedings concerning the denial of licenses based on unprofessional conduct or impaired practice shall be governed by the uniform disciplinary act, chapter 18.130 RCW;

(4) Employ clerical, administrative, and investigative staff as needed to implement and administer this chapter and hire individuals, including those licensed under this chapter, to serve as examiners or consultants as necessary to implement and administer this chapter;

(5) Maintain the official departmental record of all applicants and licensees;

(6) Establish, by rule, the minimum education requirements for licensure, including but not limited to approval of educational programs; and

(7) Establish and implement by rule a continuing education program.

NEW SECTION. Sec. 6. APPROVAL OF EDUCATIONAL PROGRAMS. The director shall establish by rule the standards and procedures for approval of educational programs and may contract with individuals or organizations having expertise in the profession or in education to report to the director information necessary for the director to evaluate the educational programs. The director may establish a fee for educational program evaluation. The fee shall be set to defray the administrative costs for evaluating the educational program, including, but not limited to, costs for site evaluation.

NEW SECTION. Sec. 7. EXAMINATIONS. (1) The director shall establish the date and location of the examination. Applicants who meet the education requirements for licensure shall be scheduled for the next examination following the filing of the application. The director shall establish by rule the examination application deadline.

(2) The examination shall contain subjects appropriate to the scope of practice and on laws in the state of Washington regulating dental hygiene practice.

(3) The committee shall establish by rule the requirements for a reexamination if the applicant has failed the examination.

(4) The committee may approve an examination prepared or administered by a private testing agency or association of licensing authorities.

NEW SECTION. Sec. 8. IMMUNITY. The director, members of the committee, and individuals acting on their behalf are immune from suit in any action, civil or criminal, based on any acts performed in the course of their duties.

NEW SECTION. Sec. 9. COMMITTEE MEETINGS—QUORUM—EFFECT OF VACANCY. The committee shall meet at least once a year and at such times as may be necessary for the transaction of business.

A majority of the committee shall constitute a quorum.

A vacancy in the committee membership shall not impair the right of the remaining members of the committee to exercise any power or to perform any duty of the committee, so long as the power is exercised or the duty performed by a quorum of the committee.

NEW SECTION. Sec. 10. EXEMPTIONS FROM CHAPTER. The following practices, acts, and operations are excepted from the operation of this chapter:

(1) The practice of dental hygiene in the discharge of official duties by dental hygienists in the United States armed services, coast guard, public health services, veterans' bureau, or bureau of Indian affairs;

(2) Dental hygiene programs approved by the director and the practice of dental hygiene by students in dental hygiene programs approved by the director, when acting under the direction and supervision of persons licensed under chapter 18.29 or 18.32 RCW acting as instructors.

NEW SECTION. Sec. 11. CAPTIONS NOT LAW. Section headings as used in this act do not constitute any part of the law.

Sec. 12. Section 31, chapter 16, Laws of 1923 as last amended by section 21, chapter 7, Laws of 1985 and RCW 18.29.060 are each amended to read as follows:

Upon passing an examination ~~and meeting the requirements~~ as provided in ~~((RCW 18.29.031))~~ section 1 of this 1989 act, the director of licensing shall issue to the successful applicant a license as dental hygienist. The license shall be displayed in a conspicuous place in the operation room where such licensee shall practice.

Sec. 13. Section 1, chapter 130, Laws of 1951 as last amended by section 35, chapter 158, Laws of 1979 and RCW 18.32.030 are each amended to read as follows:

The following practices, acts, and operations are excepted from the operation of the provisions of this chapter:

(1) The rendering of dental relief in emergency cases in the practice of his or her profession by a physician or surgeon, licensed as such and registered under the laws of this state, unless ~~((he))~~ the physician or surgeon undertakes to or does reproduce lost parts of the human teeth in the mouth or to restore or to replace in the human mouth lost or missing teeth;

(2) The practice of dentistry in the discharge of official duties by dentists in the United States ~~((army, navy))~~ federal services on federal reservations, including but not limited to the armed services, coast guard, public health service, veterans' bureau, or bureau of Indian affairs;

(3) Dental schools or colleges approved ~~((by the board))~~ under RCW 18.32.040, and the practice of dentistry by students in Washington state dental schools or colleges approved by the board, when acting under the direction and supervision of ~~((registered and))~~ Washington state-licensed ~~((dentists acting as instructors))~~ dental school faculty;

(4) The practice of dentistry by licensed dentists of other states or countries while appearing as clinicians at meetings of the Washington state dental association, or component parts thereof, or at meetings sanctioned by them, or other groups approved by the board of dental examiners;

(5) The use of roentgen and other rays for making ~~((radiograms))~~ radiographs or similar records of dental or oral tissues, under the supervision of a licensed dentist or physician;

(6) The making, repairing, altering, or supplying of artificial restorations, substitutions, appliances, or materials for the correction of disease, loss, deformity, malposition, dislocation, fracture, injury to the jaws, teeth, lips, gums, cheeks, palate, or associated tissues or parts; providing the same are made, repaired, altered, or supplied pursuant to the written instructions and order of a licensed dentist which may be accompanied by casts, models, or impressions furnished by ~~((said))~~ the dentist, and ~~((said))~~ the prescriptions shall be retained and filed for a period of not less than three years and shall be available to and subject to the examination of the director of licensing or ~~((his))~~ the director's authorized representatives;

(7) The removal of deposits and stains from the surfaces of the teeth, the application of topical preventative or prophylactic agents, and the polishing and smoothing of restorations, when performed or prescribed by a dental hygienist licensed under the laws of this state;

(8) A qualified and licensed physician and surgeon extracting teeth or performing oral surgery pursuant to the scope of practice under chapter 18.71 or 18.57 RCW;

(9) ~~((A legal practitioner of another state making a clinical demonstration before a medical or dental society, or at a convention approved by the Washington state medical or dental association or Washington progressive dental society;~~

~~((10) Students practicing or performing dental operations, under the supervision of competent instructors, in any reputable dental college;~~

~~((11))~~ The performing of dental operations or services by persons not licensed under this chapter when performed under the supervision of a licensed dentist: PROVIDED HOWEVER, That such nonlicensed person shall in no event perform the following dental operations or services unless permitted to be performed by ~~((him))~~ the person under ~~((other provisions of))~~ this chapter or chapters 18.29, 18.57, 18.71, and 18.88 RCW:

(a) Any removal of or addition to the hard or soft tissue of the oral cavity;

(b) Any diagnosis of or prescription for treatment of disease, pain, deformity, deficiency, injury, or physical condition of the human teeth or jaws, or adjacent structure;

(c) Any administration of general or injected local anaesthetic of any nature in connection with a dental operation, including intravenous sedation;

(d) Any oral prophylaxis;

(e) The taking of any impressions of the teeth or jaw or the relationships of the teeth or jaws, for the purpose of fabricating any intra-oral restoration, appliance, or prosthesis.

Sec. 14. Section 2, chapter 112, Laws of 1935 as last amended by section 50, chapter 279, Laws of 1984 and RCW 18.32.035 are each amended to read as follows:

There shall be a board of dental examiners consisting of nine practicing dentists, at least three of whom reside east of the summit of the Cascade range, and one consumer member, to be known as the Washington state board of dental examiners.

The members shall be appointed by the governor in the manner hereinafter set forth and at the time of their appointment upon said board must be actual residents of the state in active practice of dentistry ~~((or dental surgery as hereinafter))~~ as defined in this chapter and must have been for a period of five years or more legally licensed to practice dentistry ~~((or dental surgery))~~ in this state ~~((PROVIDED, HOWEVER, That))~~. No person ~~((shall be))~~ is eligible to appointment to ~~((said))~~ the board who is in any way connected with or interested in any dental college or dental department of any institution of learning. Members shall be appointed to the board to serve for terms of five years from ~~((July 1))~~ January 1st of the year in which they are appointed, and shall hold office until their successors are appointed.

In case of a vacancy occurring on ~~((said))~~ the board, ~~((such))~~ the vacancy shall be filled by the governor as ~~((herein))~~ provided in this section for the remainder of the term of the vacancy and the appointee shall hold office until a successor is appointed.

The board ~~((shall have the power to employ))~~ may contract with competent persons on a temporary basis to assist in ~~((conducting))~~ developing or administering examinations for licensure.

The board ~~((shall have the authority to))~~ may enter into compacts and agreements with other states and with organizations formed by several states, for the purpose of conducting multi-state licensing examinations. The board may enter into such compacts and agreements even though they would result in the examination of a candidate for a license in this state by an examiner or examiners from another state or states, and even though ~~((they))~~ the compacts and agreements would result in the examination of a candidate or candidates for a license in another state or states by an examiner or examiners from this state.

The board of dental examiners may adopt rules in accordance with chapter 34.05 RCW to implement this chapter and chapter 18.130 RCW.

Sec. 15. Section 3, chapter 112, Laws of 1935 and RCW 18.32.037 are each amended to read as follows:

The board shall ~~((choose))~~ designate one of its members ~~((president))~~ as chairperson and one as secretary ~~((thereof))~~, and it shall meet at least once in each year, and ~~((oftener))~~ more often if necessary. ~~((It))~~ at the discretion of the director or board, and at such times and places as ~~((he or it may))~~ the director or the board deems proper. A majority of the members of

~~((said))~~ the board ~~((shall, at all times,))~~ currently serving constitutes a quorum for the transaction of the business of the board ~~((and the proceedings thereof shall, at all reasonable times, be open to public inspection)).~~

Sec. 16. Section 5, chapter 112, Laws of 1935 as amended by section 2, chapter 38, Laws of 1979 and RCW 18.32.040 are each amended to read as follows:

~~((Said board shall make rules and regulations to establish a uniform and reasonable standard of educational requirements to be observed by dental schools, colleges, or dental departments of universities, and said board may determine the reputability of these by reference to their compliance with said rules or regulations.))~~

The board shall ~~((demand))~~ require that every applicant for a license to practice dentistry shall:

(1) ~~((Be a graduate or have fifteen units of high school work in acceptable subjects from a high or other secondary school approved by the board.~~

~~((2))~~ Present satisfactory evidence of ~~((completion of pre-dental and dental education under one of the following plans:~~

~~((a) Completion of a minimum of thirty semester hours of collegiate credit in acceptable subjects from a college or university approved by the board, and graduation from a dental college, school, or dental department of an institution requiring four courses of instruction of at least eight months each, approved by the board.~~

~~((b) Completion of a minimum of sixty semester hours of collegiate credit in acceptable subjects from a college or university approved by the board, and graduation from a dental school, college, or dental department of an institution requiring three courses of at least eight months each, approved by the board.~~

~~((3))~~ graduation from a dental college, school, or dental department of an institution approved by the board:

~~((2))~~ Submit, for the files of the board, a recent picture duly identified and attested ~~((:))~~ and

~~((4))~~ Pass an examination given by the board of dental examiners in the theory and practice of the science of dentistry. PROVIDED, That the board may recognize a certificate granted by the national board of dental examiners in lieu of, or subject to, such examination as may be required. PROVIDED FURTHER, That the board may recognize passage of an examination given by another state or states, or by an organization formed by several states, with which the board has entered into a formal compact or agreement for the purpose of conducting a multi-state license examination. PROVIDED, HOWEVER, That nothing in this chapter shall be construed to prevent any dental school which may desire to do so from establishing for admission a higher standard of preliminary education than specified in this chapter.))

~~((3))~~ Pass an examination prepared or approved by and administered under the direction of the board. The dentistry licensing examination shall consist of practical and written tests upon such subjects and of such scope as the board determines. The board may accept, in lieu of all or part of a written examination, a certificate granted by a national or regional testing organization approved by the board. The board shall set the standards for passing the examination. The director of licensing shall keep on file the examination papers and records of examination for at least one year. This file shall be open for inspection by the applicant or the applicant's agent unless the disclosure will compromise the examination process as determined by the board or is exempted from disclosure under RCW 42.17.250 through 42.17.340.

Sec. 17. Section 3, chapter 93, Laws of 1953 as last amended by section 30, chapter 287, Laws of 1984 and RCW 18.32.050 are each amended to read as follows:

The members of the board shall each be compensated in accordance with RCW ~~((43.03-246))~~ 43.03.250 and shall be reimbursed for travel expenses incurred in attending the meetings of the board in accordance with RCW 43.03.050 and 43.03.060. Board members shall be compensated and reimbursed pursuant to this section for their activities in administering a multi-state licensing examination pursuant to the board's compact or agreement with another state or states or with organizations formed by several states: PROVIDED, That any compensation or reimbursement received by a board member from another state, or organization formed by several states, for such member's services in administering a multi-state licensing examination, shall be deposited in the health professions account of the state general fund.

Sec. 18. Section 4, chapter 112, Laws of 1935 as last amended by section 28, chapter 52, Laws of 1984 and RCW 18.32.100 are each amended to read as follows:

The applicant for a dentistry license shall file an application on a form furnished by the director, ~~((and therein state his))~~ stating the applicant's name, age, place of residence, ((citizenship,)) the name of the school or schools attended by ((him)) the applicant, the period of such attendance, the date of ((his)) the applicant's graduation, whether ((he)) the applicant has ever been ((suspended or disbarred from)) the subject of any disciplinary action related to the practice of dentistry, and shall include a statement of all of ((his)) the applicant's dental activities ((for the previous five years)). This shall include any other information deemed necessary by the board.

The application shall be signed by the applicant and sworn to by ~~((him)) the applicant~~ before some person authorized to administer oaths, and shall be accompanied by ~~((testimonials of his moral character, and))~~ proof of ~~((his)) the applicant's~~ school attendance and graduation.

~~((Said applicant at the time of making application must, in addition to other requisites, be a citizen of the United States or have first papers for naturalization.))~~

Sec. 19. Section 29, chapter 52, Laws of 1957 as last amended by section 23, chapter 7, Laws of 1985 and RCW 18.32.110 are each amended to read as follows:

Except as otherwise provided in RCW 18.32.210, ~~((as now or hereafter amended))~~ each applicant shall pay a fee determined by the director as provided in RCW 43.24.086, which shall accompany ~~((his)) the application~~~~((PROVIDED. That applicants not licensed in another state and not residents of this state for at least six consecutive months shall pay an additional investigation fee determined by the director as provided in RCW 43.24.086)).~~

Sec. 20. Section 5, chapter 93, Laws of 1953 as last amended by section 24, chapter 7, Laws of 1985 and RCW 18.32.120 are each amended to read as follows:

When the application and the accompanying proof are found satisfactory, the director shall notify the applicant to appear before the board at a time and place to be fixed by the ~~((director, which time shall be not less than sixty days after the receipt of such application by the director.~~

~~Examination shall be made in writing in all theoretic subjects. Both theoretic and practical examinations shall be of a character to give a fair test of the qualifications of the applicant to practice dentistry or dental surgery))~~ board.

The examination papers, and all grading thereon, and the grading of the practical work, shall be ~~((deemed public documents, and))~~ preserved for a period of not less than ~~((three years))~~ one year after the board has made and published its decisions thereon. All examinations shall be conducted by the board under fair and wholly impartial methods.

Any applicant who fails to make the required grade ~~((in his first examination is entitled to take as many subsequent examinations as he desires upon the prepayment of a fee determined by the director as provided in RCW 43.24.086 for each subsequent examination. At least two examinations shall be given in each calendar year))~~ by his or her fourth examination may be reexamined only under rules adopted by the board.

Applicants for examination or reexamination shall pay a fee as determined by the director as provided in RCW 43.24.086.

Sec. 21. Section 17, chapter 112, Laws of 1935 as amended by section 3, chapter 130, Laws of 1951 and RCW 18.32.160 are each amended to read as follows:

All licenses issued by the director on behalf of the board shall be signed by ~~((him and by all members))~~ the director or chairperson and secretary of the board~~((PROVIDED THAT ALL licenses issued to applicants who are not naturalized citizens of the United States shall be conditioned upon full citizenship being acquired within a period of six years from issuance of said licenses, and any holder failing to so qualify shall not be eligible for renewal of his license until full citizenship is acquired. This limitation shall not apply to dentists fully registered and licensed at the effective date of this act)).~~

Sec. 22. Section 24, chapter 112, Laws of 1935 as last amended by section 26, chapter 7, Laws of 1985 and RCW 18.32.180 are each amended to read as follows:

(1) Every person (granted a license under this chapter shall pay to the director a license renewal) licensed to practice dentistry in this state shall register with the director of licensing, and pay a renewal registration fee determined by the director as provided in RCW 43.24.086 ((for the year commencing with the first day of October next following the issuance of his license, and annually thereafter. Payment must be made within thirty days following the commencement of the year for which the same accrues. The license renewal certificate issued by the director shall be indispensable evidence that the same has been made.

The failure of any licensed dentist to pay his annual license renewal fee by the first day of November following the date on which the fee was due shall work a forfeiture of his license. It shall not be)), Any failure to register and pay the renewal registration fee renders the license invalid, and the practice of dentistry shall not be permitted. The license shall be reinstated ((except)) upon written application to the director and ((the)) payment to the state of a penalty fee determined by the director as provided in RCW 43.24.086, together with all ((annual)) delinquent license renewal fees ((delinquent at the time of the forfeiture, and those for each year thereafter up to the time of reinstatement)).

(2) A person who fails to renew the license for a period of three years may not renew the license under subsection (1) of this section. In order to obtain a license to practice dentistry in this state, such a person shall file an original application as provided for in this chapter, along with the requisite fees. The board, in its sole discretion, may permit the applicant to be licensed without examination, and with or without conditions, if it is satisfied that the applicant meets all the requirements for licensure in this state and is competent to engage in the practice of dentistry.

Sec. 23. Section 14, chapter 112, Laws of 1935 and RCW 18.32.220 are each amended to read as follows:

Anyone who is a (~~legal and competent practitioner of dentistry or dental surgery~~) licensed dentist in the state of Washington (~~(- and of good moral character and known to the board of dental examiners of this state as such.)~~) who desires to change (~~(his or her)~~) residence to another state or territory, shall, upon application to the (~~board of dental examiners~~) director and payment of a fee as determined by the director under RCW 43.24.086, receive a certificate over the signature of the (~~(president and secretary of said board)~~) director or the director's designee, which shall attest to the facts (~~(above)~~) mentioned in this section, and giving the date upon which (~~(he was registered and)~~) the dentist was licensed.

Sec. 24. Section 37, chapter 5, Laws of 1977 ex. sess. as amended by section 39, chapter 259, Laws of 1986 and RCW 18.32.500 are each amended to read as follows:

RCW 18.32.510 through (~~(18.32.620)~~) 18.32.--- (RCW 18.32.360 as recodified by this 1989 act) shall be known and may be cited as the 'Dental Disciplinary Board Act'.

Sec. 25. Section 2, chapter 5, Laws of 1977 ex. sess. as last amended by section 40, chapter 259, Laws of 1986 and RCW 18.32.520 are each amended to read as follows:

Unless the context clearly requires otherwise, the definitions contained in this section shall apply throughout RCW 18.32.510 through (~~(18.32.620)~~) 18.32.--- (RCW 18.32.360 as recodified by this 1989 act).

(1) 'Board' means the dental disciplinary board created in RCW 18.32.560.

(2) 'License' means a certificate or license to practice dentistry in this state as provided for in this chapter.

(3) 'Member' means member of the dental disciplinary board.

(4) 'Secretary' means the secretary of the dental disciplinary board.

(5) 'Director' means the director of licensing of the state of Washington.

(6) 'To practice dentistry' means to engage in the practice of dentistry as defined in RCW 18.32.020.

Sec. 26. Section 3, chapter 5, Laws of 1977 ex. sess. as amended by section 41, chapter 259, Laws of 1986 and RCW 18.32.530 are each amended to read as follows:

In addition to those acts defined in chapter 18.130 RCW, the term 'unprofessional conduct' as used in RCW 18.32.530 through (~~(18.32.620)~~) 18.32.--- (RCW 18.32.360 as recodified by this 1989 act) includes gross, willful, or continued overcharging for professional services.

Sec. 27. Section 10, chapter 5, Laws of 1977 ex. sess. as amended by section 31, chapter 287, Laws of 1984 and RCW 18.32.600 are each amended to read as follows:

Members of the board shall be compensated in accordance with RCW (~~(43.03.240)~~) 43.03.250 and shall be reimbursed for travel expenses as provided in RCW 43.03.050 and 43.03.060 while engaged in business of the board.

NEW SECTION. Sec. 28. A new section is added to chapter 18.32 RCW, to be codified between RCW 18.32.030 and 18.32.050, to read as follows:

A member of the board of dental examiners may be removed by the governor for neglect of duty, misconduct, or malfeasance or misfeasance in office. Whenever the governor is satisfied that a member of the board has been guilty of neglect of duty, misconduct, or malfeasance or misfeasance in office, the governor shall file with the secretary of state a statement showing the governor's reasons, with the order of removal. The secretary of state shall immediately send a certified copy of the order of removal and statement of causes by certified mail to the last known address of the member in question.

NEW SECTION. Sec. 29. A new section is added to chapter 18.29 RCW to read as follows:

An applicant holding a valid license and and currently engaged in practice in another state may be granted a license without examination required by this chapter, on the payment of any required fees, if the director in consultation with the advisory committee determines that the other state's licensing standards are substantively equivalent to the standards in this state: PROVIDED, That the director in consultation with the advisory committee may require the applicant to: (1) File with the director documentation certifying the applicant is licensed to practice in another state; and (2) provide information as the director deems necessary pertaining to the conditions and criteria of the uniform disciplinary act, chapter 18.130 RCW and to demonstrate to the director a knowledge of Washington law pertaining to the practice of dental hygiene.

NEW SECTION. Sec. 30. A new section is added to chapter 18.32 RCW to read as follows:

An applicant holding a valid license and currently engaged in practice in another state may be granted a license without examination required by this chapter, on the payment of any required fees, if the board determines that the other state's licensing standards are substantively equivalent to the standards in this state: PROVIDED, That the board may require the applicant to: (1) File with the board documentation certifying the applicant is licensed to practice in another state; and (2) provide information as the board deems necessary pertaining to the conditions and criteria of the uniform disciplinary act, chapter 18.130 RCW and to demonstrate to the board a knowledge of Washington law pertaining to the practice of dentistry.

NEW SECTION. Sec. 31. There is appropriated from the health professions account to the department of licensing for the biennium ending June 30, 1991, the sum of one hundred nineteen thousand nine hundred sixty-nine dollars, or as much thereof as may be necessary, to carry out the purposes of this act.

NEW SECTION. Sec. 32. The following sections are recodified within the dental disciplinary board act in chapter 18.32 RCW:

- (1) RCW 18.32.085;
- (2) RCW 18.32.290;
- (3) RCW 18.32.310;
- (4) RCW 18.32.320;
- (5) RCW 18.32.322;
- (6) RCW 18.32.324;
- (7) RCW 18.32.326;
- (8) RCW 18.32.328;
- (9) RCW 18.32.330;
- (10) RCW 18.32.340;
- (11) RCW 18.32.350; and
- (12) RCW 18.32.360.

NEW SECTION. Sec. 33. The following acts or parts of acts are each repealed:

(1) Section 28, chapter 16, Laws of 1923, section 1, chapter 47, Laws of 1969, section 21, chapter 292, Laws of 1971 ex. sess., section 24, chapter 30, Laws of 1975 1st ex. sess., section 30, chapter 158, Laws of 1979, section 19, chapter 7, Laws of 1985 and RCW 18.29.020;

(2) Section 14, chapter 168, Laws of 1983, section 29, chapter 287, Laws of 1984 and RCW 18.29.031;

(3) Section 33, chapter 16, Laws of 1923, section 3, chapter 47, Laws of 1969, section 25, chapter 30, Laws of 1975 1st ex. sess., section 20, chapter 7, Laws of 1985 and RCW 18.29.040;

(4) Section 32, chapter 16, Laws of 1923, section 5, chapter 47, Laws of 1969, section 26, chapter 30, Laws of 1975 1st ex. sess., section 33, chapter 158, Laws of 1979, section 22, chapter 7, Laws of 1985 and RCW 18.29.070;

(5) Section 21, chapter 112, Laws of 1935 and RCW 18.32.070;

(6) Section 13, chapter 112, Laws of 1935, section 4, chapter 49, Laws of 1969, section 32, chapter 30, Laws of 1975 1st ex. sess., section 27, chapter 7, Laws of 1985 and RCW 18.32.210; and

(7) Section 15, chapter 112, Laws of 1935, section 33, chapter 30, Laws of 1975 1st ex. sess., section 28, chapter 7, Laws of 1985 and RCW 18.32.225.

NEW SECTION. Sec. 34. Sections 1 through 11 of this act are each added to chapter 18.29 RCW."

On page 1, line 2 of the title, after "RCW," strike the remainder of the title and insert "amending RCW 18.29.060, 18.32.030, 18.32.035, 18.32.037, 18.32.040, 18.32.050, 18.32.100, 18.32.110, 18.32.120, 18.32.160, 18.32.180, 18.32.220, 18.32.500, 18.32.520, 18.32.530, and 18.32.600; adding new sections to chapter 18.29 RCW; adding new sections to chapter 18.32 RCW; recodifying RCW 18.32.085, 18.32.290, 18.32.310, 18.32.320, 18.32.322, 18.32.324, 18.32.326, 18.32.328, 18.32.330, 18.32.340, 18.32.350, and 18.32.360; repealing RCW 18.29.020, 18.29.031, 18.29.040, 18.29.070, 18.32.070, 18.32.210, and 18.32.225; and making an appropriation."

and the same is herewith transmitted.

W. D. Naismith, Assistant Secretary.

MOTION

Mr. Braddock moved that the House do concur in the Senate amendments to Substitute House Bill No. 1894.

Mr. Braddock spoke in favor of the motion, and it was carried.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

The Speaker stated the question before the House to be the final passage of Substitute House Bill No. 1894 as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1894 as amended by the Senate, and the bill passed the House by the following vote: Yeas, 89; absent, 3; excused, 6.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Baugher, Beck, Belcher, Betzoff, Bowman, Braddock, Brekke, Bristow, Brooks, Brough, Brumsickle, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Fraser, Fuhrman, Grant, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Inslee, Jacobsen, Jesernig, Jones, King P, King R, Kremen, Leonard, May, McLean, Meyers R, Miller, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Padden, Patrick, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Schoon, Scott, Smith, Sommers D, Sommers H, Spanel, Valle, Van Luven, Vekich, Wang, Wilson K, Wilson S, Wineberry, Winsley, Wolfe, Wood, Youngsman, Zellinsky, and Mr. Speaker - 89.

Absent: Representatives Silver, Tate, Walker - 3.

Excused: Representatives Dorn, Gallagher, Locke, Sprenkle, Todd, Walk - 6.

Substitute House Bill No. 1894 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

STATEMENTS FOR THE JOURNAL

My intention was to vote in favor of Substitute House Bill No. 1894 as amended by the Senate.

RANDY TATE, 25th District.

My intention was to vote "Yes" on Substitute House Bill No. 1894 as amended by the Senate.

SALLY W. WALKER, 28th District.

SENATE AMENDMENTS TO HOUSE BILL

April 4, 1989

Mr. Speaker:

The Senate has passed SUBSTITUTION HOUSE BILL NO. 2012 with the following amendments:

Strike everything after the enacting clause and insert the following:

"Sec. 1. Section 5, chapter 65, Laws of 1955 as last amended by section 1, chapter 54, Laws of 1972 ex. sess. and RCW 53.08.040 are each amended to read as follows:

A district may improve its lands by dredging, filling, bulkheading, providing waterways or otherwise developing such lands (~~for sale or lease~~) for industrial and commercial purposes. A district may also acquire, construct, install, improve, and operate sewer and water utilities to serve its own property and other property owners under terms, conditions, and rates to be fixed and approved by the port commission. A district may also acquire, by purchase, construction, lease, or in any other manner, and may maintain and operate other facilities for the control or elimination of air, water, or other pollution, including, but not limited to, facilities for the treatment and/or disposal of industrial wastes, and may make such facilities available to others under terms, conditions and rates to be fixed and approved by the port commission. Such conditions and rates shall be sufficient to reimburse the port for all costs, including reasonable amortization of capital outlays caused by or incidental to providing such other pollution control facilities: PROVIDED, That no part of such costs of providing any pollution control facility to others shall be paid out of any tax revenues of the port: AND PROVIDED FURTHER, That no port shall enter into an agreement or contract to provide sewer and/or water utilities or pollution control facilities if substantially similar utilities or facilities are available from another source (or sources) which is able and willing to provide such utilities or facilities on a reasonable and nondiscriminatory basis unless such other source (or sources) consents thereto.

In the event that a port elects to make such other pollution control facilities available to others, it shall do so by lease, lease purchase agreement, or other agreement binding such user to pay for the use of said facilities for the full term of the revenue bonds issued by the port for the acquisition of said facilities, and said payments shall at least fully reimburse the port for all principal and interest paid by it on said bonds and for all operating or other costs, if any, incurred by the port in connection with said facilities: PROVIDED, HOWEVER, That where there is more than one user of any such facilities, each user shall be responsible for its pro rata share of such costs and payment of principal and interest. Any port intending to provide pollution control facilities to others shall first survey the port district to ascertain the potential users of such facilities and the extent of their needs. The port shall conduct a public hearing upon the proposal and shall give each potential user an opportunity to participate in the use of such facilities upon equal terms and conditions.

Sec. 2. Section 9, chapter 65, Laws of 1955 as last amended by section 1, chapter 64, Laws of 1983 and RCW 53.08.080 are each amended to read as follows:

A district may lease all lands, wharves, docks and real and personal property owned and controlled by it, for such purposes and upon such terms as the port commission deems proper: PROVIDED, That no lease shall be for a period longer than fifty years with option for extensions for up to an additional thirty years, except where the property involved is or is to be devoted to airport purposes the port commission may lease said property for such period as may equal the estimated useful life of such work or facilities, but not to exceed seventy-five years: PROVIDED FURTHER, That where the property is held by the district under lease from the United States government or the state of Washington, or any agency or department thereof, the port commission may sublease said property, with option for extensions, up to the total term and extensions thereof permitted by such lease, but in any event not to exceed ninety years."

On page 1, line 2 of the title, after "land," strike the remainder of the title and insert "and amending RCW 53.08.040 and 53.08.080."

and the same is herewith transmitted.

W. D. Naismith, Assistant Secretary.

MOTION

Ms. Haugen moved that the House do concur in the Senate amendments to Substitute House Bill No. 2012.

Representatives Haugen and Ferguson spoke in favor of the motion, and it was carried.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

The Speaker stated the question before the House to be the final passage of Substitute House Bill No. 2012 as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2012 as amended by the Senate, and the bill passed the House by the following vote: Yeas, 91; nays, 1; excused, 6.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Baugher, Beck, Belcher, Betzoff, Bowman, Braddock, Brekke, Bristow, Brooks, Brough, Brumsickle, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Fraser, Fuhrman, Grant, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Inslee, Jacobsen, Jesernig, Jones, King P, King R, Kremen, Leonard, May, McLean, Meyers R, Miller, Morris, Moyer, Myers H, Nealey, Nutley, O'Brien, Padden, Patrick, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith, Sommers D, Sommers H, Spanel, Tate, Valle, Van Luven, Vekich, Walker, Wang, Wilson K, Wilson S, Wineberry, Winsley, Wolfe, Wood, Youngsman, Zellinsky, and Mr. Speaker - 91.

Voting nay: Representative Nelson - 1.

Excused: Representatives Dorn, Gallagher, Locke, Sprengle, Todd, Walk - 6.

Substitute House Bill No. 2012 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SENATE AMENDMENTS TO HOUSE BILL

April 6, 1989

Mr. Speaker:

The Senate has passed HOUSE BILL NO. 2142 with the following amendments:

On page 1, line 8, after "dollars." strike all material down to and including "1989." on line

9

On page 1, after line 9, insert the following:

NEW SECTION. Sec. 2. A new section is added to chapter 35.21 RCW to read as follows:

(1) Whenever an action or proceeding for damages is brought against any officer or employee of a city or town of this state, arising from acts or omissions while performing or in good faith purporting to perform his or her official duties, such officer or employee may request the city or town to authorize the defense of the action or proceeding at the expense of the city or town.

(2) If the city or town legislative authority finds that the acts or omissions of the officer or employee were, or in good faith purported to be, within the scope of his or her official duties, the request may be granted. If the request is granted, the necessary expenses of defending the action or proceeding shall be paid by the city or town. Any monetary judgment against the officer or employee may be paid on approval of the city or town legislative authority.

(3) The necessary expenses of defending an elective municipal officer in a judicial hearing to determine the sufficiency of a recall charge as provided in RCW 29.82.023 shall be paid by the city or town if the officer requests such defense and approval is granted by the city or town legislative authority. The expenses paid by the city or town may include costs associated with an appeal of the decision rendered by the superior court concerning the sufficiency of the recall charge.

NEW SECTION. Sec. 3. A new section is added to chapter 35A.21 RCW to read as follows:

(1) Whenever an action or proceeding for damages is brought against any officer or employee of a code city of this state, arising from acts or omissions while performing or in good faith purporting to perform his or her official duties, such officer or employee may request the code city to authorize the defense of the action or proceeding at the expense of the code city.

(2) If the code city legislative authority finds that the acts or omissions of the officer or employee were, or in good faith purported to be, within the scope of his or her official duties, the request may be granted. If the request is granted, the necessary expenses of defending the action or proceeding shall be paid by the code city. Any monetary judgment against the officer or employee may be paid on approval of the code city legislative authority.

(3) The necessary expenses of defending an elective municipal officer in a judicial hearing to determine the sufficiency of a recall charge as provided in RCW 29.82.023 shall be paid by

the code city if the officer requests such defense and approval is granted by the code city legislative authority. The expenses paid by the code city may include costs associated with an appeal of the decision rendered by the superior court concerning the sufficiency of the recall charge."

On page 1, line 2 of the title, after "cities," insert "adding a new section to chapter 35.21 RCW; adding a new section to chapter 35A.21 RCW;" and the same is herewith transmitted.

W. D. Naismith, Assistant Secretary.

MOTION

Ms. Haugen moved that the House refuse to concur in the Senate amendments to House Bill No. 2142 and ask the Senate to recede therefrom.

Ms. Haugen spoke in favor of the motion, and it was carried.

SENATE AMENDMENT TO HOUSE BILL

April 7, 1989

Mr. Speaker:

The Senate has passed HOUSE BILL NO. 1980 with the following amendment:
On page 1, line 11, after "certificated" strike "as well as classified"
and the same is herewith transmitted.

W. D. Naismith, Assistant Secretary.

MOTION

Mr. Peery moved that the House do concur in the Senate amendment to House Bill No. 1980.

Mr. Peery spoke in favor of the motion, and it was carried.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

The Speaker stated the question before the House to be the final passage of House Bill No. 1980 as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1980 as amended by the Senate, and the bill passed the House by the following vote: Yeas, 92; excused, 6.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Baugher, Beck, Belcher, Betzoff, Bowman, Braddock, Brekke, Bristow, Brooks, Brough, Brumsickle, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Fraser, Fuhrman, Grant, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Inslee, Jacobsen, Jesernig, Jones, King P, King R, Kremen, Leonard, May, McLean, Meyers R, Miller, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Padden, Patrick, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith, Sommers D, Sommers H, Spanel, Tate, Valle, Van Luven, Vekich, Walker, Wang, Wilson K, Wilson S, Wineberry, Winsley, Wolfe, Wood, Youngsman, Zellinsky, and Mr. Speaker - 92.

Excused: Representatives Dorn, Gallagher, Locke, Sprenkle, Todd, Walk - 6.

House Bill No. 1980 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Mr. D. Sommers, Representative Miller was excused.

SENATE AMENDMENTS TO HOUSE BILL

April 7, 1989

Mr. Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 1558 with the following amendments:

Strike everything after the enacting clause and insert the following:

"NEW SECTION, Sec. 1. A new section is added to chapter 69.41 RCW to read as follows:

For the purposes of this act, 'steroids' shall include the following:

(1) 'Anabolic steroids' means synthetic derivatives of testosterone or any isomer, ester, salt, or derivative that act in the same manner on the human body;

(2) 'Androgens' means testosterone in one of its forms or a derivative, isomer, ester, or salt, that act in the same manner on the human body; and

(3) 'Human growth hormones' means growth hormones, or a derivative, isomer, ester, or salt that act in the same manner on the human body.

NEW SECTION. Sec. 2. A new section is added to chapter 69.41 RCW to read as follows:

The state board of pharmacy shall specify by rule drugs to be classified as steroids as defined in section 1 of this act.

On or before December 1 of each year, the board shall inform the appropriate legislative committees of reference of the drugs that the board has added to the steroids in section 1 of this act. The board shall submit a statement of rationale for the changes.

NEW SECTION. Sec. 3. A new section is added to chapter 69.41 RCW to read as follows:

(1) A practitioner shall not prescribe, administer, or dispense steroids, as defined in section 1 of this act, or any form of autotransfusion for the purpose of manipulating hormones to increase muscle mass, strength, or weight, or for the purpose of enhancing athletic ability, without a medical necessity to do so.

(2) A practitioner shall complete and maintain patient medical records which accurately reflect the prescribing, administering, or dispensing of any substance or drug described in this section or any form of autotransfusion. Patient medical records shall indicate the diagnosis and purpose for which the substance, drug, or autotransfusion is prescribed, administered, or dispensed and any additional information upon which the diagnosis is based.

Sec. 4. Section 7, chapter 186, Laws of 1973 1st ex. sess. as amended by section 4, chapter 4, Laws of 1983 1st ex. sess. and RCW 69.41.070 are each amended to read as follows:

Whoever violates any provision of this chapter shall, upon conviction, be fined and imprisoned as herein provided:

(1) For a violation of RCW 69.41.020, the offender shall be guilty of a felony.

(2) For a violation of RCW 69.41.030 involving the sale, delivery, or possession with intent to sell or deliver, the offender shall be guilty of a felony.

(3) For a violation of RCW 69.41.030 involving possession, the offender shall be guilty of a misdemeanor.

(4) For a violation of RCW 69.41.040, the offender shall be guilty of a felony.

(5) For a violation of RCW 69.41.050, the offender shall be guilty of a misdemeanor.

(6) Any offense which is a violation of chapter 69.50 RCW other than RCW 69.50.401(c) shall not be charged under this chapter.

(7) For a violation of section 3(1) of this act, the offender shall be guilty of a gross misdemeanor and subject to disciplinary action under RCW 18.130.180.

(8)(a) A person who violates the provisions of this chapter by possessing under two hundred tablets or eight 2cc bottles of steroid without a valid prescription is guilty of a gross misdemeanor.

(b) A person who violates the provisions of this chapter by possessing over two hundred tablets or eight 2cc bottles of steroid without a valid prescription is guilty of a class C felony and shall be punished according to RCW 9A.20.010(1)(c).

NEW SECTION. Sec. 5. A new section is added to chapter 69.41 RCW to read as follows:

The superintendent of public instruction shall develop and distribute to all school districts signs of appropriate design and dimensions advising students of the health risks that steroids present when used solely to enhance athletic ability, and of the penalties for their unlawful possession provided by this act.

School districts shall post or cause the signs to be posted in a prominent place for ease of viewing on the premises of school athletic departments.

NEW SECTION. Sec. 6. A new section is added to chapter 69.41 RCW to read as follows:

Any student athlete found to have used or in possession of steroids in violation of this chapter shall be prohibited from participating in any school-sponsored athletic event for a period to be determined by the appropriate school authorities, but not less than one year."

On page 1, line 1 of the title, after "drugs;" strike the remainder of the title and insert "amending RCW 69.41.070; adding new sections to chapter 69.41 RCW; and prescribing penalties."

and the same is herewith transmitted.

W. D. Naismith, Assistant Secretary.

MOTION

Mr. Braddock moved that the House refuse to concur in the Senate amendments to Substitute House Bill No. 1558 and ask the Senate for a conference thereon.

Mr. Brooks spoke in favor of the motion, and it was carried.

APPOINTMENT OF CONFEREES

The Speaker appointed Representatives Braddock, Insee and Brumsickle as conferees on Substitute House Bill No. 1558.

SENATE AMENDMENTS TO HOUSE BILL

April 6, 1989

Mr. Speaker:

The Senate has passed ENGROSSED SUBSTITUTE HOUSE BILL NO. 1635 with the following amendments:

Strike everything after the enacting clause and insert the following:

"Sec. 1. Section 2, page 363, Laws of 1854 as last amended by section 1, chapter 76, Laws of 1984 and RCW 4.16.020 are each amended to read as follows:

The period prescribed for the commencement of actions shall be as follows:

Within ten years:

(1) For actions for the recovery of real property, or for the recovery of the possession thereof; and no action shall be maintained for such recovery unless it appears that the plaintiff, his ancestor, predecessor or grantor was seized or possessed of the premises in question within ten years before the commencement of the action.

(2) For an action upon a judgment or decree of any court of the United States, or of any state or territory within the United States, or of any territory or possession of the United States outside the boundaries thereof, or of any extraterritorial court of the United States, except for actions to collect past due child support.

(3) Of the eighteenth birthday of the youngest child named in the order for whom support is ordered for an action to collect past due child support that has accrued under an order entered after the effective date of this act by any of the above-named courts or that has accrued under an administrative order as defined in RCW 74.20A.020(6), which is issued after the effective date of this act.

Sec. 2. Section 7, chapter 60, Laws of 1929 as amended by section 1, chapter 236, Laws of 1979 ex. sess. and RCW 4.56.210 are each amended to read as follows:

(1) Except as provided in subsection (2) of this section, after the expiration of ten years from the date of the entry of any judgment heretofore or hereafter rendered in this state, it shall cease to be a lien or charge against the estate or person of the judgment debtor(~~and~~). No suit, action or other proceeding shall ever be had on any judgment rendered in this state by which the lien (~~or duration of such judgment, claim or demand~~) shall be extended or continued in force for any greater or longer period than ten years (~~from the date of the entry of the original judgment~~).

(2) An underlying judgment or judgment lien entered after the effective date of this act for accrued child support shall continue in force for ten years after the eighteenth birthday of the youngest child named in the order for whom support is ordered. All judgments entered after the effective date of this act shall contain the birth date of the youngest child for whom support is ordered.

Sec. 3. Section 2, chapter 25, Laws of 1929 as last amended by section 402, chapter 442, Laws of 1987 and RCW 6.17.020 are each amended to read as follows:

(1) Except as provided in subsection (2) of this section, the party in whose favor a judgment of a court of record of this state or a district court of this state has been or may be rendered, or the assignee, may have an execution issued for the collection or enforcement of the judgment at any time within ten years from entry of the judgment.

(2) After the effective date of this act, a party who obtains a judgment or order of a court of record of any state, or an administrative order issued as defined in RCW 74.20A.020(6) for accrued child support, may have an execution issued upon that judgment or order at any time within ten years of the eighteenth birthday of the youngest child named in the order for whom support is ordered.

Sec. 4. Section 22, chapter 164, Laws of 1971 ex. sess. as last amended by section 16, chapter 171, Laws of 1979 ex. sess. and RCW 74.20A.220 are each amended to read as follows:

Any support debt due the department from a responsible parent which the secretary deems uncollectible may be transferred from accounts receivable to a suspense account and cease to be accounted as an asset(~~PROVIDED, That~~). At any time after six years from the date a support debt was incurred, the secretary may charge off as uncollectible any support debt upon which the secretary finds there is no available, practical, or lawful means by which said debt may be collected.

The department may accept offers of compromise of disputed claims or may grant partial or total charge-off of support arrears owed to the department up to the total amount of public assistance paid to or for the benefit of the persons for whom the support obligation was incurred. The department shall adopt rules as to the considerations to be made in the granting or denial of partial or total charge-off and offers of compromise of disputed claims of debt for support arrears. The rights of the payee under an order for support shall not be prejudiced if the department accepts an offer of compromise, or grants a partial or total charge-off under this section.

The responsible parent owing a support debt may execute a written extension or waiver of any statute(~~including but not limited to RCW 4.56.210~~) which may bar or impair the collection of the debt and the extension or waiver shall be effective according to its terms.

Sec. 5. Section 10, chapter 164, Laws of 1971 ex. sess. as last amended by section 7, chapter 276, Laws of 1985 and RCW 74.20A.100 are each amended to read as follows:

~~((Should)) (1) Any person, firm, corporation, association, political subdivision or department of the state shall be liable to the department in an amount equal to one hundred percent of the value of the debt which is the basis of the lien, order to withhold and deliver, distraint, or assignment of earnings, or the amount that should have been withheld, whichever amount is less, together with costs, interest, and reasonable attorney fees if that person or entity:~~

~~(a) Fails to ((make)) answer ((to)) an order to withhold and deliver within the time prescribed herein; ((or))~~

~~(b) Fails or refuses to deliver property pursuant to said order; ((or))~~

~~(c) After actual notice of filing of a support lien, pays over, releases, sells, transfers, or conveys real or personal property subject to a support lien to or for the benefit of the debtor or any other person; ((or))~~

~~(d) Fails or refuses to surrender ((upon demand)) property distrained under RCW 74.20A.130 upon demand; or~~

~~(e) Fails or refuses to honor an assignment of ((wages)) earnings presented by the secretary (- said person, firm, corporation, association, political subdivision or department of the state shall be liable to the department in an amount equal to one hundred percent of the value of the debt which is the basis of the lien, order to withhold and deliver, distraint, or assignment of wages, together with costs, interest, and reasonable attorney fees)).~~

~~((If a judgment has been entered as the result of an action in superior court against a person, firm, corporation, association, political subdivision, or department of the state based on a violation of this section;)) (2) The secretary is authorized to issue a notice of debt pursuant to RCW 74.20A.040 and to take appropriate action to collect the debt under this chapter if:~~

~~(a) A judgment has been entered as the result of an action in superior court against a person, firm, corporation, association, political subdivision, or department of the state based on a violation of this section; or~~

~~(b) Liability has been established under RCW 74.20A.270.~~

Sec. 6. Section 3, chapter 435, Laws of 1987 as amended by section 18, chapter 275, Laws of 1988 and RCW 26.23.030 are each amended to read as follows:

(1) There is created a Washington state support registry within the office of support enforcement as the agency designated in Washington state to administer the child support program under Title IV-D of the federal social security act. The registry shall:

~~((+)) (a) Account for and disburse all support payments received by the registry;~~

~~((+)) (b) Maintain the necessary records including, but not limited to, information on support orders, support debts, the date and amount of support due; the date and amount of payments; and the names, social security numbers, and addresses of the parties;~~

~~((+)) (c) Develop procedures for providing information to the parties regarding action taken by, and support payments collected and distributed by the registry;~~

~~((+)) (2) The office of support enforcement may assess and collect interest at the rate of twelve percent per year on unpaid child support that has accrued under any support order entered into the registry. This interest rate shall not apply to those support orders already specifying an interest assessment at a different rate.~~

(3) The secretary of social and health services shall adopt rules for the maintenance and retention of records of support payments and for the archiving and destruction of such records when the support obligation terminates or is satisfied. When a support obligation established under court order entered in a superior court of this state has been satisfied, a satisfaction of judgment form shall be prepared by the registry and filed with the clerk of the court in which the order was entered.

~~((The child support registry shall distribute all moneys received in compliance with 42 U.S.C. Sec. 657. Support received by the office of support enforcement shall be distributed promptly but not later than eight days from the date of receipt unless circumstances exist which make such distribution impossible. Such circumstances include when: (a) The location of the custodial parent is unknown; (b) the child support debt is in litigation; or (c) the responsible parent or custodial parent cannot be identified. When, following termination of public assistance, the office of support enforcement collects support, all moneys collected up to the maximum of the support due for the period following termination from public assistance shall, to the extent permitted by federal law, be paid to the custodial parent before any distribution to the office of support enforcement under 42 U.S.C. Sec. 657. This section shall not apply to support collected through intercepting federal tax refunds under 42 U.S.C. Sec. 664. When a responsible parent has more than one support obligation, or a support debt is owed to more than one party, moneys received will be distributed between the parties proportionally, based upon the amount of the support obligation and/or support debt owed.~~

If the Washington state support registry distributes a support payment to a person in error, the registry may obtain restitution by means of a set-off against future payments received on behalf of the person receiving the erroneous payment, or may act according to RCW 74.20A.270 as deemed appropriate. Any set-off against future support payments shall be limited to

amounts collected on the support debt and up to ten percent of amounts collected as current support:))

Sec. 7. Section 16, chapter 173, Laws of 1969 ex. sess. as last amended by section 30, chapter 435, Laws of 1987 and RCW 74.20.101 are each amended to read as follows:

~~((Whenever, as a result of any action, support money is paid by the person or persons responsible for support, such payment))~~ (1) A responsible parent shall ~~((be paid))~~ make all support payments through the office of support enforcement or the Washington state support registry if:

(a) The parent's support order contains a provision directing the ~~((responsible))~~ parent to make support payments through the office of support enforcement or the Washington state support registry ~~((or upon));~~ or

(b) If the parent has received written notice ~~((by))~~ from the office of support enforcement ~~((to the responsible parent or to the clerk of the court, if appropriate;))~~ under RCW 26.23.110, 74.20A.040, or 74.20A.055 that all future support payments must be made through the office of support enforcement or the Washington state support registry.

~~((After service on))~~ (2) A responsible parent ~~((of a notice under this section or RCW 74.20A.040 or 74.20A.055, payment of moneys for the support of the responsible parent's children))~~ who has been ordered or notified to make support payments to the office of support enforcement or the Washington state support registry shall not receive credit for payments which are not paid to the office of support enforcement or the Washington state support registry ~~((shall not be credited against or set off against any obligation to provide support which has been assigned to the department, whether the obligation has been determined by court order, or pursuant to RCW 74.20A.055, or is unliquidated))~~ unless:

(a) The department determines that the granting of credit would not prejudice the rights of the residential parent or other person or agency entitled to receive the support payments and circumstances of an equitable nature exist; or

(b) A court, after a hearing at which all interested parties were given an opportunity to be heard, on equitable principles, orders that credit be given.

(3) The rights of the payee under an order for support shall not be prejudiced if the department grants credit under subsection (2)(a) of this section. If the department determines that credit should be granted pursuant to subsection (2) of this section, the department shall mail notice of its decision to the last known address of the payee, together with information about the procedure to contest the determination.

Sec. 8. Section 4, chapter 164, Laws of 1971 ex. sess. as last amended by section 2, chapter 276, Laws of 1985 and RCW 74.20A.040 are each amended to read as follows:

(1) The secretary may issue a notice of a support debt accrued and/or accruing based upon RCW 74.20A.030, assignment of a support debt or a request for support enforcement services under RCW 74.20.040 (2) or (3), to enforce and collect a support debt created by a superior court order or administrative order. The payee under the order shall be informed when a notice of support debt is issued under this section.

~~((Said))~~ (2) The notice may be served upon the debtor in the manner prescribed for the service of a summons in a civil action or be mailed to the debtor at his last known address by certified mail, return receipt requested, demanding payment within twenty days of the date of receipt.

~~((Said))~~ (3) The notice of debt shall include:

(a) A statement of the support debt accrued and/or accruing, computable on the amount required to be paid under any superior court order to which the department is subrogated or is authorized to enforce and collect under RCW 74.20A.030, has an assigned interest, or has been authorized to enforce pursuant to RCW 74.20.040 (2) or (3);

(b) A statement that the property of the debtor is subject to collection action;

(c) A statement that the property is subject to lien and foreclosure, distraint, seizure and sale, or order to withhold and deliver; and

(d) A statement that the net proceeds will be applied to the satisfaction of the support debt.

(4) Action to collect a support debt by lien and foreclosure, or distraint, seizure and sale, or order to withhold and deliver shall be lawful after twenty days from the date of service upon the debtor or twenty days from the receipt or refusal by the debtor of said notice of debt.

(5) The secretary shall not be required to issue or serve such notice of support debt prior to taking collection action under this chapter when a responsible parent's support order:

(a) Contains language directing the parent to make support payments to the Washington state support registry; and

(b) Includes a statement that income-withholding action under this chapter may be taken without further notice to the responsible parent, as provided in RCW 26.23.050(1).

Sec. 9. Section 6, chapter 164, Laws of 1971 ex. sess. as last amended by section 5, chapter 171, Laws of 1979 ex. sess. and RCW 74.20A.060 are each amended to read as follows:

(1) The secretary may assert a lien upon the real or personal property of a responsible parent:

(a) When a support payment is past due, if the parent's support order was entered in accordance with RCW 26.23.050(1);

~~(b) Twenty-one days after ((receipt or refusal)) service of a notice of support debt under ((provisions of)) RCW 74.20A.040((-or));~~

~~(c) Twenty-one days after service of a notice and finding of financial responsibility((-or as otherwise appropriate)) under RCW 74.20A.055((-or as));~~

~~(d) Twenty-one days after service of a notice and finding of parental responsibility;~~

~~(e) Twenty-one days after service of a notice of support owed under RCW 26.23.110; or~~

~~(f) When appropriate under RCW 74.20A.270 ((a lien may be asserted by the secretary upon the real or personal property of the debtor)).~~

~~(2) The claim of the department for a support debt, not paid when due, shall be a lien against all property of the debtor with priority of a secured creditor. This lien shall be separate and apart from, and in addition to, any other lien created by, or provided for, in this title. The lien shall attach to all real and personal property of the debtor on the date of filing of such statement with the county auditor of the county in which such property is located((-A lien against earnings shall attach and be effective subject to service requirements of RCW 74.20A.070 upon filing with the county auditor of the county in which the employer does business or maintains an office or agent for the purpose of doing business)).~~

~~(3) Whenever a support lien has been filed and there is in the possession of any person, firm, corporation, association, political subdivision or department of the state having notice of said lien any property which may be subject to the support lien, such property shall not be paid over, released, sold, transferred, encumbered or conveyed, except as provided for by the exemptions contained in RCW 74.20A.090 and 74.20A.130, unless:~~

~~(a) A written release or waiver signed by the secretary has been delivered to said person, firm, corporation, association, political subdivision or department of the state; or ((unless))~~

~~(b) A determination has been made in a fair hearing pursuant to RCW 74.20A.055 or by a superior court ordering release of said support lien on the basis that no debt exists or that the debt has been satisfied.~~

Sec. 10. Section 8, chapter 164, Laws of 1971 ex. sess. as last amended by section 6, chapter 276, Laws of 1985 and RCW 74.20A.080 are each amended to read as follows:

~~((Twenty-one days after service of a notice of debt as provided for in RCW 74.20A.040, or twenty-one days after service of the notice and finding of financial responsibility or as otherwise appropriate under RCW 74.20A.055, or as appropriate under RCW 74.20A.270;)) (1) The secretary ((is hereby authorized to)) may issue to any person, firm, corporation, association, political subdivision, or department of the state, an order to withhold and deliver property of any kind, including((;)) but not restricted to((;)) earnings which are due, owing, or belonging to the debtor, when the secretary has reason to believe that there is in the possession of such person, firm, corporation, association, political subdivision, or department of the state property which is due, owing, or belonging to said debtor. Such order to withhold and deliver may be issued:~~

~~(a) When a support payment is past due, if a responsible parent's support order:~~

~~(i) Contains language directing the parent to make support payments to the Washington state support registry; and~~

~~(ii) Includes a statement that other income-withholding action under this chapter may be taken without further notice to the responsible parent, as provided for in RCW 26.23.050(1);~~

~~(b) Twenty-one days after service of a notice of support debt under RCW 74.20A.040;~~

~~(c) Twenty-one days after service of a notice and finding of parental responsibility;~~

~~(d) Twenty-one days after service of a notice of support owed under RCW 26.23.110;~~

~~(e) Twenty-one days after service of a notice and finding of financial responsibility under RCW 74.20A.055; or~~

~~(f) When appropriate under RCW 74.20A.270.~~

~~(2) The order to withhold and deliver shall:~~

~~(a) State the amount of the support debt accrued((-and shall));~~

~~(b) State in summary the terms of RCW 74.20A.090 and 74.20A.100((-The order to withhold and deliver shall));~~

~~(c) Be served in the manner prescribed for the service of a summons in a civil action or by certified mail, return receipt requested.~~

~~(3) Any person, firm, corporation, association, political subdivision, or department of the state upon whom service has been made is hereby required to:~~

~~(a) Answer said order to withhold and deliver within twenty days, exclusive of the day of service, under oath and in writing, and shall make true answers to the matters inquired of therein((-The secretary may require)); and~~

~~(b) Provide further and additional answers ((to be completed by the person, firm, corporation, association, political subdivision or department of the state, in the event there is in the possession of)) when requested by the secretary.~~

~~(4) Any such person, firm, corporation, association, political subdivision, or department of the state in possession of any property which may be subject to the claim of the department of social and health services((-such property)) shall ((be withheld));~~

~~(a)(1) Immediately withhold such property upon receipt of the order to withhold and deliver; and ((shall, after the twenty day period, upon demand, be))~~

~~(ii) Deliver(ed forthwith) the property to the secretary(—The secretary shall hold said property in trust for application on the indebtedness involved or for return, without interest, in accordance with final determination of liability or nonliability. In the alternative, there may be) as soon as the twenty-day answer period expires;~~

(iii) Continue to withhold earnings payable to the debtor at each succeeding disbursement interval as provided for in RCW 74.20A.090, and deliver amounts withheld from earnings to the obligee within ten days of the date earnings are payable to the debtor;

(iv) Inform the secretary of the date the amounts were withheld as requested under this section; or

~~(b) Furnish(ed) to the secretary a good and sufficient bond, satisfactory to the secretary, conditioned upon final determination of liability.~~

~~(5) Where money is due and owing under any contract of employment, express or implied, or is held by any person, firm, corporation, or association, political subdivision, or department of the state subject to withdrawal by the debtor, such money shall be delivered by remittance payable to the order of the secretary.~~

~~(6) Delivery to the secretary of the money or other property held or claimed shall satisfy the requirement and serve as full acquittance of the order to withhold and deliver. (Delivery to the secretary shall serve as full acquittance and)~~

~~(7) The state warrants and represents that;~~

~~(a) It shall defend and hold harmless for such actions persons delivering money or property to the secretary pursuant to this chapter(—The state also warrants and represents that); and~~

~~(b) It shall defend and hold harmless for such actions persons withholding money or property pursuant to this chapter. (The foregoing is subject to the)~~

(8) The secretary may hold the money or property delivered under this section in trust for application on the indebtedness involved or for return, without interest, in accordance with final determination of liability or nonliability.

(9) Exemptions contained in RCW 74.20A.090 apply to orders to withhold and deliver issued under this section.

~~(10) The secretary shall also, on or before the date of service of the order to withhold and deliver, mail or cause to be mailed by certified mail a copy of the order to withhold and deliver to the debtor at the debtor's last known post office address, or, in the alternative, a copy of the order to withhold and deliver shall be served on the debtor in the same manner as a summons in a civil action on or before the date of service of the order or within two days thereafter. The copy of the order shall be mailed or served together with a concise explanation of the right to petition for a hearing. This requirement is not jurisdictional, but, if the copy is not mailed or served as in this section provided, or if any irregularity appears with respect to the mailing or service, the superior court, in its discretion on motion of the debtor promptly made and supported by affidavit showing that the debtor has suffered substantial injury due to the failure to mail the copy, may set aside the order to withhold and deliver and award to the debtor an amount equal to the damages resulting from the secretary's failure to serve on or mail to the debtor the copy.~~

~~(11) An order to withhold and deliver issued in accordance with this section has priority over any other wage assignment or garnishment(—except for another wage assignment or garnishment for support moneys).~~

~~(12) The office of support enforcement shall notify any person, firm, corporation, association, or political subdivision or department of the state required to withhold and deliver the earnings of a debtor under this action that they may deduct a processing fee from the remainder of the debtor's earnings, even if the remainder would otherwise be exempt under RCW 74.20A.090. The processing fee shall not exceed ten dollars for the first disbursement to the department and one dollar for each subsequent disbursement under the order to withhold and deliver.~~

Sec. 11. Section 12, chapter 157, Laws of 1973 1st ex. sess. as last amended by section 5, chapter 363, Laws of 1987 and by section 15, chapter 435, Laws of 1987 and RCW 26.09.120 are each reenacted and amended to read as follows:

(1) The court shall order support ((and maintenance)) payments, including spousal maintenance if child support is ordered, to be made to the Washington state support registry, or the person entitled to receive the payments under an alternate payment plan approved by the court as provided in RCW 26.23.050.

(2) Maintenance payments, when ordered in an action where there is no dependent child, may be ordered to be paid to the person entitled to receive the payments, or the clerk of the court as trustee for remittance to the persons entitled to receive the payments.

(3) If support or maintenance payments are made to the clerk of court, the clerk;

(a) Shall maintain records listing the amount of payments, the date when payments are required to be made, and the names and addresses of the parties affected by the order(;;);

~~((3)) (b) May by local court rule accept only certified funds or cash as payment(—in all cases, the clerk); and~~

(c) Shall accept only certified funds or cash for five years in all cases after one check has been returned for nonsufficient funds or account closure.

(4) The parties affected by the order shall inform the registry through which the payments are ordered to be paid of any change of address or of other conditions that may affect the administration of the order.

Sec. 12. Section 5, chapter 322, Laws of 1959 as last amended by section 1, chapter 276, Laws of 1985 and RCW 74.20.040 are each amended to read as follows:

(1) Whenever the department of social and health services receives an application for public assistance on behalf of a child, the department shall take appropriate action under the provisions of this chapter, chapter 74.20A RCW, or other appropriate statutes of this state to establish or enforce support obligations against the parent or other persons owing a duty to pay support moneys.

(2) The secretary may accept a request for support enforcement services on behalf of persons who are not recipients of public assistance and may take appropriate action to establish or enforce support obligations against the parent or other persons owing a duty to pay moneys. Requests accepted under this subsection may be conditioned upon the payment of a fee as required through regulation issued by the secretary. Action may be taken under the provisions of chapter 74.20 RCW, the abandonment or nonsupport statutes, or other appropriate statutes of this state, including but not limited to remedies established in chapter 74.20A RCW, to establish and enforce said support obligations. The secretary may establish by regulation, reasonable standards and qualifications for support enforcement services under this subsection.

(3) The secretary may accept requests for support enforcement services from child support enforcement agencies in other states operating child support programs under Title IV-D of the social security act or from foreign countries, and may take appropriate action to establish and enforce support obligations against the parent or other person owing a duty to pay support moneys. ~~((Requests from such agencies must be accompanied by a request for support enforcement services executed by the state agency submitting the application and the person to whom the support moneys were owed authorizing the secretary to initiate appropriate action to establish, enforce, and collect the support obligation on their behalf.))~~ The ~~((application))~~ request shall contain and be accompanied by such information and documentation as the secretary may by rule require, and be signed by an authorized representative of the agency.

(4) The department may take action to establish, enforce, and collect a support obligation, including performing related services, under this chapter and chapter 74.20A RCW, or through the attorney general or prosecuting attorney for action under chapter 26.09, 26.18, 26.20, 26.21, or 26.26 RCW or other appropriate statutes or the common law of this state.

~~((4))~~ (5) Whenever a support order is filed with the Washington state support registry under chapter 26.23 RCW, the department may take appropriate action under the provisions of this chapter, chapter 26.23 or 74.20A RCW, or other appropriate law of this state to establish or enforce the support obligations contained in that order against the responsible parent or other persons owing a duty to pay support moneys.

(6) The secretary may charge and collect a fee from the person obligated to pay support to compensate the department for services rendered in establishment of or enforcement of support obligations. This fee shall be limited to not more than ten percent of any support money collected as a result of action taken by the secretary. The fee charged shall be in addition to the support obligation. In no event may any moneys collected by the department of social and health services from the person obligated to pay support be retained as satisfaction of fees charged until all current support obligations have been satisfied. The secretary shall by regulation establish reasonable fees for support enforcement services and said schedule of fees shall be made available to any person obligated to pay support. The secretary may, on showing of necessity, waive or defer any such fee.

~~((5))~~ (7) Fees, due and owing, may be collected as delinquent support moneys utilizing any of the remedies in chapter 74.20 RCW, chapter 74.20A RCW, chapter 26.21 RCW, or any other remedy at law or equity available to the department or any agencies with whom it has a cooperative or contractual arrangement to establish, enforce, or collect support moneys or support obligations.

~~((6))~~ (8) The secretary may waive the fee, or any portion thereof, as a part of a compromise of disputed claims or may grant partial or total charge off of said fee if the secretary finds there are no available, practical, or lawful means by which said fee may be collected or to facilitate payment of the amount of delinquent support moneys owed.

Sec. 13. Section 22, chapter 171, Laws of 1979 ex. sess. as last amended by section 19, chapter 275, Laws of 1988 and RCW 74.20.330 are each amended to read as follows:

(1) Whenever public assistance is paid under this title, each applicant or recipient is deemed to have made assignment to the department of any rights to a support obligation from any other person the applicant or recipient may have in his or her own behalf or in behalf of any other family member for whom the applicant or recipient is applying for or receiving public assistance, including any unpaid support obligation or support debt which has accrued at the time the assignment is made.

(2) Payment of public assistance under this title shall:

(a) Operate(s) as an assignment by operation of law(;;); and

~~((2) Upon the recipient's request, the department shall continue to establish the support obligation and to enforce and collect the support debt after the family ceases to receive public assistance, and thereafter if a nonassistance request for support enforcement services has been made under RCW 74.20.040 (2) and (3). The department shall distribute all amounts collected in accordance with 42 U.S.C. Sec. 657 and RCW 26.23.030.))~~

(b) Constitute an authorization to the department to provide the assistance recipient with support enforcement services.

Sec. 14. Section 3, chapter 164, Laws of 1971 ex. sess. as last amended by section 913, chapter 176, Laws of 1988 and by section 20, chapter 275, Laws of 1988 and RCW 74.20A.030 are each reenacted and amended to read as follows:

(1) The department shall be subrogated to the right of any dependent child or children or person having the care, custody, and control of said child or children, if public assistance money is paid to or for the benefit of the child, to prosecute or maintain any support action or execute any administrative remedy existing under the laws of the state of Washington to obtain reimbursement of moneys expended, based on the support obligation of the responsible parent established by a superior court order or RCW 74.20A.055. Distribution of any support moneys shall be made in accordance with 42 U.S.C. Sec. 657.

~~((Public assistance moneys shall be exempt from collection action under this chapter except as provided in RCW 74.20A.270.~~

~~No collection action shall be taken against parents of children eligible for admission to, or children who have been discharged from a residential habilitation center as defined by RCW 71A.10.020(7).))~~

(2) The department may initiate, continue, maintain, or execute an action to establish, enforce, and collect a support obligation, including establishing paternity and performing related services, under this chapter and chapter 74.20 RCW, or through the attorney general or prosecuting attorney under chapter 26.09, 26.18, 26.20, 26.21, 26.23, or 26.26 RCW or other appropriate statutes or the common law of this state, for ~~((a period not to exceed three months from the month following the month in which the family or any member thereof ceases to receive public assistance and thereafter if a nonassistance request for support enforcement services has been made under RCW 74.20.040 and 26.23.030))~~ so long as and under such conditions as the department may establish by regulation.

~~(3) Public assistance moneys shall be exempt from collection action under this chapter except as provided in RCW 74.20A.270.~~

~~(4) No collection action shall be taken against parents of children eligible for admission to, or children who have been discharged from a residential habilitation center as defined by RCW 71A.10.020(7).~~

Sec. 15. Section 5, chapter 435, Laws of 1987 and RCW 26.23.050 are each amended to read as follows:

(1) Except as provided in subsection (2) of this section, the superior court shall include in all superior court orders which establish or modify a support obligation((-a));

~~(a) A provision which orders and directs that the responsible parent ((to)) make all support payments to the Washington state support registry((-or the person entitled to receive the payments if the parties agree to an alternate payment plan and the court finds that the alternate payment plan includes reasonable assurances that payments will be made in a regular and timely manner. The superior court shall also include));~~

~~(b) A statement that a notice of payroll deduction may be issued or other income withholding action under chapter 26.18 RCW or chapter 74.20A RCW may be taken, without further notice to the responsible parent(;;);~~

~~(i) If a support payment is ((more than fifteen days past)) not paid when due ((in)), and an amount equal to or greater than the support payable for one month((-if the court approves an alternate payment plan, the order shall include a statement that the order may be submitted to the Washington state support registry for enforcement if a support payment is more than fifteen days past due in an amount equal to or greater than the support payable for one month.)) is owed under an order entered prior to July 1, 1990; or~~

~~(ii) At any time after entry of the court order for orders entered by the court on or after July 1, 1990; and~~

~~(c) A statement that the receiving parent may be required to submit an accounting of how the support is being spent to benefit the child.~~

(2) The court may order the responsible parent to make payments directly to the person entitled to receive the payments or, for orders entered on or after July 1, 1990, direct that the issuance of a notice of payroll deduction or other income withholding actions be delayed until a support payment is past due if the court approves an alternate payment plan. The parties to the order must agree to such a plan and the plan must contain reasonable assurances that payments will be made in a regular and timely manner. If the order directs payment to the person entitled to receive the payments instead of to the Washington state support registry, the order shall include a statement that the order may be submitted to the registry if a support

payment is past due. If the order directs delayed issuance of the notice of payroll deduction or other income withholding action, the order shall include a statement that such action may be taken, without further notice, at any time after a support payment is past due. The provisions of this subsection do not apply if the department is providing public assistance under Title 74 RCW.

((2)) (3) The office of administrative hearings and the department of social and health services shall require that all support obligations established as administrative orders include a provision which orders and directs that the responsible parent shall make all support payments to the Washington state support registry. All administrative orders shall also state that a notice of payroll deduction may be issued, or other income withholding action taken without further notice to the responsible parent((:));

(a) If a support payment is ~~((more than fifteen days past))~~ not paid when due ((in)) and an amount equal to or greater than the support payable for one month is owed under an order entered prior to July 1, 1990; or

(b) At any time after entry of the order for administrative orders entered by the court on or after July 1, 1990.

((3)) (4) If the support order does not include the provision ordering and directing that all payments be made to the Washington state support registry and a statement that a notice of payroll deduction may be issued if a support payment is past due or at any time after the entry of the order, the office of support enforcement may serve a notice on the responsible parent stating such requirements and authorizations. Service may be by personal service or any form of mail requiring a return receipt.

((4)) (5) Every support order shall state:

(a) That payment shall be made to the Washington state support registry or in accordance with the alternate payment plan approved by the court;

(b) That a notice of payroll deduction may be issued or other income withholding action under chapter 26.18 RCW or chapter 74.20A RCW may be taken, without further notice to the responsible parent((:));

(i) If a support payment is ~~((more than fifteen days past due in))~~ not paid when due and an amount equal to or greater than the support payable for one month is owed under an order entered prior to July 1, 1990; or

(ii) At any time after entry of an order by the court on or after July 1, 1990, unless the court approves an alternate payment plan under subsection (2) of this section;

(c) The income of the parties, if known, or that their income is unknown and the income upon which the support award is based;

(d) The support award as a sum certain amount;

(e) The specific day or date on which the support payment is due;

(f) The social security number, residence address, and name of employer of the responsible parent;

(g) The social security number and residence address of the ~~((custodial parent))~~ physical custodian except as provided in subsection (6) of this section;

(h) The names, dates of birth, and social security numbers, if any, of the dependent children; and

(i) That the parties are to notify the Washington state support registry of any change in residence address.

((5)) (6) The physical custodian's address shall be omitted from an order entered under the administrative procedure act. A responsible parent whose support obligation has been determined by such administrative order may request the physical custodian's residence address by submission of a request for disclosure under RCW 26.23.120.

(7) The superior court clerk, the office of administrative hearings, and the department of social and health services shall, within five days of entry, forward to the Washington state support registry, a true and correct copy of all superior court orders or administrative orders establishing or modifying a support obligation which provide that support payments shall be made to the support registry. If a superior court order entered prior to January 1, 1988, directs the responsible parent to make support payments to the clerk, the clerk shall send a true and correct copy of the support order and the payment record to the registry for enforcement action when the clerk identifies that a payment is more than fifteen days past due. The office of support enforcement shall reimburse the clerk for the reasonable costs of copying and sending copies of court orders to the registry at the reimbursement rate provided in Title IV-D of the social security act.

((6)) (8) Receipt of a support order by the registry or other action under this section on behalf of a person or persons who are not recipients of public assistance is deemed to be a request for support enforcement services under RCW ~~((74.20A.040))~~ 74.20.040.

((7)) (9) After the responsible parent has been ordered or notified to make payments to the Washington state support registry in accordance with subsection (1), (2), or (3) of this section, the responsible parent shall be fully responsible for making all payments to the Washington state support registry and shall be subject to payroll deduction or other income withholding action. The responsible parent shall not be entitled to credit against a support

obligation for any payments made to a person or agency other than to the Washington state support registry. A civil action may be brought by the payor to recover payments made to persons or agencies who have received and retained support moneys paid contrary to the provisions of this section.

Sec. 16. Section 11, chapter 435, Laws of 1987 and RCW 26.23.110 are each amended to read as follows:

(1) The department ((shall establish, by regulation, a process that may be utilized)) may serve a notice of support owed on a responsible parent when a support order:

(a) Does not state the ((obligation to pay)) current and future support obligation as a fixed dollar amount((; or if there is a dispute about the amount of the support debt owed under a support order. This process is authorized in order to)); or

(b) Contains an escalation clause or adjustment provision for which additional information not contained in the order is needed to determine the amount of the accrued debt and/or the current and future obligation.

(2) The notice of support owed shall facilitate enforcement of the support order((;)) and ((is intended to)) implement and effectuate the terms of the order, rather than ((to)) modify those terms. When the office of support enforcement issues a notice of support owed, the office shall inform the payee under the order.

(3) The ((process)) notice of support owed shall ((provide for a notice to)) be served on ((the)) a responsible parent by personal service or any form of mailing requiring a return receipt. The notice shall contain an initial finding of the amount of current and future support that should be paid and/or the amount of the support debt owed under the support order. ((A copy of the notice of hearing shall be mailed to the person to whom support is payable under the support order.))

(4) A responsible parent who objects to the amounts stated in the notice has twenty days from the date of the service of the notice to file an application for an adjudicative proceeding or initiate an action in superior court.

(5) The notice shall ((direct the responsible parent)) state that the parent may:

(a) File an application for an adjudicative proceeding in which the parent will be required to appear and show cause ((at a hearing held by the department)) why the amount ((of)) stated in the notice for current and future support ((to be paid)) and/or the ((amount of the)) accrued support debt is incorrect and should not be ordered; or

(b) Initiate an action in superior court.

((The notice shall provide that the responsible parent has twenty days from the date of the service of the notice to request an administrative hearing or initiate an action in superior court. If the responsible parent does not request a hearing or initiate an action in superior court, the amount of current and future support and/or the amount of the support debt stated in the notice shall be subject to collection action.))

(6) If the parent does not file an application for an adjudicative proceeding or initiate an action in superior court, the amount of current and future support and/or the support debt stated in the notice shall become final and subject to collection action.

(7) If an adjudicative proceeding is requested, the department shall mail a copy of the notice of hearing to the payee under the support order at the payee's last known address. A payee who appears for the hearing shall be allowed to participate. Participation includes, but is not limited to, giving testimony, presenting evidence, being present for or listening to other testimony offered in the proceeding, and offering rebuttal to other testimony. Nothing in this section shall preclude the administrative law judge from limiting participation to preserve the confidentiality of information protected by law.

(8) If the responsible parent does not initiate ((such)) an action in superior court, and serve notice of the action on the department within the twenty-day period, the responsible parent shall be deemed to have made an election of remedies and shall be required to exhaust administrative remedies under this chapter with judicial review available as provided for in RCW ((34.04.136)) 34.05.510 through 34.05.598.

((The administrative hearing shall be a contested hearing under chapter 34.04 RCW and shall be conducted in accordance with the rules and regulations adopted by the department and the office of administrative hearings. A copy of the notice of hearing shall be mailed to the person to whom support is payable under the support order.))

(9) An administrative order entered in accordance with this section shall state the basis, rationale, or formula upon which the amounts established in the order were based. The amount of current and future support and/or the amount of the support debt determined under this section shall be subject to collection under this chapter and other applicable state statutes.

(10) The ((regulation)) department shall also provide for:

(a) An annual review of the support order if either the office of support enforcement or the responsible parent requests such a review; and

(b) A late hearing if the responsible parent fails to file an application for an adjudicative proceeding in a timely manner under this section.

(11) If an annual review or late hearing is requested under subsection (10) of this section, the department shall mail a copy of the notice of hearing to the payee at the payee's last

known address. A payee who appears for the proceeding shall be allowed to participate. Participation includes, but is not limited to, giving testimony, presenting evidence, being present for or listening to other testimony offered in the proceeding, and offering rebuttal to other testimony. Nothing in this section shall preclude the administrative law judge from limiting participation to preserve the confidentiality of information protected by law.

Sec. 17. Section 12, chapter 435, Laws of 1987 and RCW 26.23.120 are each amended to read as follows:

(1) Any information or records concerning individuals who owe a support obligation or for whom support enforcement services are being provided which are obtained or maintained by the Washington state support registry, the office of support enforcement, or under chapter 74.20 RCW shall be private and confidential and shall only be subject to public disclosure as provided in subsection (2) of this section.

(2) The secretary of the department of social and health services shall adopt rules which specify the individuals or agencies to whom this information and these records may be disclosed, the purposes for which the information may be disclosed, and the procedures to obtain the information or records. The rules adopted under this section shall provide for disclosure of the information and records, under appropriate circumstances, which shall include, but not be limited to:

(a) When authorized or required by federal statute or regulation governing the support enforcement program;

(b) To the person the subject of the records or information, unless the information is exempt from disclosure under RCW 42.17.310;

(c) To government agencies, whether state, local, or federal, and including law enforcement agencies, prosecuting agencies, and the executive branch, if the records or information are needed for child support enforcement purposes;

(d) To the parties in a judicial or formal administrative proceeding upon a specific written finding by the presiding officer that the need for the information outweighs any reason for maintaining the privacy and confidentiality of the information or records;

(e) To private persons or organizations if the disclosure is necessary to permit private contracting parties to assist in the management and operation of the department;

(f) Disclosure of address and employment information to the parties to a court order for support for purposes relating to the establishment, enforcement, or modification of the order;

(g) Disclosure of information or records when necessary to the efficient administration of the support enforcement program or to the performance of functions and responsibilities of the support registry and the office of support enforcement as set forth in state and federal statutes; or

(h) Disclosure of the information or records when authorized under RCW 74.04.060.

(3) Prior to disclosing the physical custodian's address ((information to a party to a child custody order)) under subsection (1)(f) of this section, a notice shall be mailed, if appropriate under the circumstances, to the physical custodian at the physical custodian's last known address ((of the party whose address has been requested)). The notice shall advise the ((party)) physical custodian that a request for disclosure has been made and will be complied with unless the department receives a copy of a court order which enjoins the disclosure of the information or restricts or limits the requesting party's right to contact or visit the ((other party)) physical custodian or the child, or the custodial parent requests a hearing to contest the disclosure. The administrative law judge shall determine whether the address of the custodial parent should be disclosed based on the same standard as a claim of 'good cause' as defined in 42 U.S.C. Sec. 602 (a)(26)(c).

(4) Nothing in this section shall be construed as limiting or restricting the effect of RCW 42.17.260(5). Nothing in this section shall be construed to prevent the disclosure of information and records if all details identifying an individual are deleted or the individual consents to the disclosure.

(5) It shall be unlawful for any person or agency in violation of this section to solicit, publish, disclose, receive, make use of, or to authorize, knowingly permit, participate in or acquiesce in the use of any lists of names for commercial or political purposes or the use of any information for purposes other than those purposes specified in this section. A violation of this section shall be a gross misdemeanor as provided in chapter 9A.20 RCW.

Sec. 18. Section 14, chapter 42, Laws of 1975-'76 2nd ex. sess. as last amended by section 56, chapter 460, Laws of 1987 and RCW 26.26.130 are each amended to read as follows:

(1) The judgment and order of the court determining the existence or nonexistence of the parent and child relationship shall be determinative for all purposes.

(2) If the judgment and order of the court is at variance with the child's birth certificate, the court shall order that an amended birth certificate be issued.

(3) The judgment and order shall contain other appropriate provisions directed to the appropriate parties to the proceeding, concerning the duty of current and future support, the extent of any liability for past support furnished to the child if that issue is before the court, the custody and guardianship of the child, visitation privileges with the child, the furnishing of bond or other security for the payment of the judgment, or any other matter in the best interest

of the child. The judgment and order may direct the father to pay the reasonable expenses of the mother's pregnancy and confinement.

(4) Support judgment and orders shall be for periodic payments which may vary in amount. The court may limit the father's liability for the past support to the child to the proportion of the expenses already incurred as the court deems just (~~(--PROVIDED HOWEVER, THAT--)~~). The court shall not limit or affect in any manner the right of nonparties including the state of Washington to seek reimbursement for support and other services previously furnished to the child.

(5) ~~(In determining the amount to be paid by a parent for support of the child and the period during which the duty of support is owed, the court shall consider all relevant facts, including, but not limited to:~~

- ~~(a) The needs of the child;~~
- ~~(b) The standard of living and circumstances of the parents;~~
- ~~(c) The relative financial means of the parents;~~
- ~~(d) The earning ability of the parents;~~
- ~~(e) The need and capacity of the child for education, including higher education;~~
- ~~(f) The age of the child;~~
- ~~(g) The responsibility of the parents for the support of others; and~~
- ~~(h) The value of services contributed by the custodial parent))~~

After considering all relevant factors, the court shall order either or both parents to pay an amount determined pursuant to the schedule and standards adopted under RCW 26.19.040.

(6) On the same basis as provided in chapter 26.09 RCW, the court shall make residential provisions with regard to minor children of the parties.

(7) In any dispute between the natural parents of a child and a person or persons who have (a) commenced adoption proceedings or who have been granted an order of adoption, and (b) pursuant to a court order, or placement by the department of social and health services or by a licensed agency, have had actual custody of the child for a period of one year or more before court action is commenced by the natural parent or parents, the court shall consider the best welfare and interests of the child, including the child's need for situation stability, in determining the matter of custody, and the parent or person who is more fit shall have the superior right to custody.

Sec. 19. Section 4, chapter 136, Laws of 1895 as last amended by section 1, chapter 147, Laws of 1983 and RCW 4.56.110 are each amended to read as follows:

Interest on judgments shall accrue as follows:

(1) Judgments founded on written contracts, providing for the payment of interest until paid at a specified rate, shall bear interest at the rate specified in the contracts: PROVIDED, That said interest rate is set forth in the judgment.

(2) All judgments for unpaid child support that have accrued under a superior court order or an order entered under the administrative procedure act shall bear interest at the rate of twelve percent.

(3) Except as provided under subsections (1) and (2) of this section, judgments shall bear interest from the date of entry at the maximum rate permitted under RCW 19.52.020 on the date of entry thereof: PROVIDED, That in any case where a court is directed on review to enter judgment on a verdict or in any case where a judgment entered on a verdict is wholly or partly affirmed on review, interest on the judgment or on that portion of the judgment affirmed shall date back to and shall accrue from the date the verdict was rendered.

Sec. 20. Section 8, chapter 61, Laws of 1970 ex. sess. as amended by section 1035, chapter 442, Laws of 1987 and RCW 6.27.360 are each amended to read as follows:

(1) Except as provided in subsection (2) of this section, a lien obtained under RCW 6.27.350 shall have priority over any subsequent garnishment lien or wage assignment except that service of a writ shall not be effective to create a continuing lien with such priority if a writ in the same case is pending at the time of the service of the new writ.

(2) A lien obtained under RCW 6.27.350 shall not have priority over a notice of payroll deduction issued under RCW 26.23.060 or a wage assignment or other garnishment for child support issued under chapters 26.18 and 74.20A RCW.

Sec. 21. Section 6, chapter 231, Laws of 1988 and RCW 6.15.020 are each amended to read as follows:

(1) Unless otherwise provided by federal law, any money received by any citizen of the state of Washington as a pension from the government of the United States, whether the same be in the actual possession of such person or be deposited or loaned, shall be exempt from execution, attachment, garnishment, or seizure by or under any legal process whatever, and when a debtor dies, or absconds, and leaves his or her family any money exempted by this section, the same shall be exempt to the family as provided in this section. This section shall not apply to child support collection actions issued under chapter 26.18, 26.23, or 74.20A RCW, if otherwise permitted by federal law.

(2) The right of a person to a pension, annuity, or retirement allowance or disability allowance, or death benefits, or any optional benefit, or any other right accrued or accruing to any citizen of the state of Washington under any employee benefit plan, and any fund created by

such a plan or arrangement, shall be exempt from execution, attachment, or seizure by or under any legal process whatever(~~(-PROVIDED, That)~~). This subsection shall not apply to child support collection actions issued under chapter 26.18, 26.23, or 74.20A RCW if otherwise permitted by federal law. This subsection shall permit benefits under any such plan or arrangement to be payable to a spouse, former spouse, child, or other dependent of a participant in such plan to the extent expressly provided for in a qualified domestic relations order (as such term is defined in section 206(d) of the federal employee retirement income security act of 1974, as amended, 29 U.S.C. Sec. 1056(d) or in section 401(a)(13) of the internal revenue code of 1954, as amended).

(3) For the purposes of this section, the term 'employee benefit plan' means any plan or arrangement that is subject to the provisions of the federal employee retirement income security act of 1974, as amended, 29 U.S.C. Secs. 1001 through 1461 or that is described in sections 401(a), 403(a), 403(b), 408, or 409 (as in effect before January 1, 1984) of the internal revenue code of 1954, as amended, or both(~~(-PROVIDED, That)~~). The term 'employee benefit plan' shall not include any employee benefit plan that is excluded from the application of the federal employee retirement income security act of 1974, as amended, pursuant to section 4(b)(1) of that act, 29 U.S.C. Sec. 1003(b)(1).

Sec. 22. Section 18, chapter 267, Laws of 1971 ex. sess. as last amended by section 17, chapter 326, Laws of 1987 and RCW 2.10.180 are each amended to read as follows:

(1) Except as provided in subsections (2), (3), and (4) of this section, the right of a person to a retirement allowance, disability allowance, or death benefit, the retirement, disability or death allowance itself, any optional benefit, any other right accrued or accruing to any person under the provisions of this chapter, and the moneys in the fund created under this chapter, are hereby exempt from any state, county, municipal, or other local tax and shall not be subject to execution, garnishment, or any other process of law whatsoever.

(2) Subsection (1) of this section shall not be deemed to prohibit a beneficiary of a retirement allowance from authorizing deductions therefrom for payment of premiums due on any group insurance policy or plan issued for the benefit of a group comprised of public employees of the state of Washington.

(3) Deductions made in the past from retirement benefits are hereby expressly recognized, ratified, and affirmed. Future deductions may only be made in accordance with this section.

(4) Subsection (1) of this section shall not prohibit the department of retirement systems from complying with (a) a wage assignment order for child support issued pursuant to chapter 26.18 RCW, (b) a notice of payroll deduction issued under chapter 26.23 RCW, (c) an order to withhold and deliver issued pursuant to chapter 74.20A RCW, ~~((c))~~ (d) a mandatory benefits assignment order issued pursuant to chapter 41.50 RCW, or ~~((d))~~ (e) any administrative or court order expressly authorized by federal law.

Sec. 23. Section 32, chapter 52, Laws of 1982 1st ex. sess. as amended by section 18, chapter 326, Laws of 1987 and RCW 2.12.090 are each amended to read as follows:

(1) Except as provided in subsections (2), (3), and (4) of this section, the right of any person to a retirement allowance or optional retirement allowance under the provisions of this chapter and all moneys and investments and income thereof are exempt from any state, county, municipal, or other local tax and shall not be subject to execution, garnishment, attachment, the operation of bankruptcy or the insolvency laws, or other processes of law whatsoever and shall be unassignable except as herein specifically provided.

(2) Subsection (1) of this section shall not prohibit the department of retirement systems from complying with (a) a wage assignment order for child support issued pursuant to chapter 26.18 RCW, (b) a notice of payroll deduction issued under chapter 26.23 RCW, (c) an order to withhold and deliver issued pursuant to chapter 74.20A RCW, ~~((c))~~ (d) a mandatory benefits assignment order issued pursuant to chapter 41.50 RCW, or ~~((d))~~ (e) any administrative or court order expressly authorized by federal law.

(3) Subsection (1) of this section shall not be deemed to prohibit a beneficiary of a retirement allowance from authorizing deductions therefrom for payment of premiums due on any group insurance policy or plan issued for the benefit of a group comprised of public employees of the state of Washington.

(4) Deductions made in the past from retirement benefits are hereby expressly recognized, ratified, and affirmed. Future deductions may only be made in accordance with this section.

Sec. 24. Section 23, chapter 209, Laws of 1969 ex. sess. as last amended by section 22, chapter 326, Laws of 1987 and RCW 41.26.180 are each amended to read as follows:

(1) Subject to subsections (2) and (3) of this section, the right of a person to a retirement allowance, disability allowance, or death benefit, to the return of accumulated contributions, the retirement, disability or death allowance itself, any optional benefit, any other right accrued or accruing to any person under the provisions of this chapter, and the moneys in the fund created under this chapter, are hereby exempt from any state, county, municipal, or other local tax and shall not be subject to execution, garnishment, attachment, the operation of bankruptcy or insolvency laws, or any other process of law whatsoever, and shall be unassignable.

(2) On the written request of any person eligible to receive benefits under this section, the department of retirement systems may deduct from such payments the premiums for life, health, or other insurance. The request on behalf of any child or children shall be made by the legal guardian of such child or children. The department of retirement systems may provide for such persons one or more plans of group insurance, through contracts with regularly constituted insurance carriers or health care service contractors.

(3) Subsection (1) of this section shall not prohibit the department of retirement systems from complying with (a) a wage assignment order for child support issued pursuant to chapter 26.18 RCW, (b) an order to withhold and deliver issued pursuant to chapter 74.20A RCW, (c) a notice of payroll deduction issued pursuant to RCW 26.23.060, (d) a mandatory benefits assignment order issued pursuant to chapter 41.50 RCW, or ~~((f))~~ (e) any administrative or court order expressly authorized by federal law.

Sec. 25. Section 59, chapter 80, Laws of 1947 as last amended by section 23, chapter 326, Laws of 1987 and RCW 41.32.590 are each amended to read as follows:

(1) Subject to subsections (2) and (3) of this section, the right of a person to a pension, an annuity, a retirement allowance, or disability allowance, to the return of contributions, any optional benefit or death benefit, any other right accrued or accruing to any person under the provisions of this chapter and the moneys in the various funds created by this chapter shall be unassignable, and are hereby exempt from any state, county, municipal or other local tax, and shall not be subject to execution, garnishment, attachment, the operation of bankruptcy or insolvency laws, or other process of law whatsoever.

(2) This section shall not be deemed to prohibit a beneficiary of a retirement allowance who is eligible:

(a) Under RCW 41.05.080 from authorizing monthly deductions therefrom for payment of premiums due on any group insurance policy or plan issued for the benefit of a group comprised of public employees of the state of Washington or its political subdivisions;

(b) Under a group health care benefit plan approved pursuant to RCW 28A.58.420 or ~~((41-05-025))~~ 41.05.065 from authorizing monthly deductions therefrom, of the amount or amounts of subscription payments, premiums, or contributions to any person, firm, or corporation furnishing or providing medical, surgical, and hospital care or other health care insurance; or

(c) Under the Washington state teachers' retirement system from authorizing monthly deductions therefrom for payment of dues and other membership fees to any retirement association composed of retired teachers and/or public employees pursuant to a written agreement between the director and the retirement association.

Deductions under (a) and (b) of this subsection shall be made in accordance with rules and regulations that may be promulgated by the director of retirement systems.

(3) Subsection (1) of this section shall not prohibit the department of retirement systems from complying with (a) a wage assignment order for child support issued pursuant to chapter 26.18 RCW, (b) an order to withhold and deliver issued pursuant to chapter 74.20A RCW, (c) a notice of payroll deduction issued pursuant to RCW 26.23.060, (d) a mandatory benefits assignment order issued pursuant to chapter 41.50 RCW, or ~~((f))~~ (e) any administrative or court order expressly authorized by federal law.

Sec. 26. Section 24, chapter 261, Laws of 1945 as last amended by section 3, chapter 205, Laws of 1979 ex. sess. and RCW 41.24.240 are each amended to read as follows:

The right of any person to any future payment under the provisions of this chapter shall not be transferable or assignable at law or in equity, and none of the moneys paid or payable or the rights existing under this chapter, shall be subject to execution, levy, attachment, garnishment, or other legal process, or to the operation of any bankruptcy or insolvency law ~~((PROVIDED, That))~~. This section shall not be applicable to any child support collection action taken under chapter 26.18, 26.23, or 74.20A RCW. Benefits under this chapter shall be payable to a spouse or ex-spouse to the extent expressly provided for in any court decree of dissolution or legal separation or in any court order or court-approved property settlement agreement incident to any court decree of dissolution or legal separation.

Nothing in this chapter shall be construed to deprive any fireman, eligible to receive a pension hereunder, from receiving a pension under any other act to which he may become eligible by reason of services other than or in addition to his services as a fireman under this chapter.

Sec. 27. Section 39, chapter 274, Laws of 1947 as last amended by section 20, chapter 107, Laws of 1988 and RCW 41.40.380 are each amended to read as follows:

(1) Subject to subsections (2) and (3) of this section, the right of a person to a pension, an annuity, or retirement allowance, any optional benefit, any other right accrued or accruing to any person under the provisions of this chapter, the various funds created by this chapter, and all moneys and investments and income thereof, are hereby exempt from any state, county, municipal, or other local tax, and shall not be subject to execution, garnishment, attachment, the operation of bankruptcy or insolvency laws, or other process of law whatsoever, and shall be unassignable.

(2) This section shall not be deemed to prohibit a beneficiary of a retirement allowance from authorizing deductions therefrom for payment of premiums due on any group insurance policy or plan issued for the benefit of a group comprised of public employees of the state of Washington or its political subdivisions and which has been approved for deduction in accordance with rules and regulations that may be promulgated by the state health care authority and/or the department of retirement systems, and this section shall not be deemed to prohibit a beneficiary of a retirement allowance from authorizing deductions therefrom for payment of dues and other membership fees to any retirement association or organization the membership of which is composed of retired public employees, if a total of three hundred or more of such retired employees have authorized such deduction for payment to the same retirement association or organization.

(3) Subsection (1) of this section shall not prohibit the department of retirement systems from complying with (a) a wage assignment order for child support issued pursuant to chapter 26.18 RCW, (b) an order to withhold and deliver issued pursuant to chapter 74.20A RCW, (c) a notice of payroll deduction issued pursuant to RCW 26.23.060, (d) a mandatory benefits assignment order issued pursuant to chapter 41.50 RCW, or ~~((c))~~ (e) any administrative or court order expressly authorized by federal law.

Sec. 28. Section 24, chapter 71, Laws of 1947 as amended by section 7, chapter 205, Laws of 1979 ex. sess. and RCW 41.44.240 are each amended to read as follows:

The right of a person to a pension, annuity or a retirement allowance, to the return of contribution, the pension, annuity or retirement allowance itself, any optional benefit, any other right accrued or accruing to any person under the provisions of this chapter, and the moneys in the fund created under this chapter shall not be subject to execution, garnishment, or any other process whatsoever ~~(-PROVIDED, That)~~. This section shall not apply to child support collection actions taken under chapter 26.18, 26.23, or 74.20A RCW against benefits payable under any such plan or arrangement. Benefits under this chapter shall be payable to a spouse or ex-spouse to the extent expressly provided for in any court decree of dissolution or legal separation or in any court order or court-approved property settlement agreement incident to any court decree of dissolution or legal separation.

Sec. 29. Section 43.43.310, chapter 8, Laws of 1965 as last amended by section 1, chapter 63, Laws of 1987 and by section 25, chapter 326, Laws of 1987 and RCW 43.43.310 are each reenacted and amended to read as follows:

(1) Except as provided in subsections (2) and (3) of this section, the right of any person to a retirement allowance or optional retirement allowance under the provisions hereof and all moneys and investments and income thereof are exempt from any state, county, municipal, or other local tax and shall not be subject to execution, garnishment, attachment, the operation of bankruptcy or the insolvency laws, or other processes of law whatsoever and shall be unassignable except as herein specifically provided.

(2) Subsection (1) of this section shall not prohibit the department of retirement systems from complying with (a) a wage assignment order for child support issued pursuant to chapter 26.18 RCW, (b) an order to withhold and deliver issued pursuant to chapter 74.20A RCW, (c) a notice of payroll deduction issued pursuant to RCW 26.23.060, (d) a mandatory benefits assignment order issued pursuant to chapter 41.50 RCW, or ~~((c))~~ (e) any administrative or court order expressly authorized by federal law.

(3) Subsection (1) of this section shall not be deemed to prohibit a beneficiary of a retirement allowance from authorizing deductions therefrom for payment of premiums due on any group insurance policy or plan issued for the benefit of a group comprised of members of the Washington state patrol or other public employees of the state of Washington, or for contributions to the Washington state patrol memorial foundation.

Sec. 30. Section 12, chapter 164, Laws of 1971 ex. sess. as amended by section 3, chapter 41, Laws of 1983 1st ex. sess. and RCW 74.20A.120 are each amended to read as follows:

~~((In the case of a bank, bank association, mutual savings bank, or savings and loan association maintaining branch offices, service of))~~ A lien (or), order to withhold and deliver, or any other notice or document authorized by this chapter or chapter 26.23 RCW may be served on the main office of a bank, savings and loan association, or credit union or on a branch office of such financial institution. Service on the main office shall (only) be effective ((as)) to ((the)) attach the deposits of a responsible parent in the financial institution and compensation payable for personal services due the responsible parent from the financial institution. Service on a branch office shall be effective to attach the deposits, accounts, credits, or other personal property of the ((debtor)) responsible parent, excluding compensation payable for personal services, in the possession or control of the particular branch ((upon which service is made)) served.

If the department initiates collection action under this chapter against a community bank account, the debtor or the debtor's spouse, upon service on the department of a timely request, shall have a right to a ~~((contested))~~ hearing under chapter ~~((34.64))~~ 34.05 RCW to establish that the funds in the account, or a portion of those funds, were the earnings of the nonobligated spouse, and are exempt from the satisfaction of the child support obligation of the debtor pursuant to RCW 26.16.200.

Sec. 31. Section 8, chapter 435, Laws of 1987 and RCW 26.23.100 are each amended to read as follows:

The responsible parent subject to a payroll deduction pursuant to this chapter, may file a motion in superior court to quash, modify, or terminate the payroll deduction. The court may grant relief only upon a showing that the payroll deduction causes extreme hardship or substantial injustice or that the ~~((responsible parent))~~ support payment was not ~~((more than fifteen days))~~ past due in an amount equal to or greater than the support payable for one month when the notice of payroll deduction was served on the employer. Satisfaction by the obligor of all past due payments subsequent to the issuance of the notice of payroll deduction is not grounds to quash, modify, or terminate the notice of payroll deduction. If a notice of payroll deduction has been in operation for twelve consecutive months and the obligor's support obligation is current, upon motion of the obligor, the court may order the Washington state support registry to terminate the payroll deduction, unless the obligee can show good cause as to why the payroll deduction should remain in effect.

Sec. 32. Section 6, chapter 435, Laws of 1987 and RCW 26.23.060 are each amended to read as follows:

(1) ~~((If a support payment is more than fifteen days past due in an amount equal to or greater than the support payable for one month, the office of support enforcement is authorized to))~~ The department may serve a notice of payroll deduction upon ~~((an))~~ a responsible parent's employer for child support obligations ~~((in compliance with RCW 26.23.050 (1), (2), or (3)))~~ if the responsible parent fails to pay child support as due in an amount equal to or greater than the support payable for one month. Service shall be by personal service or by any form of mail requiring a return receipt.

(2) Service of a notice of payroll deduction upon an employer requires an employer to immediately make a mandatory payroll deduction from the responsible parent/employee's unpaid disposable earnings. The employer shall thereafter deduct each pay period the amount stated in the notice divided by the number of pay periods per month. The payroll deduction each pay period shall not exceed fifty percent of the responsible parent/employee's disposable earnings.

(3) A notice of payroll deduction for support shall have priority over any wage assignment or garnishment.

(4) The notice of payroll deduction shall be in writing and include:

(a) The name and social security number of the employee;
 (b) The amount to be deducted from the responsible parent's disposable earnings each month, or alternate amounts and frequencies as may be necessary to facilitate processing of the payroll deduction by the employer;

(c) A statement that the total amount withheld shall not exceed fifty percent of the responsible parent's disposable earnings; and

(d) The address to which the payments are to be mailed or delivered.

(5) An informational copy of the notice of payroll deduction shall be mailed to the last known address of the responsible parent by regular mail.

(6) An employer who receives a notice of payroll deduction shall make immediate deductions from the employee's unpaid disposable earnings and remit proper amounts to the Washington state support registry on each date the employee is due to be paid.

(7) An employer, upon whom a notice of payroll deduction is served, shall make an answer to the Washington state support registry within twenty days after the date of service. The answer shall confirm compliance and institution of the payroll deduction or explain the circumstances if no payroll deduction is in effect. The answer shall also state whether the responsible parent is employed by or receives earnings from the employer, whether the employer anticipates paying earnings and the amount of earnings. If the responsible parent is no longer employed, or receiving earnings from the employer, the answer shall state the present employer's name and address, if known.

(8) The employer may deduct a processing fee from the remainder of the employee's earnings after withholding under the notice of payroll deduction, even if the remainder is exempt under RCW 26.18.090. The processing fee may not exceed: (a) Ten dollars for the first disbursement made by the employer to the Washington state support registry; and (b) one dollar for each subsequent disbursement to the registry.

(9) The notice of payroll deduction shall remain in effect until released by the office of support enforcement or the court enters an order terminating the notice and approving an alternate payment plan under RCW 26.23.050(2).

NEW SECTION. Sec. 33. A new section is added to chapter 26.23 RCW to read as follows:

(1) The office of support enforcement, Washington state support registry, shall provide support enforcement services under the following circumstances:

(a) Whenever public assistance under RCW 74.20.330 is paid;

(b) Whenever a request for nonassistance support enforcement services under RCW 74.20.040(2) is received;

(c) Whenever a request for support enforcement services under RCW 74.20.040(3) is received;

(d) When a support order which contains language directing a responsible parent to make support payments to the Washington state support registry under RCW 26.23.050 is submitted;

(e) When a support order is forwarded to the Washington state support registry by the clerk of a superior court under RCW 26.23.050(5);

(f) When the obligor submits a support order or support payment to the Washington state support registry.

(2) The office of support enforcement shall continue to provide support enforcement services for so long as and under such conditions as the department shall establish by regulation or until the superior court enters an order approving an alternate payment plan as provided for in RCW 26.23.050(1).

NEW SECTION, Sec. 34. A new section is added to chapter 26.23 RCW to read as follows:

(1) The child support registry shall distribute all moneys received in compliance with 42 U.S.C. Sec. 657. Support received by the office of support enforcement shall be distributed promptly but not later than eight days from the date of receipt unless circumstances exist which make such distribution impossible. Such circumstances include when: (a) The location of the custodial parent is unknown; (b) the child support debt is in litigation; or (c) the responsible parent or custodial parent cannot be identified. When, following termination of public assistance, the office of support enforcement collects support, all moneys collected up to the maximum of the support due for the period following termination from public assistance shall, to the extent permitted by federal law, be paid to the custodial parent before any distribution to the office of support enforcement under federal law. This section shall not apply to support collected through intercepting federal tax refunds under 42 U.S.C. Sec. 664. When a responsible parent has more than one support obligation, or a support debt is owed to more than one party, moneys received will be distributed between the parties proportionally, based upon the amount of the support obligation and/or support debt owed.

(2) Distribute support payments to the payee under the support order or to another person who has lawful physical custody of the child or custody with the payee's consent. The payee may file an application for an adjudicative proceeding to challenge distribution to such other person. Prior to distributing support payments to any person other than the payee, the registry shall:

(a) Obtain a written statement from the child's physical custodian, under penalty of perjury, that the custodian has lawful custody of the child or custody with the payee's consent;

(b) Mail to the responsible parent and to the payee at the payee's last known address a copy of the physical custodian's statement and a notice which states that support payments will be sent to the physical custodian; and

(c) File a copy of the notice with the clerk of the court that entered the original support order.

(3) If the Washington state support registry distributes a support payment to a person in error, the registry may obtain restitution by means of a set-off against future payments received on behalf of the person receiving the erroneous payment, or may act according to RCW 74.20A.270 as deemed appropriate. Any set-off against future support payments shall be limited to amounts collected on the support debt and ten percent of amounts collected as current support.

Sec. 35. Section 18, chapter 171, Laws of 1979 ex. sess. as last amended by section 14, chapter 276, Laws of 1985 and RCW 74.20A.270 are each amended to read as follows:

The secretary may issue a notice of ((support debt)) noncompliance to any person, firm, corporation, association or political subdivision of the state of Washington or any officer or agent thereof who has violated chapter 26.18 RCW, RCW 74.20A.100, or 26.23.040, who is in possession of support moneys, or who has had support moneys in his or her possession at some time in the past, which support moneys were or are claimed by the department as the property of the department by assignment, subrogation, or by operation of law or legal process under chapter 74.20A RCW, if the support moneys have not been remitted to the department as required by law.

The notice shall describe the claim of the department, stating the legal basis for the claim and shall provide sufficient detail to enable the person, firm, corporation, association or political subdivision or officer or agent thereof upon whom service is made to identify the support moneys in issue or the specific violation of RCW 74.20A.100 that has occurred. The notice may also make inquiry as to relevant facts necessary to the resolution of the issue.

The notice may be served by certified mail, return receipt requested, or in the manner of a summons in a civil action. Upon service of the notice all moneys not yet disbursed or spent or like moneys to be received in the future are deemed to be impounded and shall be held in trust pending answer to the notice and any hearing which is requested.

The notice shall be answered under oath and in writing within twenty days of the date of service, which answer shall include true answers to the matters inquired of in the notice. The answer shall also either acknowledge the department's right to the moneys or request an administrative hearing to contest the allegation that chapter 26.18 RCW, RCW 74.20A.100, or 26.23.040, has been violated, or determine the rights to ownership of the support moneys in

issue. The hearing shall be held pursuant to this section, chapter ~~((34-04))~~ 34.05 RCW, and the rules of the department and shall be ~~((a-contested case))~~ an adjudicative proceeding as provided for in chapter ~~((34-04))~~ 34.05 RCW. The burden of proof to establish ownership of the support moneys claimed, including but not limited to moneys not yet disbursed or spent, is on the department.

If no answer is made within the twenty days, the department's claim shall be assessed and determined and subject to collection action as a support debt pursuant to chapter 26.18 or 74.20A RCW, or RCW 26.23.040. Any such debtor may, at any time within one year from the date of service of the notice of support debt, petition the secretary or the secretary's designee for a hearing upon a showing of any of the grounds enumerated in RCW 4.72.010 or superior court civil rule 60. A copy of the petition shall also be served on the department. The filing of the petition shall not stay any collection action being taken, but the debtor may petition the secretary or the secretary's designee for an order staying collection action pending final decision of the secretary or the secretary's designee or the courts on any appeal made pursuant to chapter ~~((34-04))~~ 34.05 RCW. Any moneys held and/or taken by collection action prior to the date of any such stay and any support moneys claimed by the department, including moneys to be received in the future to which the department may have a claim, shall be held in trust pending final decision and appeal, if any, to be disbursed in accordance with the final decision. The secretary or the secretary's designee shall condition the stay to provide for the trust.

If the hearing is granted it shall be an administrative hearing limited to the determination of the ownership of the moneys claimed in the notice of debt. The right to the hearing is conditioned upon holding of any funds not yet disbursed or expended or to be received in the future in trust pending the final order in these proceedings or during any appeal made to the courts. The secretary or the secretary's designee shall enter an appropriate order providing for the terms of the trust.

The hearing shall be an ~~((contested case))~~ adjudicative proceeding as provided for in chapter ~~((34-04))~~ 34.05 RCW and shall be held pursuant to this section, chapter ~~((34-04))~~ 34.05 RCW, and the rules of the department. The hearing shall be promptly scheduled within thirty days from the date of receipt of the answer by the department. The hearing shall be conducted by a duly qualified hearing examiner appointed for that purpose. Hearings may be held in the county of residence of the debtor or other place convenient to the debtor.

If the debtor fails to appear at the hearing, the hearing examiner shall, upon showing of valid service, enter an initial decision and order declaring the amount of support moneys, as claimed in the notice, to be assessed and determined and subject to collection action. Within thirty days of entry of the decision and order the debtor may petition the secretary or the secretary's designee to vacate the decision and order upon a showing of any of the grounds enumerated in RCW 4.72.010 or superior court civil rule 60.

The hearing and review process shall be as provided for in RCW 74.20A.055.

If, at any time, the superior court enters judgment for an amount of debt at variance with the amount determined by the final order in these proceedings, the judgment shall supersede the final order in these proceedings. Any debt determined by the superior court in excess of the amount determined by the final order in these proceedings shall be the property of the department as assigned under 42 U.S.C. 602(A)(26)(a), RCW 74.20.040, 74.20A.250, 74.20.320, or 74.20.330. The department may, despite any final order in these proceedings, take action pursuant to chapters 74.20 or 74.20A RCW to obtain such a judgment or to collect moneys determined by such a judgment to be due and owing.

If public assistance moneys have been paid to a parent for the benefit of that parent's minor dependent children, debt under this chapter shall not be incurred by nor at any time be collected from that parent because of that payment of assistance. Nothing in this section prohibits or limits the department from acting pursuant to RCW 74.20.320 and this section to assess a debt against a recipient or ex-recipient for receipt of support moneys paid in satisfaction of the debt assigned under RCW 74.20.330 which have been assigned to the department but were received by a recipient or ex-recipient from another responsible parent and not remitted to the department. To collect these wrongfully retained funds from the recipient, the department may not take collection action in excess of ten percent of the grant payment standard during any month the public assistance recipient remains in that status unless required by federal law. Payments not credited against the department's debt pursuant to RCW 74.20.101 may not be assessed or collected under this section.

Sec. 36. Section 17, chapter 42, Laws of 1975-'76 2nd ex. sess. and RCW 26.26.160 are each amended to read as follows:

(1) Except as provided in subsection (2) of this section the court has continuing jurisdiction to prospectively modify a judgment and order for future education and future support, and with respect to matters listed in RCW 26.26.130 (3) and (4), and RCW 26.26.150(2) upon showing a substantial change of circumstances. The procedures set forth in RCW 26.09.175 shall be used in modification proceedings under this section.

(2) A judgment or order entered under this chapter may be modified without a showing of substantial change of circumstances upon the same grounds as RCW 26.09.170 permits support orders to be modified without a showing of a substantial change of circumstance.

Sec. 37. Section 6, chapter 157, Laws of 1973 1st ex. sess. as last amended by section 26, chapter 263, Laws of 1984 and RCW 26.09.060 are each amended to read as follows:

(1) In a proceeding for:

(a) Dissolution of marriage, legal separation, or a declaration of invalidity; or

(b) Disposition of property or liabilities, maintenance, or support following dissolution of the marriage by a court which lacked personal jurisdiction over the absent spouse; either party may move for temporary maintenance or for temporary support of children entitled to support. The motion shall be accompanied by an affidavit setting forth the factual basis for the motion and the amounts requested.

(2) As a part of a motion for temporary maintenance or support or by independent motion accompanied by affidavit, either party may request the court to issue a temporary restraining order or preliminary injunction, providing relief proper in the circumstances, and restraining or enjoining any person from:

(a) Transferring, removing, encumbering, concealing, or in any way disposing of any property except in the usual course of business or for the necessities of life, and, if so restrained or enjoined, requiring him to notify the moving party of any proposed extraordinary expenditures made after the order is issued;

(b) Molesting or disturbing the peace of the other party or of any child and, upon a showing by clear and convincing evidence that the party so restrained or enjoined has used or displayed or threatened to use a deadly weapon as defined in RCW 9A.04.110 in an act of violence or has previously committed acts of domestic violence and is likely to use or display or threaten to use a deadly weapon in an act of domestic violence, requiring the party to surrender any deadly weapon in his immediate possession or control or subject to his immediate possession or control to the sheriff of the county having jurisdiction of the proceeding or to the restrained or enjoined party's counsel or to any person designated by the court. The court may order temporary surrender of deadly weapons without notice to the other party only if it finds on the basis of the moving affidavit or other evidence that irreparable injury could result if an order is not issued until the time for response has elapsed;

(c) Entering the family home or the home of the other party upon a showing of the necessity therefor;

(d) Removing a child from the jurisdiction of the court.

(3) The court may issue a temporary restraining order without requiring notice to the other party only if it finds on the basis of the moving affidavit or other evidence that irreparable injury could result if an order is not issued until the time for responding has elapsed.

(4) The court may issue a temporary restraining order or preliminary injunction and an order for temporary maintenance or support in such amounts and on such terms as are just and proper in the circumstances.

(5) Restraining orders issued under this section restraining the person from molesting or disturbing another party or from entering a party's home shall bear the legend: VIOLATION OF THIS ORDER WITH ACTUAL NOTICE OF ITS TERMS IS A CRIMINAL OFFENSE UNDER CHAPTER 26.09 RCW AND WILL SUBJECT A VIOLATOR TO ARREST.

(6) The court may order that any temporary restraining order granted under this section be forwarded by the clerk of the court on or before the next judicial day to the appropriate law enforcement agency specified in the order. Upon receipt of the order, the law enforcement agency shall forthwith enter the order for one year into any computer-based criminal intelligence information system available in this state used by law enforcement agencies to list outstanding warrants. Entry into the law enforcement information system constitutes notice to all law enforcement agencies of the existence of the order. The order is fully enforceable in any county in the state.

(7) A temporary order, temporary restraining order, or preliminary injunction:

(a) Does not prejudice the rights of a party or any child which are to be adjudicated at subsequent hearings in the proceeding;

(b) May be revoked or modified;

(c) Terminates when the final decree is entered, except as provided under subsection (8) of this section, or when the petition for dissolution, legal separation, or declaration of invalidity is dismissed;

(d) May be entered in a proceeding for the modification of an existing decree.

(8) ~~((A support debt owed to the state for public assistance expenditures which has been charged against a party pursuant to RCW 74.20A.040 and/or 74.20A.055 shall not be merged in, or otherwise extinguished by, the final decree or order, unless the office of support enforcement has been given notice of the final proceeding and an opportunity to present its claim for the support debt to the court and has failed to file an affidavit as provided in this subsection. Notice of the proceeding shall be served upon the office of support enforcement personally, or by certified mail, and shall be given no fewer than thirty days prior to the date of the final proceeding. An original copy of the notice shall be filed with the court either before service or within a reasonable time thereafter. The office of support enforcement may present its claim, and thereby preserve the support debt, by filing an affidavit setting forth the amount of the debt with the court, and by mailing a copy of the affidavit to the parties or their attorney prior~~

to the date of the final proceeding)) Delinquent support payments accrued under an order for temporary support remain collectible and are not extinguished when a final decree is entered unless the decree contains specific language to the contrary. A support debt under a temporary order owed to the state for public assistance expenditures shall not be extinguished by the final decree if:

- (a) The obligor was given notice of the state's interest under chapter 74.20A RCW; or
(b) The temporary order directs the obligor to make support payments to the office of support enforcement or the Washington state support registry.

Sec. 38. Section 10, chapter 157, Laws of 1973 1st ex. sess. as last amended by section 9, chapter 275, Laws of 1988 and RCW 26.09.100 are each amended to read as follows:

(1) In a proceeding for dissolution of marriage, legal separation, declaration of invalidity, maintenance, or child support, after considering all relevant factors but without regard to marital misconduct, the court may order either or both parents owing a duty of support to any child of the marriage dependent upon either or both spouses to pay an amount determined pursuant to the schedule adopted under RCW 26.19.040. The court may require ((annual adjustments of support based upon changes in a party's income or the child's needs, or based upon changes in the child support schedule)) periodic adjustments of support.

(2) A parent who (a) is required to pay child support in excess of three hundred dollars per month and (b) is current in his or her child support obligation may file a motion for an accounting of how the support is being spent by the receiving parent. The motion shall be accompanied by an affidavit setting forth facts that establish reasonable cause to believe that a substantial portion of the child support is not benefitting the child for whom is in intended. The motion and affidavit shall also be served on the parent receiving the child support payments.

(3) If the court determines that the motion and affidavit establish reasonable cause, it shall require the receiving parent to appear at a certain time and place for a hearing on the motion. The court shall require the parent receiving the support to present such records and information as it determines are necessary to establish how the child support is spent.

(4) If after hearing the court determines that a substantial portion of the child support payments are not benefitting the child, the court shall enter an appropriate order directing the receiving parent to spend the child support to benefit the child.

(5) Unless the court has entered an order under subsection (4) of this section, a parent may not file a motion under this section more frequently than once every twelve months.

(6) If after hearing the court determines that the motion was not brought in good faith or that the motion was brought to harass the parent receiving the child support, the court shall award reasonable costs and attorney's fees to the receiving parent.

Sec. 39. Section 4, chapter 435, Laws of 1987 and RCW 26.23.040 are each amended to read as follows:

~~((1) The legislature recognizes that, in order for the support registry to operate in an effective and efficient manner and to ensure that delinquent child support payments will be enforced and collected promptly, especially when the responsible parent is employed and earning regular wages, current employment information must be available to the registry. The legislature also recognizes that the current employer reporting requirements to the department of employment security are not sufficient to facilitate the efforts of the registry to operate effectively and efficiently and collect delinquent payments promptly. Finally, the legislature recognizes that it may not be reasonable to create several different employer reporting systems because of the burdens that would be imposed on employers, especially small businesses. Therefore, the legislature directs the secretary of social and health services and the commissioner of employment security to work with business and employer groups to devise a single reporting process which will meet the needs of both departments and which will provide for prompt and timely employer reporting. The secretary and the commissioner shall prepare and submit a joint report to the judiciary and commerce and labor committees of the house of representatives and the senate by November 1, 1987. The report shall describe the progress that has been made in devising a new reporting system and shall include any recommendations for legislative action that have been agreed upon by the departments and the business and employer groups.~~

~~(2) The report shall include exemptions from the reporting requirement for employees employed for less than two months duration, whether they are full-time or part-time employees or employed on a sporadic basis, employees who earn less than three hundred dollars per month, and other appropriate exemptions. The report shall also provide for simple methods for employers to use in reporting information to the registry which shall include mailing a copy of the W-4 form, calling a toll-free telephone number maintained by the registry, or by other authorized means. The reporting process established by the report shall be designed to provide for up-to-date employment reports without imposing undue burdens on employers and small businesses.~~

~~(3) The secretary and the commissioner shall prepare and submit a report to the judiciary and commerce and labor committees of the house of representatives and the senate by January 25, 1989. This report shall describe the system or systems in effect at that time for employer reporting, identify any problems with the system or systems, include an assessment of the costs~~

associated with the system or systems and the benefits derived from the information reported; if these costs and benefits can be quantified and identified, assess the additional work load for employers to comply with reporting requirements, propose a means by which employers may be compensated for their costs to comply with the reporting requirements, and include recommendations for legislative action if appropriate:

(4)) (1) Except as provided in subsection (3) of this section, all employers doing business in the state of Washington, and to whom the department of employment security has assigned the standard industrial classification sic codes listed in subsection (2) of this section, shall report to the Washington state support registry:

(a) The hiring of any person who resides or works in this state to whom the employer anticipates paying earnings; and

(b) The rehiring or return to work of any employee who was laid off, furloughed, separated, granted a leave without pay, or terminated from employment.

(2) Employers in the standard industrial classifications that shall report to the Washington state support registry include:

(a) Construction industry sic codes: 15, building; and 16, other than building;

(b) Manufacturing industry sic code 37, transportation equipment;

(c) Wholesale trade industry sic codes: 73, business services, except sic code 7362 (temporary help supply services); and 80, health services.

(3) Employers are not required to report the hiring of any person who:

(a) Will be employed for less than one months duration;

(b) Will be employed sporadically so that the employee will be paid for less than three hundred fifty hours during a continuous six-month period; or

(c) Will have gross earnings less than three hundred dollars in every month.

The secretary of the department of social and health services may adopt rules to establish additional exemptions if needed to reduce unnecessary or burdensome reporting.

(4) Employers may report by mailing the employee's copy of the W-4 form, or other means authorized by the registry which will result in timely reporting.

(5) Employers shall submit reports within thirty-five days of the hiring, rehiring, or return to work of the employee. The report shall contain:

(a) The employee's name, address, social security number, and date of birth; and

(b) The employer's name, address, and employment security reference number or unified business identifier number.

(6) An employer who fails to report as required under this section shall be given a written warning for the first violation and shall be subject to a civil penalty of up to two hundred dollars per reporting period, for each subsequent violation. The penalty may be imposed and collected by the office of support enforcement under RCW 74.20A.270.

(7) The registry shall retain the information for a particular employee only if the registry is responsible for establishing, enforcing, or collecting a support obligation or debt of the employee. If the employee does not owe such an obligation or a debt, the registry shall not create a record regarding the employee and the information contained in the notice shall be promptly destroyed.

(8) This section shall expire on July 1, 1993.

NEW SECTION. Sec. 40. A new section is added to chapter 26.23 RCW to read as follows:

The legislative budget committee shall conduct a study of the effectiveness of the reporting program contained in RCW 26.23.040. The study shall include a cost-benefit analysis using accepted accounting practices, control group comparisons of responsible parent work history and support payment history between industries and employers who report and those who do not, statistical detail by standard industrial code to describe (1) the percentage of reports made to the support registry, (2) the percentage of resulting matches with open support enforcement cases, and (3) the level of recovery of delinquent child support, a review of alternative or expedited reporting procedures utilizing new hire data from other public or private sources, control group comparisons regarding the responsible parent work history and support payment history using existing or expedited data sources compared with the employer reporting program, and recommendations as to expansion, termination, or enhancement of the reporting program.

The secretary of the department of social and health services and the commissioner of employment security shall provide necessary data and assistance to conduct the employer reporting program and the study and participate in the review of alternative reporting procedures. The department of social and health services shall reimburse the legislative budget committee and the employment security department for necessary expenses subject to the approval of the office of financial management.

The committee shall prepare and submit a report to the appropriate committees of the house of representatives and senate by November 7, 1992.

Sec. 41. Section 1, chapter 440, Laws of 1987 as amended by section 4, chapter 275, Laws of 1988 and RCW 26.19.030 are each amended to read as follows:

(1) A child support schedule commission is established. The commission shall review and propose changes to the child support schedule and review and adopt changes to the worksheets and instructions.

(2) The commission shall be composed of the secretary of social and health services or the secretary's designee and ~~((ten)) eleven~~ other members. Eight members shall be appointed by the governor, subject to confirmation by the senate, as follows: (a) A superior court judge; (b) a representative from the state bar association; (c) an attorney representing indigent persons in Washington; (d) two other persons who have demonstrated an interest or expertise in the study of economic data or child support issues, one of whom shall be a non-custodial parent; and (e) three public members who represent the affected populations, two of whom shall be non-custodial parents. ~~((Two)) Three~~ members shall be the administrator for the courts or his or her designee ~~((and))~~, the attorney general or his or her designee, and the chief administrative law judge or his or her designee. In making the appointments, the governor shall seek the recommendations of the association of superior court judges in respect to the member who is a superior court judge; and of the state bar association in respect to the state bar association and indigent attorney representatives.

(3) The secretary of social and health services or the secretary's designee shall serve as chair of the commission.

(4) The secretary, administrator for the courts, chief administrative law judge, and attorney general shall serve on the commission while holding their respective positions. The term of the remaining members of the commission shall be three years, except that members serving on the commission as of March 24, 1988, shall serve staggered terms which shall be determined by lot, but shall not serve longer than three years from the date of appointment unless reappointed for an additional three-year term. In the event of a vacancy, the appointing authority shall designate a new member to complete the remainder of the unexpired term.

(5) Commission members shall be reimbursed for travel expenses as provided in RCW 43.03.050 and 43.03.060. Members shall be compensated under RCW 43.03.240.

(6) The office of the administrator for the courts and the office of support enforcement shall provide clerical and other support to the commission to enable it to perform its functions. The office of support enforcement shall be responsible for travel expenses and compensation of commission members.

(7) The commission shall invite public participation and input, particularly from persons who are affected by child support orders.

(8) This section shall expire July 1, 1990.

NEW SECTION, Sec. 42. The following acts or parts of acts are each repealed:

(1) Section 19, chapter 164, Laws of 1971 ex. sess., section 17, chapter 183, Laws of 1973 1st ex. sess., section 33, chapter 435, Laws of 1987 and RCW 74.20A.190; and

(2) Section 16, chapter 275, Laws of 1988 and RCW 26.26.131.

NEW SECTION, Sec. 43. (1) Sections 9, 10, and 16 of this act are necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect immediately.

(2) Section 39 of this act shall take effect July 1, 1990."

On page 1, line 1 of the title, after "enforcement;" strike the remainder of the title and insert "amending RCW 4.16.020, 4.56.210, 6.17.020, 74.20A.220, 74.20A.100, 26.23.030, 74.20.101, 74.20A.040, 74.20A.060, 74.20A.080, 74.20.040, 74.20.330, 26.23.050, 26.23.110, 26.23.120, 26.26.130, 4.56.110, 6.27.360, 6.15.020, 2.10.180, 2.12.090, 41.26.180, 41.32.590, 41.24.240, 41.40.380, 41.44.240, 74.20A.120, 26.23.100, 26.23.060, 74.20A.270, 26.26.160, 26.09.060, 26.09.100, 26.23.040, and 26.19.030; reenacting and amending RCW 26.09.120, 43.43.310, and 74.20A.030; adding new sections to chapter 26.23 RCW; repealing RCW 74.20A.190 and 26.26.131; prescribing penalties; providing an effective date; and declaring an emergency."

and the same is herewith transmitted.

W. D. Naismith, Assistant Secretary.

MOTION

Mr. Appelwick moved that the House refuse to concur in the Senate amendments to Engrossed Substitute House Bill No. 1635 and ask the Senate for a conference thereon.

Mr. Appelwick spoke in favor of the motion, and it was carried.

APPOINTMENT OF CONFEREES

The Speaker appointed Representatives Appelwick, Belcher and Padden as conferees on Engrossed Substitute House Bill No. 1635.

SENATE AMENDMENT TO HOUSE BILL

April 7, 1989

Mr. Speaker:

The Senate has passed ENGROSSED HOUSE BILL NO. 2131 with the following amendment:

On page 1, beginning on line 21, after "proof of" strike "compliance with mobile home installation standards pursuant to RCW 43.22.440, and building codes" and insert "a current building permit issued by the local government agency authorized to issue such permits" and the same is herewith transmitted.

W. D. Naismith, Assistant Secretary.

MOTION

Ms. Nutley moved that the House refuse to concur in the Senate amendment to Engrossed House Bill No. 2131 and ask the Senate for a conference thereon.

Ms. Nutley spoke in favor of the motion, and it was carried.

APPOINTMENT OF CONFEREES

The Speaker appointed Representatives Nutley, Rector and Ballard as conferees on Engrossed House Bill No. 2131.

SENATE AMENDMENTS TO HOUSE BILL

April 6, 1989

Mr. Speaker:

The Senate has passed ENGROSSED SUBSTITUTE HOUSE BILL NO. 1074 with the following amendments:

Strike everything after the enacting clause and insert the following:

NEW SECTION, Sec. 1. A new section is added to chapter 48.20 RCW to read as follows:

Each disability insurance policy issued or renewed after January 1, 1990, that provides coverage for hospital or medical expenses shall provide coverage for screening or diagnostic mammography services, provided that such services are delivered upon the recommendation of the patient's physician or advanced registered nurse practitioner as authorized by the board of nursing pursuant to chapter 18.88 RCW or physician's assistant pursuant to chapter 18.71A RCW.

This section shall not be construed to prevent the application of standard policy provisions applicable to other benefits such as deductible or copayment provisions. This section does not limit the authority of an insurer to negotiate rates and contract with specific providers for the delivery of mammography services. This section shall not apply to medicare supplement policies or supplemental contracts covering a specified disease or other limited benefits.

NEW SECTION, Sec. 2. A new section is added to chapter 48.21 RCW to read as follows:

Each group disability insurance policy issued or renewed after January 1, 1990, that provides coverage for hospital or medical expenses shall provide coverage for screening or diagnostic mammography services, provided that such services are delivered upon the recommendation of the patient's physician or advanced registered nurse practitioner as authorized by the board of nursing pursuant to chapter 18.88 RCW or physician's assistant pursuant to chapter 18.71A RCW.

This section shall not be construed to prevent the application of standard policy provisions applicable to other benefits such as deductible or copayment provisions. This section does not limit the authority of an insurer to negotiate rates and contract with specific providers for the delivery of mammography services. This section shall not apply to medicare supplement policies or supplemental contracts covering a specified disease or other limited benefits.

NEW SECTION, Sec. 3. A new section is added to chapter 48.44 RCW to read as follows:

Each health care service contract issued or renewed after January 1, 1990, that provides benefits for hospital or medical care shall provide benefits for screening or diagnostic mammography services, provided that such services are delivered upon the recommendation of the patient's physician or advanced registered nurse practitioner as authorized by the board of nursing pursuant to chapter 18.88 RCW or physician's assistant pursuant to chapter 18.71A RCW.

This section shall not be construed to prevent the application of standard contract provisions applicable to other benefits such as deductible or copayment provisions. This section does not limit the authority of a contractor to negotiate rates and contract with specific providers for the delivery of mammography services. This section shall not apply to medicare supplement policies or supplemental contracts covering a specified disease or other limited benefits.

NEW SECTION, Sec. 4. A new section is added to chapter 48.46 RCW to read as follows:

Each health maintenance agreement issued or renewed after January 1, 1990, that provides benefits for hospital or medical care shall provide benefits for screening or diagnostic

mammography services, provided that such services are delivered upon the recommendation of the patient's physician or advanced registered nurse practitioner as authorized by the board of nursing pursuant to chapter 18.88 RCW or physician's assistant pursuant to chapter 18.71A RCW.

All services must be provided by the health maintenance organization or rendered upon referral by the health maintenance organization. This section shall not be construed to prevent the application of standard agreement provisions applicable to other benefits such as deductible or copayment provisions. This section does not limit the authority of a health maintenance organization to negotiate rates and contract with specific providers for the delivery of mammography services. This section shall not apply to medicare supplement policies or supplemental contracts covering a specified disease or other limited benefits.

NEW SECTION, Sec. 5. A new section is added to chapter 41.05 RCW to read as follows:

Each health plan offered to public employees and their covered dependents under this chapter that is not subject to the provisions of Title 48 RCW and is established or renewed after January 1, 1990, and that provides benefits for hospital or medical care shall provide benefits for screening or diagnostic mammography services, provided that such services are delivered upon the recommendation of the patient's physician or advanced registered nurse practitioner as authorized by the board of nursing pursuant to chapter 18.88 RCW or physician's assistant pursuant to chapter 18.71A RCW.

This section shall not be construed to prevent the application of standard health plan provisions applicable to other benefits such as deductible or copayment provisions. This section does not limit the authority of the state health care authority to negotiate rates and contract with specific providers for the delivery of mammography services. This section shall not apply to medicare supplement policies or supplemental contracts covering a specified disease or other limited benefits."

In line 1 of the title, after "mammograms;" strike the remainder of the title and insert "adding a new section to chapter 48.20 RCW; adding a new section to chapter 48.21 RCW; adding a new section to chapter 48.44 RCW; adding a new section to chapter 48.46 RCW; and adding a new section to chapter 41.05 RCW."

and the same is herewith transmitted.

W. D. Naismith, Assistant Secretary.

MOTION

Mr. Dellwo moved that the House do concur in the Senate amendments to Engrossed Substitute House Bill No. 1074.

Mr. Dellwo spoke in favor of the motion, and it was carried.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

The Speaker stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 1074 as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1074 as amended by the Senate, and the bill passed the House by the following vote: Yeas, 91; excused, 7.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Baugher, Beck, Belcher, Betrozoff, Bowman, Braddock, Brekke, Bristow, Brooks, Brough, Brumsickle, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Fraser, Fuhrman, Grant, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Insee, Jacobsen, Jesernig, Jones, King P, King R, Kremen, Leonard, May, McLean, Meyers R, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Padden, Patrick, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith, Sommers D, Sommers H, Spanel, Tate, Valle, Van Luven, Vekich, Walker, Wang, Wilson K, Wilson S, Wineberry, Winsley, Wolfe, Wood, Youngsman, Zellinsky, and Mr. Speaker - 91.

Excused: Representatives Dorn, Gallagher, Locke, Miller, Sprengle, Todd, Walk - 7.

Engrossed Substitute House Bill No. 1074 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE SENATE

April 15, 1989

Mr. Speaker:

The Senate refuses to concur in the House amendments to ENGROSSED SUBSTITUTE SENATE BILL NO. 5352, and asks the House for a conference thereon. The

President has appointed the following members as conferees: Senators McDonald, Vognild and Hayner, and the same is herewith transmitted.

Gordon A. Golob, secretary.

MOTION

Mr. Grant moved that the House grant the request of the Senate for a conference on Engrossed Substitute Senate bill No. 5352. The motion was carried.

APPOINTMENT OF CONFEREES

The Speaker appointed Representatives Locke, Ebersole and Silver as conferees on Engrossed Substitute Senate Bill No. 5352.

There being no objection, the House advanced to the eleventh order of business.

MOTION

On motion of Mr. Heavey, the House adjourned until 10:00 a.m., Monday, April 17, 1989.

JOSEPH E. KING, Speaker

ALAN THOMPSON, Chief Clerk

NINETY-NINTH DAY

MORNING SESSION

House Chamber, Olympia, Monday, April 17, 1989

The House was called to order at 10:00 a.m. by the Speaker (Mr. O'Brien presiding). The Clerk called the roll and all members were present except Representatives Gallagher, P. King and Vekich. On motion of Ms. Cole, Representatives Gallagher and Vekich were excused.

The flag was escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Tara Batrum and Angela Dyer. Prayer was offered by The Reverend Greg McPherson of Leavenworth.

Reading of the Journal of the previous day was dispensed with and it was ordered to stand approved.

CENTENNIAL MESSAGE FROM THE WASHINGTON STATE HISTORICAL SOCIETY

April 17, 1989

On this day in 1889, four oyster canneries were working at Willapa Bay with their product reputedly popular in Astoria and Portland.

A Minnesota newsman predicted that, if an author could write a novel set in the "romantic surroundings" of Puget Sound, it would gain its author as large a fortune as "Ben Hur."

And, on this day in 1889, Taholah hosted twenty-three tribes at a meeting of the Shaker Church.

There being no objection, the House advanced to the fifth order of business.

REPORT OF STANDING COMMITTEES

April 15, 1989

HB 1442 Prime Sponsor, Representative Walk: Making transportation appropriations for the 1987-89 biennium. Reported by Committee on Transportation

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Walk, Chair; Baugher, Vice Chair; Schmidt, Ranking Republican Member; Wood, Assistant Ranking Republican Member; Betzoff, Cantwell, Day, R. Fisher, Haugen, Jones, Kremen, Prentice, Prince, D. Sommers, Todd, Walker and Zellinsky.

MINORITY recommendation: Do not pass. Signed by Representatives Cooper, G. Fisher, R. Meyers and S. Wilson.

Absent: Representatives Gallagher, Heavey, Patrick and Smith.

MOTION

Mr. Heavey moved that the rules be suspended and that the bill be placed on the second reading calendar. The motion was carried.

There being no objection, the House advanced to the eighth order of business.

MOTION

Mr. Heavey moved that Committee on Rules be relieved of House Bill No. 1825, House Bill No. 2124, House Bill No. 2152, House Bill No. 2216, House Bill No. 2237, House Joint Resolution No. 4214, and Engrossed Senate Concurrent Resolution No. 8403 and that the bills be placed on the second reading calendar.

MOTION

Mr. Padden moved that the question be divided and that House Bill No. 2237 be considered separately. The motion was carried.

The Speaker (Mr. O'Brien presiding) stated the question before the House to be the motion to relieve Committee on Rules of House Bill No. 2237 and to place the bill on the second reading calendar.

Representatives Padden and Brough spoke against the motion, and Mr. Heavey spoke in favor of it.

A division was called. The Speaker called upon the House to divide. The result of the division was: Yeas - 55; Nays - 38. The motion was carried.

The Speaker (Mr. O'Brien presiding) stated the question before the House to be the motion to relieve Committee on Rules of House Bill No. 1825, House Bill No. 2124, House Bill No. 2152, House Bill No. 2216, House Joint Resolution No. 4214, and Engrossed Senate Concurrent Resolution No. 8403 and to place the bills on the second reading calendar. The motion was carried.

The Speaker assumed the Chair.

MOTIONS

Mr. Heavey moved that the rules be suspended, that Committee on Judiciary be relieved of Engrossed Second Substitute Senate Bill No. 5658, and that the bill be placed on the second reading calendar. The motion was carried.

On motion of Mr. Heavey, House Bill No. 2236 was referred from Committee on Rules to Committee on State Government.

There being no objection, the House reverted to the fourth order of business.

INTRODUCTIONS AND FIRST READING

HCR 4413 by Representative Ebersole

Modifying the cut-off date for Engrossed Substitute House Bill No. 2198.

SSB 5521 by Committee on Ways & Means (originally sponsored by Senators McDonald and Gaspard; by request of Governor)

Adopting the capital budget.

Referred to Committee on Capital Facilities & Financing.

SSB 6145 by Committee on Health Care & Corrections (originally sponsored by Senator Barr)

Pertaining to rural health care.

Referred to Committee on Health Care.

The Speaker referred the bills listed on today's introduction sheet under the fourth order of business to the committees so designated.

SENATE AMENDMENT TO HOUSE BILL

March 29, 1989

Mr. Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 1007 with the following amendment:

On page 2, following line 8, insert the following:

(4) No person shall engage or attempt to engage in water skiing without wearing an adequate and effective United States Coast Guard approved type I, II, III, or V personal flotation device in good and serviceable condition and of appropriate size, or a wet suit specifically designed by a manufacturer for that purpose and capable of floating the water skier.

(5) No person shall engage or attempt to engage in water skiing, or operate any vessel to tow a water skier, on the waters of Washington state during the period from one hour after sunset until one hour prior to sunrise.

(6) No person engaged in water skiing shall conduct himself or herself in a negligent manner that endangers, or is likely to endanger, any person or property.

(7) The requirements of subsections (3), (4), and (5) of this section shall not apply to water skiers and boat operators engaged in water ski tournaments, competitions, or exhibitions which

have been authorized or otherwise permitted by the appropriate agency having jurisdiction and authority to authorize such events."

and the same is herewith transmitted.

W. D. Naismith, Assistant Secretary.

MOTION

Ms. Belcher moved that the House do concur in the Senate amendment to Substitute House Bill No. 1007.

Ms. Belcher spoke in favor of the motion, and it was carried.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

The Speaker stated the question before the House to be the final passage of Substitute House Bill No. 1007 as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1007 as amended by the Senate, and the bill passed the House by the following vote: Yeas, 94; nays, 1; absent, 1; excused, 2.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Baugher, Beck, Belcher, Betzoff, Bowman, Braddock, Brekke, Bristow, Brooks, Brough, Brumsickle, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Fraser, Fuhrman, Grant, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Jacobsen, Jesernig, Jones, King R, Kremen, Leonard, Locke, May, McLean, Meyers R, Miller, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Padden, Patrick, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith, Sommers D, Sommers H, Spanel, Sprenkle, Tate, Todd, Valle, Van Luven, Walk, Walker, Wang, Wilson K, Wilson S, Wineberry, Winsley, Wolfe, Wood, Youngsman, Zellinsky, and Mr. Speaker - 94.

Voting nay: Representative Insee - 1.

Absent: Representative King P - 1.

Excused: Representatives Gallagher, Vekich - 2.

Substitute House Bill No. 1007 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SENATE AMENDMENTS TO HOUSE BILL

April 7, 1989

Mr. Speaker:

The Senate has passed ENGROSSED HOUSE BILL NO. 1019 with the following amendments:

On page 7, line 9, after "years" insert "and no more than two prior convictions for burglary"

On page 7, line 10, after "years" insert "and not more than two prior convictions for a violent felony offense"

and the same is herewith transmitted.

W. D. Naismith, Assistant Secretary.

MOTION

Mr. Appelwick moved that the House do concur in the Senate amendments to Engrossed House Bill No. 1019.

Mr. Appelwick spoke in favor of the motion, and it was carried.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

The Speaker stated the question before the House to be the final passage of Engrossed House Bill No. 1019 as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 1019 as amended by the Senate, and the bill passed the House by the following vote: Yeas, 87; nays, 7; absent, 2; excused, 2.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Baugher, Beck, Belcher, Betzoff, Bowman, Braddock, Brekke, Bristow, Brooks, Brumsickle, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Fraser,

Fuhrman, Grant, Hankins, Hargrove, Haugen, Hine, Holland, Horn, Jacobsen, Jesernig, Jones, King R. Kremen, Leonard, Locke, May, McLean, Meyers R. Miller, Morris, Myers H. Nealey, Nelson, Nutley, O'Brien, Padden, Patrick, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schoon, Scott, Silver, Smith, Sommers D. Sommers H. Spanel, Sprenkle, Todd, Van Luven, Walk, Wang, Wilson K. Wilson S. Wineberry, Winsley, Wolfe, Wood, Youngsman, Zellinsky, and Mr. Speaker - 87.

Voting nay: Representatives Brough, Heavey, Inslee, Moyer, Schmidt, Tate, Walker - 7.

Absent: Representatives King P. Valle - 2.

Excused: Representatives Gallagher, Vekich - 2.

Engrossed House Bill No. 1019 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SENATE AMENDMENT TO HOUSE BILL

April 6, 1989

Mr. Speaker:

The Senate has passed HOUSE BILL NO. 1042 with the following amendment:

On page 3, line 6, after "~~eighty-five~~" strike "psig" and insert "pounds per square inch (psi)" and the same is herewith transmitted.

W. D. Naismith, Assistant Secretary.

MOTION

Mr. Baugher moved that the House do concur in the Senate amendment to House Bill No. 1042.

Mr. Baugher spoke in favor of the motion, and it was carried.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

The Speaker stated the question before the House to be the final passage of House Bill No. 1042 as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1042 as amended by the Senate, and the bill passed the House by the following vote: Yeas, 94; nays, 1; absent, 1; excused, 2.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Baugher, Beck, Belcher, Betrozoff, Bowman, Braddock, Brekke, Bristow, Brooks, Brough, Brumsickle, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Ferguson, Fisher G. Fisher R. Fraser, Fuhrman, Grant, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Inslee, Jacobsen, Jesernig, Jones, King R. Kremen, Leonard, Locke, May, McLean, Meyers R. Miller, Morris, Moyer, Myers H. Nealey, Nelson, Nutley, O'Brien, Padden, Patrick, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith, Sommers D. Sommers H. Spanel, Sprenkle, Tate, Todd, Valle, Van Luven, Walk, Walker, Wang, Wilson K. Wilson S. Wineberry, Winsley, Wood, Youngsman, Zellinsky, and Mr. Speaker - 94.

Voting nay: Representative Wolfe - 1.

Absent: Representative King P - 1.

Excused: Representatives Gallagher, Vekich - 2.

House Bill No. 1042 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

Representative P. King appeared at the bar of the House.

SENATE AMENDMENTS TO HOUSE BILL

April 11, 1989

Mr. Speaker:

The Senate has passed HOUSE BILL NO. 1060 with the following amendments:

On page 1, line 27, after "underwriter" strike "or purchaser"

On page 2, line 1, after "issuance." insert "In cases where the issuer of the bond makes a direct or private sale to a purchaser without benefit of an underwriter, the issuer shall supply the required information."

and the same is herewith transmitted.

W. D. Naismith, Assistant Secretary.

MOTION

Ms. Haugen moved that the House do concur in the Senate amendments to House Bill No. 1060.

Ms. Haugen spoke in favor of the motion, and it was carried.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

The Speaker stated the question before the House to be the final passage of House Bill No. 1060 as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1060 as amended by the Senate, and the bill passed the House by the following vote: Yeas, 95; absent, 1; excused, 2.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Baugher, Beck, Belcher, Betzoff, Bowman, Braddock, Brekke, Bristow, Brooks, Brough, Brumsickle, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Fraser, Fuhrman, Grant, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Inslee, Jacobsen, Jesernig, Jones, King R, Kremen, Leonard, Locke, May, McLean, Meyers R, Miller, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Padden, Patrick, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith, Sommers D, Sommers H, Spanel, Sprengle, Tate, Todd, Valle, Van Luven, Walk, Walker, Wang, Wilson K, Wilson S, Wineberry, Winsley, Wolfe, Wood, Youngsman, Zellinsky, and Mr. Speaker - 95.

Absent: Representative King P - 1.

Excused: Representatives Gallagher, Vekich - 2.

House Bill No. 1060 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

STATEMENT FOR THE JOURNAL

Please record my vote positively for House Bill No. 1060 as amended by the Senate. I was off the floor, negotiating another item on the calendar, and missed the vote.

PAUL H. KING, 44th District.

SENATE AMENDMENTS TO HOUSE BILL

April 7, 1989

Mr. Speaker:

The Senate has passed HOUSE BILL NO. 1072 with the following amendments:

On page 1, after line 21, insert the following:

"Any violation of subsection (1) of this section constitutes grounds for expulsion."

On page 2, line 2, after "premises" insert "; or

(e) Any student while the student is participating in a firearms or air gun competition approved by the school or school district"

and the same is herewith transmitted.

W. D. Naismith, Assistant Secretary.

MOTION

Mr. Crane moved that the House do concur in the Senate amendments to House Bill No. 1072. The motion was carried.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

The Speaker stated the question before the House to be the final passage of House Bill No. 1072 as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1072 as amended by the Senate, and the bill passed the House by the following vote: Yeas, 96; excused, 2.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Baugher, Beck, Belcher, Betzoff, Bowman, Braddock, Brekke, Bristow, Brooks, Brough, Brumsickle, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Fraser, Fuhrman, Grant, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Inslee,

Jacobsen, Jesernig, Jones, King P, King R, Kremen, Leonard, Locke, May, McLean, Meyers R, Miller, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Padden, Patrick, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith, Sommers D, Sommers H, Spanel, Sprengle, Tate, Todd, Valle, Van Luven, Walk, Walker, Wang, Wilson K, Wilson S, Wineberry, Winsley, Wolfe, Wood, Youngsman, Zellinsky, and Mr. Speaker - 96.

Excused: Representatives Gallagher, Vekich - 2.

House Bill No. 1072 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SENATE AMENDMENT TO HOUSE BILL

April 10, 1989

Mr. Speaker:

The Senate has passed HOUSE BILL NO. 1085 with the following amendment:
On page 1, line 27, after "shall be" strike "fore" and insert "for"
and the same is herewith transmitted.

W. D. Naismith, Assistant Secretary.

MOTION

Mr. Zellinsky moved that the House do concur in the Senate amendment to House Bill No. 1085.

Mr. Zellinsky spoke in favor of the motion, and it was carried.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

The Speaker stated the question before the House to be the final passage of House Bill No. 1085 as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1085 as amended by the Senate, and the bill passed the House by the following vote: Yeas, 96; excused, 2.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Baugher, Beck, Belcher, Betrozoff, Bowman, Braddock, Brekke, Bristow, Brooks, Brough, Brumsickle, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Fraser, Fuhrman, Grant, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Insee, Jacobsen, Jesernig, Jones, King P, King R, Kremen, Leonard, Locke, May, McLean, Meyers R, Miller, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Padden, Patrick, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith, Sommers D, Sommers H, Spanel, Sprengle, Tate, Todd, Valle, Van Luven, Walk, Walker, Wang, Wilson K, Wilson S, Wineberry, Winsley, Wolfe, Wood, Youngsman, Zellinsky, and Mr. Speaker - 96.

Excused: Representatives Gallagher, Vekich - 2.

House Bill No. 1085 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SENATE AMENDMENTS TO HOUSE BILL

April 12, 1989

Mr. Speaker:

The Senate has passed ENGROSSED SUBSTITUTE HOUSE BILL NO. 1104 with the following amendments:

Strike everything after the enacting clause and insert the following:

"Sec. 1. Section 111, chapter 7, Laws of 1985 and RCW 46.16.015 are each amended to read as follows:

(1) Neither the department of licensing nor its agents may issue or renew a motor vehicle license for any vehicle registered in an emission contributing area, as that area is established under chapter 70.120 RCW ((70.120.040)), for any year in which the vehicle is required to be tested under chapter 70.120 RCW, unless the application for issuance or renewal is: (a) Accompanied by a valid certificate of compliance (~~issued pursuant to RCW 70.120.060 or 70.120.080~~) or a valid certificate of acceptance issued pursuant to chapter 70.120 RCW ((70.120.070)); or (b) exempted from this requirement pursuant to subsection (2) of this section. The certificates must have a date of validation which is within ninety days of the date of application for the vehicle

license or license renewal. Certificates for fleet vehicles may have a date of validation which is within twelve months of the assigned license renewal date.

(2) Subsection (1) of this section does not apply to the following vehicles:

(a) New motor vehicles whose equitable or legal title has never been transferred to a person who in good faith purchases the vehicle for purposes other than resale;

(b) Motor vehicles (~~fifteen years old or older~~) with a model year of 1967 or earlier;

(c) Motor vehicles that use propulsion units powered exclusively by electricity;

(d) Motor vehicles fueled exclusively by propane, compressed natural gas, or liquid petroleum gas, unless it is determined that federal sanctions will be imposed as a result of this exemption;

(e) Motorcycles as defined in RCW 46.04.330 and motor-driven cycles as defined in RCW 46.04.332;

(f) Motor vehicles powered by diesel engines;

(g) Farm vehicles as defined in RCW 46.04.181;

(h) Used vehicles which are offered for sale by a motor vehicle dealer licensed under chapter 46.70 RCW; or

(i) Motor vehicles exempted by the director of the department of ecology.

The provisions of subparagraph (a) of this subsection may not be construed as exempting from the provisions of subsection (1) of this section applications for the renewal of licenses for motor vehicles that are or have been leased.

(3) The department of licensing shall mail to each owner of a vehicle registered within an emission contributing area a notice regarding the boundaries of the area and restrictions established under this section that apply to vehicles registered in such areas. The information for the notice shall be supplied to the department of licensing by the department of ecology. Such a notice shall be mailed to the owner ninety days prior to the expiration date of the owner's motor vehicle license.

NEW SECTION. Sec. 2. VEHICLE EMISSION STANDARDS--DESIGNATION OF NONCOMPLIANCE AREAS AND EMISSION CONTRIBUTING AREAS. The director:

(1) Shall adopt motor vehicle emission standards to ensure that no less than seventy percent of the vehicles tested comply with the standards.

(2) Shall designate a geographic area as being a 'noncompliance area' for motor vehicle emissions if (a) the department's analysis of the data, recorded for a period of no less than one year, at the monitoring sites indicates that the standard has or will probably be exceeded, and (b) the department determines that the primary source of the contaminant being monitored at the sites is motor vehicle emissions.

(3) Shall reevaluate noncompliance areas if the United States environmental protection agency modifies the relevant air quality standards, and shall discontinue the program if compliance is indicated and if the department determines that the area would continue to be in compliance after the program is discontinued. The director shall notify persons residing in noncompliance areas of the reevaluation.

(4) Shall analyze information regarding the motor vehicle traffic in a noncompliance area to determine the smallest land area within whose boundaries are present registered motor vehicles that contribute significantly to the violation of motor vehicle-related air quality standards in the noncompliance area. The director shall declare the area to be an 'emission contributing area.' An emission contributing area established for a carbon monoxide or oxides of nitrogen noncompliance area must contain the noncompliance area within its boundaries. An emission contributing area established for an ozone noncompliance area located in this state need not contain the ozone noncompliance area within its boundaries if it can be proven that vehicles registered in the area contribute significantly to violations of the ozone air quality standard in the noncompliance area. An emission contributing area may be established in this state for violations of federal air quality standards for ozone in an adjacent state if (a) the United States environmental protection agency designates an area to be a 'nonattainment area for ozone' under the provisions of the federal Clean Air Act (42 U.S.C. 7401 et. seq.), (b) the nonattainment area encompasses portions of both Washington and the adjacent state, and (c) it can be proven that vehicles registered in this state contribute significantly to the violation of the federal air quality standards for ozone in the adjacent state's portion of the nonattainment area.

(5) Shall designate areas as being noncompliance areas or emission contributing areas, and shall establish the boundaries of such areas by rule. The director may also modify boundaries. In establishing the external boundaries of an emission contributing area, the director shall use the boundaries established for ZIP code service areas by the United States postal service.

(6) May make grants to units of government in support of planning efforts to reduce motor vehicle emissions in areas where emission control inspections are not required.

NEW SECTION. Sec. 3. NONCOMPLIANCE AREAS--ANNUAL REVIEW. (1) The director shall review annually the air quality and forecasted air quality of each area in the state designated as a noncompliance area for motor vehicle emissions.

(2) An area shall no longer be designated as a noncompliance area if the director determines that:

(a) Air quality standards for contaminants derived from motor vehicle emissions are no longer being violated in the noncompliance area; and

(b) The standards would not be violated if the emission inspection system in the emission contributing area was discontinued and the requirements of RCW 46.16.015 no longer applied.

NEW SECTION. Sec. 4. MOTOR VEHICLE INSPECTIONS REQUIRED--FEES--RESULTS--CERTIFICATE OF COMPLIANCE. (1) The department shall administer a system for biennial inspection of emissions of all motor vehicles registered within the boundaries of each emission contributing area. Persons residing within the boundaries of an emission contributing area shall register their motor vehicle within that area, unless business reasons require registration outside the area. Requests for exemption from inspection for business reasons shall be reviewed and approved by the director.

(2) The director shall:

(a) Adopt procedures for conducting emission tests for motor vehicles. The tests shall include idle and high revolution per minute tests.

(b) Adopt criteria for calibrating emission testing equipment. Electronic equipment used to test for emissions standards provided for in this chapter shall be properly calibrated. The department shall examine frequently the calibration of the emission testing equipment used at the stations.

(c) Authorize, through contracts, the establishment and operation of inspection stations for conducting the vehicle emission tests authorized in this chapter. No person contracted to inspect motor vehicles may perform for compensation repairs on any vehicles. No public body may establish or operate contracted inspection stations. Any contracts must be let in accordance with the procedures established for competitive bids in chapter 43.19 RCW.

(3) Subsection (2)(c) of this section does not apply to volunteer motor vehicle inspections under RCW 70.120.020(1)(a) if the inspections are conducted for the following purposes:

(a) Auditing;

(b) Contractor evaluation;

(c) Collection of data for establishing calibration and performance standards; or

(d) Public information and education.

(4)(a) The director shall establish by rule the fee to be charged for emission inspections. The inspection fee shall be a standard fee applicable state-wide or throughout an emission contributing area and shall be no greater than eighteen dollars. Surplus moneys collected from fees over the amount due the contractor shall be paid to the state and deposited in the general fund. Fees shall be set at the minimum whole dollar amount required to (i) compensate the contractor, and (ii) offset the general fund appropriation to the department to cover the administrative costs of the motor vehicle emission inspection program.

(b) Before each inspection, a person whose motor vehicle is to be inspected shall pay to the inspection station the fee established under this section. The person whose motor vehicle is inspected shall receive the results of the inspection test. If the inspected vehicle's emissions comply with the standards established by the director, the person shall receive a dated certificate of compliance. If the inspected vehicle's emissions do not comply with those standards, one retest of the vehicle's emission shall be afforded without charge.

(5) All units of local government and agencies of the state with motor vehicles garaged or regularly operated in an emissions contributing area shall test the emissions of those vehicles biennially to ensure that the vehicle's emissions comply with the emission standards established by the director. A report of the results of the tests shall be submitted to the department.

Sec. 5. Section 2, chapter 163, Laws of 1979 ex. sess. and RCW 70.120.020 are each amended to read as follows:

(1) The department shall conduct the following programs in a manner that will enhance the successful implementation of the air pollution control system established for motor vehicles by this chapter:

(a) A voluntary motor vehicle emissions inspection program;

(b) A public educational program regarding the health effects of air pollution emitted by motor vehicles; the purpose, operation, and effect of emission control devices and systems; and the effect that proper maintenance of motor vehicle engines has on fuel economy and air pollution emission; and

(c) A public notification program identifying the geographic areas of the state that are designated as being noncompliance areas and emission contributing areas and describing the requirements imposed under this chapter for those areas.

(2)(a) The department, the superintendent of public instruction, and the state board for community college education shall develop cooperatively, after consultation with automotive trades joint apprenticeship committees approved in accordance with RCW 49.04.040, a program for granting certificates of instruction to persons who successfully complete a course of study, under general requirements established by the director, in the maintenance of motor vehicle engines, the use of engine and exhaust analysis equipment, and the repair and maintenance of emission control devices. The director may establish and implement procedures for

granting certification to persons who successfully complete other training programs or who have received certification from private organizations which meet the requirements established in this subsection.

(b) The department shall make available to the public a list of those persons who have received certificates of instruction under subsection (2)(a) of this section.

Sec. 6. Section 7, chapter 163, Laws of 1979 ex. sess. as amended by section 4, chapter 176, Laws of 1980 and RCW 70.120.070 are each amended to read as follows:

(1) Any person:

~~((1)) (a)~~ Whose motor vehicle is tested pursuant to ~~((RCW 70.120.060))~~ this chapter and fails to comply with the emission standards established for the vehicle; and

~~((2)) (b)~~ Who, following such a test, expends more than fifty dollars on a 1980 or earlier model year motor vehicle or expends more than one hundred fifty dollars on a 1981 or later model year motor vehicle for repairs (and/or parts) solely devoted to meeting the emission standards and that are performed by a certified emission specialist authorized by RCW 70.120.020(2)(a); and

~~((3)) (c)~~ Whose vehicle ~~((is inspected again but again))~~ fails a retest, may be issued a certificate of acceptance if (i) the vehicle has been in use for more than five years or fifty thousand miles, and (ii) any component of the vehicle installed by the manufacturer for the purpose of reducing emissions, or its appropriate replacement, is installed and operative.

(d) To receive the certificate, the person must document ((the expenditure and the purpose of the expenditure)) compliance with (b) and (c) of this subsection to the satisfaction of the department.

(2) Persons who fail the initial tests shall be provided with information regarding the availability of federal warranties and certified emission specialists.

Sec. 7. Section 12, chapter 163, Laws 1979 ex. sess. as amended by section 131, chapter 7, Laws of 1985 and RCW 70.120.110 are each amended to read as follows:

(1)(a) Certificates of compliance and acceptance constitute official forms. False statements made thereon or made to secure such certificates are punishable pursuant to RCW 9A.72.040 and the certificates shall bear notice to that effect.

(b) Certificates of compliance and certificates of acceptance may be issued only in the manner authorized by ~~((RCW 70.120.060, 70.120.070, and 70.120.080))~~ this chapter.

(2) A person who avoids inspection requirements as provided for in section 4(1) of this act is subject to a civil penalty not to exceed one hundred dollars.

Sec. 8. Section 13, chapter 163, Laws of 1979 ex. sess. and RCW 70.120.120 are each amended to read as follows:

The director ~~((of the department of ecology))~~ shall adopt rules implementing and enforcing this chapter and RCW ~~((70.120.010 through 70.120.100;))~~ 46.16.015(2)(g) ~~((and 70.120.110))~~ in accordance with chapter ~~((34.04))~~ 34.05 RCW. Notwithstanding the provisions of chapter ~~((34.04))~~ 34.05 RCW, any rule implementing and enforcing ~~((RCW 70.120.010 through 70.120.100; 46.16.015(2)(g); and 70.120.110))~~ section 2(5) of this act may not be adopted until it has been submitted to the standing committees on ecology of the house of representatives and senate for review and approval. The standing committees shall take into account when considering proposed modifications of emission contributing boundaries, as provided for in section 2(5) of this act, alternative plans for traffic rerouting and traffic bans that may have been prepared by local municipal corporations for the purpose of satisfying federal emission guidelines.

NEW SECTION. Sec. 9. EXPIRATION DATE. This chapter expires January 1, 1993, unless extended by law for an additional fixed period of time.

NEW SECTION. Sec. 10. DEPARTMENT STUDIES. (1) The department shall identify expected carbon monoxide emission trends over the next five years after the effective date of this act without the motor vehicle emission program and report to the appropriate standing committees of the legislature by January 1, 1991.

(2) The department shall examine available testing data to determine vehicle subpopulations and incremental emission increases associated with subpopulations failing the emission test. This information shall be reported to the appropriate standing committees of the legislature by January 1, 1992.

NEW SECTION. Sec. 11. CAPTIONS NOT LAW. Section headings as used in this act do not constitute any part of law.

NEW SECTION. Sec. 12. The following acts or parts of acts are each repealed:

(1) Section 3, chapter 163, Laws of 1979 ex. sess., section 130, chapter 7, Laws of 1985 and RCW 70.120.030;

(2) Section 4, chapter 163, Laws of 1979 ex. sess., section 2, chapter 176, Laws of 1980 and RCW 70.120.040;

(3) Section 5, chapter 163, Laws of 1979 ex. sess. and RCW 70.120.050;

(4) Section 6, chapter 163, Laws of 1979 ex. sess., section 3, chapter 176, Laws of 1980 and RCW 70.120.060; and

(5) Section 17, chapter 163, Laws of 1979 ex. sess. (uncodified).

NEW SECTION. Sec. 13. Sections 2 through 4 and 9 of this act are added to chapter 70.120 RCW.

NEW SECTION. Sec. 14. This act shall take effect January 1, 1990."

In line 2 of the title, after "program," strike the remainder of the title and insert "amending RCW 46.16.015, 70.120.020, 70.120.070, 70.120.110, and 70.120.120; adding new sections to chapter 70.120 RCW; creating new sections; repealing RCW 70.120.030, 70.120.040, 70.120.050, and 70.120.060; repealing section 17, chapter 163, Laws of 1979 ex. sess. (uncodified); prescribing penalties; providing an expiration date; and providing an effective date."

and the same is herewith transmitted.

W. D. Naismith, Assistant Secretary.

MOTION

Ms. Rust moved that the House do concur in the Senate amendments to Engrossed Substitute House Bill No. 1104.

Ms. Rust spoke in favor of the motion, and Mr. Heavey spoke against it.

POINT OF INQUIRY

Ms. Rust yielded to question by Ms. Brough.

Ms. Brough: Thank you, Representative Rust. If my vehicle is older than 1980, do I have to pay fifty dollars to have it certified?

Ms. Rust: People with cars, that are 1980 and older, only have to pay fifty dollars for a waiver. That is the same as the House version.

Ms. Brough spoke against the motion to concur in the Senate amendments to Engrossed Substitute House Bill No. 1104, and Representatives D. Sommers and Valle spoke in favor of it.

POINT OF INQUIRY

Mr. D. Sommers yielded to question by Mr. May.

Mr. May: You spoke to the certified emissions people. Could you tell me how many there are and how well-located they are? I'd like to be assured that we can get to them easily.

Mr. D. Sommers: Currently there are only two counties in the state in which testing is required, and the Department has a list of facilities that are acceptable. Now they are going to be looking at individual mechanics to certify them. In the Spokane area there is no problem; there are enough of these locally. I suppose the same thing is true in Seattle.

Mr. May: You don't know how many?

Mr. D. Sommers: I have been told there are three.

Mr. Padden spoke against the motion to concur in the Senate amendments, and Mr. Schoon spoke in favor of it.

POINT OF PARLIAMENTARY INQUIRY

Ms. Brough: Do we have a striking amendment before us, or are these amendments separate? And, if they are, I would like to move that we divide the question and consider the certified emissions specialists separately.

SPEAKER'S REPLY

The Speaker: What we have before us is the striking amendment from the Senate, and the question before us is the motion to concur in that striking Senate amendment.

Ms. Brough again opposed the motion to concur in the Senate amendments to Engrossed Substitute House Bill No. 1104. Mr. Ferguson spoke in favor of the motion, and Mr. May spoke against it. Ms. Rust again spoke in favor of the motion.

The Speaker stated the question before the House to be the motion by Representative Rust to concur in the Senate amendments to Engrossed Substitute House Bill No. 1104.

The Speaker, being in doubt, called upon the House to divide. The result of the division was: Yeas - 52; Nays - 40. The motion was carried.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

The Speaker stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 1104 as amended by the Senate.

Representatives Padden and Miller spoke against passage of the bill.

Mr. Padden demanded an oral roll call vote, and the demand was not sustained.

Ms. Brough demanded an oral roll call vote, and the demand was sustained.

Mr. Heavey demanded a Call of the House, and the demand was sustained.

CALL OF THE HOUSE

The Sergeant at Arms was instructed to lock the doors.

The Clerk called the roll and all members were present except Representatives Gallagher and Vekich.

On motion of Mr. Ebersole, the absent members were excused, and the House proceeded with business under the Call of the House.

There being no objection, the House advanced to the eighth order of business.

RESOLUTION

HOUSE FLOOR RESOLUTION NO. 89-4677, by Representatives Valle, Moyer, Jacobsen, Prince, Sprenkle, Miller, Winsley, Nelson, Silver, Schoon, Fraser, Bowman, Anderson, Belcher, Youngsman, Rust, Holland, Prentice, Leonard, May, Brough, H. Sommers, Hargrove, Jones, Ebersole, R. King and Wang

WHEREAS, This year's first-grade children shall be the high school graduating class of the year 2000; and

WHEREAS, The American Cancer Society, the American Heart Association and the American Lung Association have come together nationwide to support an education, intervention and media campaign to encourage the Class of 2000 to be the new ambassadors of a smoke-free generation; and

WHEREAS, Forty-eight thousand first-graders from 833 Washington Elementary Schools have signed on as Ambassadors of the Smoke-Free Class of 2000; and

WHEREAS, This campaign for a Smoke-Free Class of 2000 is supported by the American Medical Association, the National School Boards Association, the National Education Association, the American School Health Association and the National Association of School Nurses, Inc.; and

WHEREAS, Tobacco smoking is known to be the largest preventable cause of illness and premature death in the United States and a major cause of cancer, chronic bronchitis, emphysema and heart disease; and

WHEREAS, The House of Representatives has been a leader in antismoking legislation; and

WHEREAS, The House of Representatives realizes that one of the greatest gifts of health that could be given to the Class of 2000 would be a smoke-free society and a graduating class of nonsmoking students;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State House of Representatives endorse the Smoke-Free Class of 2000 program and encourage the adoption and successful implementation of this program developed by the American Cancer Society, the American Heart Association and the American Lung Association; and

BE IT FURTHER RESOLVED, That the House of Representatives recognize the first-graders who have made smoke-free pledges; and

BE IT FURTHER RESOLVED, That a copy of this Resolution be provided by the Chief Clerk of the House of Representatives to each first-grader present who has made a smoke-free pledge.

Ms. Valle moved adoption of the resolution and spoke in favor of it.

House Floor Resolution No. 89-4677 was adopted.

SPEAKER'S PRIVILEGE

The Speaker welcomed the Smoke-Free Class of the Year 2000 and introduced Mr. David Kelly, State Chair of the Smoke-Free Class of the Year 2000, representing the American Heart Association, the American Cancer Society and the American Lung Association. Mr. Kelly led the students in their pledge to be smoke-free in the year 2000.

The House resumed consideration of Engrossed Substitute House Bill No. 1104 as amended by the Senate.

The Speaker stated the question before the House to be final passage of Engrossed Substitute House Bill No. 1104 as amended by the Senate.

Representatives D. Sommers, Bowman, Schoon, Hine and Horn spoke in favor of passage of the bill, and Representatives Brough, Crane, Heavey and May spoke against it.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1104 as amended by the Senate, and the bill passed the House by the following vote: Yeas, 56; nays, 40; excused, 2.

Voting yea: Representatives Anderson, Appelwick, Basich, Belcher, Bowman, Braddock, Brekke, Cantwell, Cole, Cooper, Day, Ebersole, Ferguson, Fisher G, Fisher R, Fraser, Hine, Horn, Inslee, Jacobsen, Jesernig, Jones, King R, Leonard, Locke, Morris, Moyer, Myers H, Nelson, Nutley, O'Brien, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rust, Sayan, Schoon, Scott, Sommers D, Sommers H, Spanel, Sprenkle, Todd, Valle, Van Luven, Walk, Walker, Wang, Wilson K, Wineberry, Winsley, Wood, and Mr. Speaker - 56.

Voting nay: Representatives Ballard, Baugher, Beck, Betrozoff, Bristow, Brooks, Brough, Brumsickle, Chandler, Crane, Dellwo, Dorn, Doty, Fuhrman, Grant, Hankins, Hargrove, Haugen, Heavey, Holland, King P, Kremen, May, McLean, Meyers R, Miller, Nealey, Padden, Patrick, Rasmussen, Rayburn, Rector, Schmidt, Silver, Smith, Tate, Wilson S, Wolfe, Youngsman, Zellinsky - 40.

Excused: Representatives Gallagher, Vekich - 2.

Engrossed Substitute House Bill No. 1104 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Mr. Heavey, the House dispensed with further business under the Call of the House.

The Speaker declared the House to be at ease until 1:00 p.m.

AFTERNOON SESSION

The Speaker (Mr. O'Brien presiding) called the House to order at 1:20 p.m.

Representative Vekich appeared at the bar of the House.

MESSAGES FROM THE SENATE

April 17, 1989

Mr. Speaker:

The Senate grants the request of the House for a conference on SUBSTITUTE HOUSE BILL NO. 1254. The President has appointed the following members as conferees: Senators Pullen, Sutherland and McCastlin.

W. D. Naismith, Assistant Secretary.

April 17, 1989

Mr. Speaker:

The Senate grants the request of the House for a conference on SUBSTITUTE HOUSE BILL NO. 1558. The President has appointed the following members as conferees: Senators West, Talmadge and Amondson.

W. D. Naismith, Assistant Secretary.

April 17, 1989

Mr. Speaker:

The Senate grants the request of the House for a conference on ENGROSSED SUBSTITUTE HOUSE BILL NO. 1635. The President has appointed the following members as conferees: Senators Pullen, Owen and Nelson.

W. D. Naismith, Assistant Secretary.

April 17, 1989

Mr. Speaker:

The Senate grants the request of the House for a conference on ENGROSSED HOUSE BILL NO. 2131. The President has appointed the following members as conferees: Senators Bluechel, Murray and Matson.

W. D. Naismith, Assistant Secretary.

SENATE AMENDMENTS TO HOUSE BILL

April 10, 1989

Mr. Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 1115 with the following amendments:

Strike everything after the enacting clause and insert the following:

NEW SECTION, Sec. 1. A new section is added to chapter 69.41 RCW to read as follows:

Humane societies and animal control agencies registered with the state board of pharmacy under chapter 69.50 RCW and authorized to euthanize animals may purchase, possess, and administer approved legend drugs for the sole purpose of sedating animals prior to euthanasia, when necessary, and for use in chemical capture programs. For the purposes of this section, "approved legend drugs" means those legend drugs designated by the board by rule as being approved for use by such societies and agencies for animal sedating or capture and does not include any substance regulated under chapter 69.50 RCW. Any society or agency so registered shall not permit persons to administer any legend drugs unless such person has demonstrated to the satisfaction of the board adequate knowledge of the potential hazards involved in and the proper techniques to be used in administering the drugs.

The board shall promulgate rules to regulate the purchase, possession, and administration of legend drugs by such societies and agencies and to insure strict compliance with the provisions of this section. Such rules shall require that the storage, inventory control, administration, and recordkeeping for approved legend drugs conform to the standards adopted by the board under chapter 69.50 RCW to regulate the use of controlled substances by such societies and agencies. The board may suspend or revoke a registration under chapter 69.50 RCW upon a determination by the board that the person administering legend drugs has not demonstrated adequate knowledge as herein provided. This authority is granted in addition to any other power to suspend or revoke a registration as provided by law."

On page 1, line 1 of the title, after "drugs;" strike the remainder of the title and insert "and adding a new section to chapter 69.41 RCW."

and the same is herewith transmitted.

W. D. Naismith, Assistant Secretary.

MOTION

Ms. Rayburn moved that the House do concur in the Senate amendments to Substitute House Bill No. 1115.

Representatives Rayburn and Nealey spoke in favor of the motion, and it was carried.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

The Speaker (Mr. O'Brien presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1115 as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1115 as amended by the Senate, and the bill passed the House by the following vote: Yeas, 97; excused, 1.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Baugher, Beck, Belcher, Betzloff, Bowman, Braddock, Brekke, Bristow, Brooks, Brough, Brumsickle, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Fraser, Fuhrman, Grant, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Inslée, Jacobsen, Jesernig, Jones, King P, King R, Kremen, Leonard, Locke, May, McLean, Meyers R, Miller, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Padden, Patrick, Peery, Phillips,

Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith, Sommers D, Sommers H, Spanel, Sprenkle, Tate, Todd, Valle, Van Luven, Vekich, Walk, Walker, Wang, Wilson K, Wilson S, Wineberry, Winsley, Wolfe, Wood, Youngsman, Zellinsky, and Mr. Speaker - 97.

Excused: Representative Gallagher - 1.

Substitute House Bill No. 1115 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SENATE AMENDMENT TO HOUSE BILL

April 4, 1989

Mr. Speaker:

The Senate has passed ENGROSSED SUBSTITUTE HOUSE BILL NO. 1173 with the following amendment:

On page 4, beginning on line 26, strike all of section 5 and insert the following:

*NEW SECTION. Sec. 5. A new section is added to chapter 11.40 RCW, to be codified as RCW 11.40.014 to read as follows:

Whether or not notice under RCW 11.40.010 has been given or should have been given, any person having a claim against the decedent who has not filed a claim within eighteen months from the date of the decedent's death shall be forever barred from making a claim against the decedent, or commencing an action against the decedent, if such claim or action is not already barred by any otherwise applicable statute of limitation. However, this eighteen-month limitation does not apply (1) to claims described in RCW 11.40.011, (2) to any claims where the personal representative has not given the actual notice described in section 1(1) of this act and during the eighteen-month period following the date of death, partial performance has been made on the obligation underlying the claim, or (3) to any claims where no personal representative has been appointed within twelve months after the date of death. Any otherwise applicable statute of limitations shall apply without regard to the tolling provisions of RCW 4.16.190. Any claim filed within eighteen months from the date of the decedent's death and not otherwise barred under this chapter shall be made in the form and manner provided under RCW 11.40.010, as if the notice under such section had been given."

and the same is herewith transmitted.

W. D. Naismith, Assistant Secretary.

MOTION

Mr. Crane moved that the House do concur in the Senate amendment to Engrossed Substitute House Bill No. 1173.

Mr. Crane spoke in favor of the motion, and it was carried.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

The Speaker (Mr. O'Brien presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 1173 as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1173 as amended by the Senate, and the bill passed the House by the following vote: Yeas, 97; excused, 1.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Baugher, Beck, Belcher, Betrozoff, Bowman, Braddock, Brekke, Bristow, Brooks, Brough, Brumsickle, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Fraser, Fuhrman, Grant, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Insee, Jacobsen, Jesernig, Jones, King P, King R, Kremen, Leonard, Locke, May, McLean, Meyers R, Miller, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Padden, Patrick, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith, Sommers D, Sommers H, Spanel, Sprenkle, Tate, Todd, Valle, Van Luven, Vekich, Walk, Walker, Wang, Wilson K, Wilson S, Wineberry, Winsley, Wolfe, Wood, Youngsman, Zellinsky, and Mr. Speaker - 97.

Excused: Representative Gallagher - 1.

Engrossed Substitute House Bill No. 1173 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SENATE AMENDMENTS TO HOUSE BILL

April 7, 1989

Mr. Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 1031 with the following amendments:

On page 4, after line 18, insert the following:

*NEW SECTION. Sec. 4. A new section is added to chapter 43.34 RCW to read as follows:

(1) The capitol campus design advisory committee is established as an advisory group to the capitol committee and the director of general administration to review programs, planning, design, and landscaping of state capitol facilities and grounds and to make recommendations that will contribute to the attainment of architectural, aesthetic, functional, and environmental excellence in design and maintenance of capitol facilities on campus and located in neighboring communities.

(2) The advisory committee shall consist of the following persons who shall be appointed by and serve at the pleasure of the governor:

- (a) Two architects;
- (b) A landscape architect; and
- (c) An urban planner.

The governor shall appoint the chair and vice-chair and shall instruct the director of general administration to provide the staff and resources necessary for implementing this section. The advisory committee shall meet at least once every ninety days and at the call of the chair.

The members of the committee shall be reimbursed as provided in RCW 43.03.220 and 44.04.120.

(3) The advisory committee shall also consist of the secretary of state and two members of the house of representatives, one from each caucus, who shall be appointed by the speaker of the house of representatives, and two members of the senate, one from each caucus, who shall be appointed by the president of the senate.

(4) The advisory committee shall review plans and designs affecting state capitol facilities as they are developed. The advisory committee's review shall include:

- (a) The process of solicitation and selection of appropriate professional design services including design-build proposals;
- (b) Compliance with the capitol campus master plan and design concepts as adopted by the capitol committee;
- (c) The design, siting, and grouping of state capitol facilities relative to the service needs of state government and the impact upon the local community's economy, environment, traffic patterns, and other factors;
- (d) The relationship of overall state capitol facility planning to the respective comprehensive plans for long-range urban development of the cities of Olympia, Lacey, and Tumwater, and Thurston county; and
- (e) Landscaping plans and designs, including planting proposals, street furniture, sculpture, monuments, and access to the capitol campus and buildings."

Renumber the remaining section consecutively.

On page 1, at the beginning of line 2 of the title, strike "and" and on line 2, after "43.88 RCW" insert "; and adding a new section to chapter 43.34 RCW" and the same is herewith transmitted.

W. D. Naismith, Assistant Secretary.

POINT OF ORDER

Ms. H. Sommers: Thank you, Mr. Speaker. I ask for a ruling on scope and object of the Senate amendments to Substitute House Bill No. 1031.

ANNOUNCEMENT BY THE SPEAKER

The Speaker (Mr. O'Brien presiding) announced that further consideration of Substitute House Bill No. 1031 would be deferred.

SENATE AMENDMENTS TO HOUSE BILL

April 4, 1989

Mr. Speaker:

The Senate has passed HOUSE BILL NO. 1253 with the following amendments:

On page 2, after line 35, insert the following:

*Sec. 3. Section 1, chapter 267, Laws of 1988 and RCW 18.52B.010 are each amended to read as follows:

The legislature takes special note of the contributions made by nursing assistants in (~~nursing-homes~~) health care facilities whose tasks are arduous and whose working conditions may be contributing to the high and often critical turnover among the principal cadre of health care workers who provide for the basic needs of (~~long-term-care~~) patients. The legislature

also recognizes the growing shortage of nurses (~~(in long-term care)~~) as the proportion of the elderly population grows and as the acuity of patients in hospitals and nursing homes becomes generally more severe.

The legislature finds and declares that occupational nursing assistants should have a formal system of educational and experiential qualifications leading to career mobility and advancement. The establishment of such a system should bring about a more stabilized work force in ~~(the nursing home setting)~~ health care facilities, as well as provide a valuable resource for recruitment into licensed nursing practice.

The legislature declares that the registration of nursing assistants and providing for voluntary certification of those who wish to seek higher levels of qualification is in the interest of the public health, safety, and welfare.

Sec. 4. Section 2, chapter 267, Laws of 1988 and RCW 18.52B.020 are each amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) 'Department' means the department of licensing.
 (2) 'Director' means the director of licensing or the director's designee.
 (3) 'Board' means the Washington state board of nursing.
 (4) 'Nursing assistant--certified' means an individual certified under this chapter.
 (5) 'Nursing assistant--registered' means an individual registered under this chapter.
 (6) 'Committee' means the Washington state nursing assistant advisory committee.
 (7) 'Certification program' means an educational program approved by the superintendent of public instruction or the state board for community college education in consultation with the board, and offered by or under the administration of an accredited educational institution, either at a school site or a ~~((nursing home))~~ health care facility site. A program shall be offered at or near a ~~((nursing home))~~ health care facility site only if the ~~((nursing home))~~ health care facility can provide adequate classroom and clinical facilities.

~~(8) ('Registration program' means a nursing assistant training program as defined under chapter 18.52A RCW.~~

~~(9) 'Nursing home' means a facility licensed under chapter 18.51 RCW.) 'Health care facility' means a nursing home, hospital, hospice care facility, home health care agency, hospice agency, or other entity for delivery of health care services.~~

Sec. 5. Section 3, chapter 267, Laws of 1988 and RCW 18.52B.030 are each amended to read as follows:

(1) A nursing assistant(~~(--registered)~~) may assist in the care of patients under the direction and supervision of a licensed (registered) nurse or licensed practical nurse, provided that a ~~((nursing home))~~ health care facility shall not assign an assistant to provide ~~((resident))~~ patient care until the assistant has demonstrated skill necessary to perform assigned duties and responsibilities competently. Nothing in this chapter shall be construed as conferring on a nursing assistant the authority to administer medication or to practice as a licensed (registered) nurse or licensed practical nurse.

(2) A nursing assistant--certified may assist in the care of the ill, injured, or infirm under the direction and supervision of a licensed (registered) nurse or licensed practical nurse except that a nursing assistant--certified may not administer medication or practice as a licensed (registered) nurse as defined in chapter 18.88 RCW or licensed practical nurse as defined in chapter 18.78 RCW.

~~((3) The board may further define by rule the scope of practice and minimum competencies of nursing assistants--certified in consultation with the nursing assistant advisory committee.))~~

Sec. 6. Section 4, chapter 267, Laws of 1988 and RCW 18.52B.040 are each amended to read as follows:

(1) No person may practice or represent himself or herself as a nursing assistant(~~(--registered)~~) by use of any title or description without being registered by the department pursuant to this chapter, unless exempt under RCW 18.52B.050.

(2) After January 1, 1990, no person may represent himself or herself as a nursing assistant--certified without applying for certification, meeting the qualifications, and being certified by the department pursuant to this chapter.

Sec. 7. Section 6, chapter 267, Laws of 1988 and RCW 18.52B.060 are each amended to read as follows:

In addition to any other authority provided by law, the director has the authority to:

(1) Set all certification, registration, and renewal fees in accordance with RCW 43.24.086 and to collect and deposit all such fees in the health professions account established under RCW 43.24.072;

(2) Establish forms and procedures necessary to administer this chapter;

(3) Hire clerical, administrative, and investigative staff as needed to implement this chapter;

(4) Issue a registration to any applicant who has met the requirements for registration;

(5) After January 1, 1990, issue a certificate to any applicant who has met the education, training, and conduct requirements for certification;

(6) Maintain the official record for the department of all applicants and persons with registrations and certificates;

(7) Conduct a hearing on an appeal of a denial of a registration or a certificate based on the applicant's failure to meet the minimum qualifications for certification. The hearing shall be conducted under chapter ~~((34-04))~~ 34.05 RCW;

(8) Issue subpoenas, statements of charges, statements of intent to deny certification, and orders and to delegate in writing to a designee the authority to issue subpoenas, statements of charges, and statements of intent to deny certification.

The uniform disciplinary act, chapter 18.130 RCW, governs unregistered or uncertified practice, issuance of certificates and registration, and the discipline of persons registered or with certificates under this chapter. The director shall be the disciplinary authority under this chapter.

Sec. 8. Section 7, chapter 267, Laws of 1988 and RCW 18.52B.070 are each amended to read as follows:

In addition to any other authority provided by law, the state board of nursing has the authority to:

(1) Determine minimum education requirements and approve ~~((registration))~~ certification programs ~~((according to chapter 18.52A RCW))~~;

(2) Prepare, grade, and administer, or determine the nature of, and supervise the grading and administration of, examinations of training and competency for applicants for certification;

(3) Determine whether alternative methods of training are equivalent to formal education, and establish forms, procedures, and criteria for evaluation of an applicant's alternative training to determine the applicant's eligibility to take any qualifying examination for certification;

~~((5))~~ (4) Define and approve any experience requirement for certification;

~~((6))~~ (5) Adopt rules implementing a continuing competency evaluation program;

(6) Adopt rules to enable it to carry into effect the provisions of this chapter.

Sec. 9. Section 9, chapter 267, Laws of 1988 and RCW 18.52B.090 are each amended to read as follows:

(1) The director has the authority to appoint an advisory committee to the state board of nursing and the department to further the purposes of this chapter. The committee shall be composed of ten members, two members initially appointed for a term of one year, three for a term of two years, and four for a term of three years. Subsequent appointments shall be for terms of three years. No person may serve as a member of the committee for more than two consecutive terms. The committee shall consist of: A nursing assistant certified under this chapter, a ~~((director of nursing in a))~~ representative of nursing homes, a representative of the office of the superintendent of public instruction, a representative of the state board of community college education, a representative of the department of social and health services responsible for aging and adult services in nursing homes, a consumer of nursing assistant services who shall not be or have been a member of any other licensing board or committee; nor a licensee of any health occupation board, an employee of any health care facility, nor derive primary livelihood from the provision of health services at any level of responsibility. ~~((a resident of a nursing home))~~ a representative of ~~((a local long-term care ombudsman program))~~ an acute care hospital, a representative of home health care, and one member who is a licensed (registered) nurse and one member who is a licensed practical nurse.

(2) The director may remove any member of the advisory committee for cause as specified by rule. In the case of a vacancy, the director shall appoint a person to serve for the remainder of the unexpired term.

(3) The advisory committee shall meet at the times and places designated by the director or the board and shall hold meetings during the year as necessary to provide advice to the director.

Sec. 10. Section 10, chapter 267, Laws of 1988 and RCW 18.52B.100 are each amended to read as follows:

(1) The director shall issue a registration to any applicant who submits, on forms provided by the director, the applicant's name, address, ~~((occupational title, name and location of business))~~ and other information as determined by the director, including information necessary to determine whether there are grounds for denial of registration or issuance of a conditional registration under this chapter or chapter 18.130 RCW.

(2) After January 1, 1990, the director shall issue a certificate to any applicant who demonstrates to the director's satisfaction that the following requirements have been met:

(a) Completion of an educational program approved by the board or successful completion of alternate training meeting established criteria approved by the board;

(b) Successful completion of an approved examination; and

(c) Successful completion of any experience requirement established by the board.

~~((4))~~ (3) In addition, applicants shall be subject to the grounds for denial of registration or certificate under chapter 18.130 RCW.

Sec. 11. Section 13, chapter 267, Laws of 1988 and RCW 18.52B.130 are each amended to read as follows:

(1) The date and location of examinations shall be established by the director. Applicants who have been found by the director to meet the requirements for certification shall be scheduled for the next examination following the filing of the application. The director shall establish by rule the examination application deadline.

(2) The board shall examine each applicant, by ~~((means determined most effective on subjects appropriate to the scope of practice as applicable))~~ a written or oral and a manual component of competency evaluation. Examinations shall be limited to the purpose of determining whether the applicant possesses the minimum skill and knowledge necessary to practice competently.

(3) The examination papers, all grading of the papers, and the grading of ~~((any practical work))~~ skills demonstration shall be preserved for a period of not less than one year after the board has made and published the decisions. All examinations shall be conducted under fair and wholly impartial methods.

(4) Any applicant failing to make the required grade in the first examination may take up to three subsequent examinations as the applicant desires upon prepaying a fee determined by the director under RCW 43.24.086 for each subsequent examination. Upon failing four examinations, the director may invalidate the original application and require such remedial education before the person may take future examinations.

(5) The board may approve an examination prepared or administered by a private testing agency or association of licensing agencies for use by an applicant in meeting the credentialing requirements.

Sec. 12. Section 15, chapter 267, Laws of 1988 and RCW 18.52B.140 are each amended to read as follows:

The director shall waive the competency examination and certify a person authorized to practice within the state of Washington if the board determines that the person meets commonly accepted standards of education and experience for the ~~((profession))~~ nursing assistants. This section applies only to those individuals who file an application for waiver within one year of the establishment of the authorized practice on January 1, 1990.

Sec. 13. Section 2, chapter 114, Laws of 1979 as last amended by section 19, chapter 267, Laws of 1988 and RCW 18.52A.020 are each amended to read as follows:

Unless the context requires otherwise, the definitions in this section apply throughout this chapter.

(1) 'Nursing assistant' means a person registered or certified under chapter ~~((18.52B))~~ 18.88A RCW (as recodified by section 15 of this act) who, under the direction and supervision of a registered nurse or licensed practical nurse, assists in the care of patients in a facility licensed under chapter 18.51 RCW, a wing of a hospital licensed under chapter 70.41 RCW if the wing is certified to provide nursing home care under Title XVIII or Title XIX of the social security act, or any nursing care facility operated under the direction of the department of veterans affairs.

(2) 'Department' means the department of social and health services.

(3) 'Nursing home' means a facility licensed under chapter 18.51 RCW, a wing of a hospital licensed under chapter 70.41 RCW if the wing is certified to provide nursing home care under Title XVIII or Title XIX of the social security act, or any nursing care facility operated under the direction of the department of veterans affairs.

(4) 'Board' means the state board of nursing.

Sec. 14. Section 21, chapter 267, Laws of 1988 and section 12, chapter 277, Laws of 1988 and RCW 18.120.020 are each reenacted and amended to read as follows:

The definitions contained in this section shall apply throughout this chapter unless the context clearly requires otherwise.

(1) 'Applicant group' includes any health professional group or organization, any individual, or any other interested party which proposes that any health professional group not presently regulated be regulated or which proposes to substantially increase the scope of practice of the profession.

(2) 'Certificate' and 'certification' mean a voluntary process by which a statutory regulatory entity grants recognition to an individual who (a) has met certain prerequisite qualifications specified by that regulatory entity, and (b) may assume or use 'certified' in the title or designation to perform prescribed health professional tasks.

(3) 'Grandfather clause' means a provision in a regulatory statute applicable to practitioners actively engaged in the regulated health profession prior to the effective date of the regulatory statute which exempts the practitioners from meeting the prerequisite qualifications set forth in the regulatory statute to perform prescribed occupational tasks.

(4) 'Health professions' means and includes the following health and health-related licensed or regulated professions and occupations: Podiatry under chapter 18.22 RCW; chiropractic under chapters 18.25 and 18.26 RCW; dental hygiene under chapter 18.29 RCW; dentistry under chapter 18.32 RCW; dispensing opticians under chapter 18.34 RCW; hearing aids under chapter 18.35 RCW; naturopaths under chapter 18.36A RCW; embalming and funeral directing under chapter 18.39 RCW; midwifery under chapter 18.50 RCW; nursing home

administration under chapter 18.52 RCW; optometry under chapters 18.53 and 18.54 RCW; ocularists under chapter 18.55 RCW; osteopathy and osteopathic medicine and surgery under chapters 18.57 and 18.57A RCW; pharmacy under chapters 18.64 and 18.64A RCW; medicine under chapters 18.71, 18.71A, and 18.72 RCW; emergency medicine under chapter 18.73 RCW; physical therapy under chapter 18.74 RCW; practical nurses under chapter 18.78 RCW; psychologists under chapter 18.83 RCW; registered nurses under chapter 18.88 RCW; occupational therapists licensed pursuant to chapter 18.89 RCW; respiratory care practitioners certified under chapter 18.89 RCW; veterinarians and animal technicians under chapter 18.92 RCW; health care assistants under chapter 18.135 RCW; massage practitioners under chapter 18.108 RCW; acupuncturists certified under chapter 18.06 RCW; persons registered or certified under chapter 18.19 RCW; dietitians and nutritionists certified by chapter 18.138 RCW; radiologic technicians under chapter 18.84 RCW; and nursing assistants registered or certified under chapter ~~(18.52B)~~ 18.88A RCW (as recodified by section 15 of this act).

(5) 'Inspection' means the periodic examination of practitioners by a state agency in order to ascertain whether the practitioners' occupation is being carried out in a fashion consistent with the public health, safety, and welfare.

(6) 'Legislative committees of reference' means the standing legislative committees designated by the respective rules committees of the senate and house of representatives to consider proposed legislation to regulate health professions not previously regulated.

(7) 'License,' 'licensing,' and 'licensure' mean permission to engage in a health profession which would otherwise be unlawful in the state in the absence of the permission. A license is granted to those individuals who meet prerequisite qualifications to perform prescribed health professional tasks and for the use of a particular title.

(8) 'Professional license' means an individual, nontransferable authorization to carry on a health activity based on qualifications which include: (a) Graduation from an accredited or approved program, and (b) acceptable performance on a qualifying examination or series of examinations.

(9) 'Practitioner' means an individual who (a) has achieved knowledge and skill by practice, and (b) is actively engaged in a specified health profession.

(10) 'Public member' means an individual who is not, and never was, a member of the health profession being regulated or the spouse of a member, or an individual who does not have and never has had a material financial interest in either the rendering of the health professional service being regulated or an activity directly related to the profession being regulated.

(11) 'Registration' means the formal notification which, prior to rendering services, a practitioner shall submit to a state agency setting forth the name and address of the practitioner; the location, nature and operation of the health activity to be practiced; and, if required by the regulatory entity, a description of the service to be provided.

(12) 'Regulatory entity' means any board, commission, agency, division, or other unit or subunit of state government which regulates one or more professions, occupations, industries, businesses, or other endeavors in this state.

(13) 'State agency' includes every state office, department, board, commission, regulatory entity, and agency of the state, and, where provided by law, programs and activities involving less than the full responsibility of a state agency.

NEW SECTION, Sec. 15. RCW 18.52B.010, 18.52B.020, 18.52B.030, 18.52B.040, 18.52B.060, 18.52B.070, 18.52B.090, 18.52B.100, 18.52B.130, and 18.52B.140 are each recodified as a new chapter in Title 18 RCW to be designated as chapter 18.88A RCW as well as chapter 267, Laws of 1988."

Renumber the remaining section consecutively.

On page 1, line 1 of the title, after "assistants;" strike the remainder of the title and insert "amending RCW 18.52A.030, 18.52A.040, 18.52B.010, 18.52B.020, 18.52B.030, 18.52B.040, 18.52B.060, 18.52B.070, 18.52B.090, 18.52B.100, 18.52B.130, and 18.52B.140; reenacting and amending RCW 18.120.020; recodifying RCW 18.52B.010, 18.52B.020, 18.52B.030, 18.52B.040, 18.52B.060, 18.52B.070, 18.52B.090, 18.52B.100, 18.52B.130, 18.52B.140, and 18.52A.020; and repealing RCW 18.52A.060."

and the same is herewith transmitted.

V. D. Naismith, Assistant Secretary.

MOTION

Mr. Day moved that the House do concur in the Senate amendments to House Bill No. 1253.

Mr. Day spoke in favor of the motion, and it was carried.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

The Speaker (Mr. O'Brien presiding) stated the question before the House to be the final passage of House Bill No. 1253 as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1253 as amended by the Senate, and the bill passed the House by the following vote: Yeas, 97; excused, 1.

Voting yeas: Representatives Anderson, Appelwick, Ballard, Basich, Baugher, Beck, Belcher, Betrozoff, Bowman, Braddock, Brekke, Bristow, Brooks, Brough, Brumsickle, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Fraser, Fuhrman, Grant, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Inslee, Jacobsen, Jesernig, Jones, King P, King R, Kremen, Leonard, Locke, May, McLean, Meyers R, Miller, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Padden, Patrick, Peery, Phillips, Prentice, Prince, Pruitt, Railer, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith, Sommers D, Sommers H, Spanel, Sprenkle, Tate, Todd, Valle, Van Luven, Vekich, Walk, Walker, Wang, Wilson K, Wineberry, Winsley, Wolfe, Wood, Youngsman, Zellinsky, and Mr. Speaker - 97.

Excused: Representative Gailagher - 1.

House Bill No. 1253 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SENATE AMENDMENTS TO HOUSE BILL

April 7, 1989

Mr. Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 1183 with the following amendments:

Strike everything after the enacting clause and insert the following:

"Sec. 1. Section 37, chapter 155, Laws of 1984 and RCW 26.33.350 are each amended to read as follows:

(1) Every person, firm, society, association, or corporation receiving, securing a home for, or otherwise caring for a minor child shall transmit to the prospective adopting parent prior to placement and shall make available to all persons with whom a child has been placed by adoption a complete medical report containing all ((reasonably)) available information concerning the mental, physical, and sensory handicaps of the child. The report shall not reveal the identity of the natural parents of the child but shall include any ((reasonably)) available mental or physical health history of the natural parents that needs to be known by the adoptive parents to facilitate proper health care for the child or that will assist the adoptive parents in maximizing the developmental potential of the child.

(2) Where available, the information provided shall include:

(a) A review of the birth family's and the child's previous medical history, if available, including x-rays, examinations, hospitalizations, and immunizations;

(b) A physical exam of the child by a licensed physician with appropriate laboratory tests and x-rays;

(c) A referral to a specialist if indicated; and

(d) A written copy of the evaluation with recommendations to the adoptive family receiving the report.

NEW SECTION. Sec. 2. Every person, firm, society, association, or corporation receiving, securing a home for, or otherwise caring for a minor child shall transmit to the prospective adopting parent prior to placement and shall make available to all persons with whom a child has been placed by adoption, a family background and child and family social history report, which includes a chronological history of the circumstances surrounding the adoptive placement and any available psychiatric reports, psychological reports, court reports pertaining to dependency or custody, or school reports. Such reports or information shall not reveal the identity of the natural parents of the child.

NEW SECTION. Sec. 3. All families adopting a child through the department shall receive written information on the department's adoption-related services including, but not limited to, adoption support, family reconciliation services, archived records, mental health, and developmental disabilities.

NEW SECTION. Sec. 4. Sections 2 and 3 of this act are each added to chapter 26.33 RCW."

On page 1, line 1 of the title, after "parents;" strike the remainder of the title and insert "amending RCW 26.33.350; and adding new sections to chapter 26.33 RCW."

and the same is herewith transmitted.

Gordon A. Golob, Secretary.

MOTION

Mr. Bristow moved that the House do concur in the Senate amendments to Substitute House Bill No. 1183. The motion was carried.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

The Speaker (Mr. O'Brien presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1183 as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1183 as amended by the Senate, and the bill passed the House by the following vote: Yeas, 97; excused, 1.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Baugher, Beck, Belcher, Betzozoff, Bowman, Braddock, Brekke, Bristow, Brooks, Brough, Brumsickle, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Fraser, Fuhrman, Grant, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Inslée, Jacobsen, Jesernig, Jones, King P, King R, Kremen, Leonard, Locke, May, McLean, Meyers R, Miller, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Padden, Patrick, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith, Sommers D, Sommers H, Spanel, Sprengle, Tate, Todd, Valle, Van Luven, Vekich, Walk, Walker, Wang, Wilson K, Wilson S, Wineberry, Winsley, Wolfe, Wood, Youngsman, Zellinsky, and Mr. Speaker - 97.

Excused: Representative Gallagher - 1.

Substitute House Bill No. 1183 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SENATE AMENDMENTS TO HOUSE BILL

April 7, 1989

Mr. Speaker:

The Senate has passed ENGROSSED SUBSTITUTE HOUSE BILL NO. 1337 with the following amendments:

On page 2, after line 4, insert the following:

"(8) The legislature supports and encourages efforts that are being made to establish a national, legally enforceable system governing the imprinting of solid dosage form over-the-counter medications, which system is consistent with the requirements of this chapter."

On page 3, after line 32, add a new section to read as follows:

"NEW SECTION. Sec. 9. Before January 1, 1993, the board of pharmacy will consult with the state toxicologist to determine whether the federal government has established a legally enforceable system that is substantially equivalent to the requirements of this chapter, which governs the imprinting of solid dosage form over-the-counter medication. To be substantially equivalent, the effective dates for implementation of the federal system must be the same or earlier than the dates of implementation set out in the state system. If the board determines that the federal system is substantially equivalent to the state system, this chapter will cease to exist on January 1, 1993. If the board determines that the federal system is substantially equivalent, except that the federal dates for implementation are later than the Washington state dates, this chapter will cease to exist when the federal system is implemented."

Renumber the remaining sections consecutively.

On page 3, line 33, after "through" strike "8" and insert "9"

and the same is herewith transmitted.

W. D. Naismith, Assistant Secretary.

MOTION

Mr. Day moved that the House do concur in the Senate amendments to Engrossed Substitute House Bill No. 1337.

Representatives Day and Brooks spoke in favor of the motion, and it was carried.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

The Speaker (Mr. O'Brien presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 1337 as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1337 as amended by the Senate, and the bill passed the House by the following vote: Yeas, 97; excused, 1.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Baugher, Beck, Belcher, Betzoff, Bowman, Braddock, Brekke, Bristow, Brooks, Brough, Brumsickle, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Fraser, Fuhrman, Grant, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Inslee, Jacobsen, Jesernig, Jones, King P, King R, Kremen, Leonard, Locke, May, McLean, Meyers R, Miller, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Padden, Patrick, Peery, Phillips, Prentice, Prince, Pruitt, Rafter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith, Sommers D, Sommers H, Spanel, Sprenkle, Tate, Todd, Valle, Van Luven, Vekich, Walk, Walker, Wang, Wilson K, Wilson S, Wineberry, Winsley, Wolfe, Wood, Youngsman, Zellinsky, and Mr. Speaker - 97.

Excused: Representative Gallagher - 1.

Engrossed Substitute House Bill No. 1337 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SENATE AMENDMENTS TO HOUSE BILL

April 10, 1989

Mr. Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 1370 with the following amendments:

Strike everything after the enacting clause and insert the following:

*Sec. 1. Section 84.09.030, chapter 15, Laws of 1961 as last amended by section 1, chapter 82, Laws of 1987 and by section 1, chapter 358, Laws of 1987 and RCW 84.09.030 are each reenacted and amended to read as follows:

((For the purposes of property taxation and the levy of property taxes)) Except as follows, the boundaries of counties, cities and all other taxing districts, for purposes of property taxation and the levy of property taxes, shall be the established official boundaries of such districts existing on the first day of March of the year in which the property tax levy is made((-and no such levy shall be made for any taxing district whose boundaries were not duly established on the first day of March of such year)).

The official boundaries of a newly incorporated taxing district shall be established at a different date in the year in which the incorporation occurred as follows:

(1) Boundaries for a newly incorporated city shall be established on the last day of March of the year in which the initial property tax levy is made, and the boundaries of a road district, library district, or fire protection district or districts, that include any portion of the area that was incorporated within its boundaries shall be altered as of this date to exclude this area, if the budget for the newly incorporated city is filed pursuant to RCW 84.52.020 and the levy request of the newly incorporated city is made pursuant to RCW 84.52.070. Whenever a proposed city incorporation is on the March special election ballot, the county auditor shall submit the legal description of the proposed city to the department of revenue on or before the first day of March;

(2) Boundaries for a newly incorporated port district(~~(s) newly formed by election, with boundaries coterminous with other taxing district boundaries established prior to the first day of March, shall be the established official boundaries existing~~) shall be established on the first day of October (~~(following formation. However, the)~~) if the boundaries of the newly incorporated port district are coterminous with the boundaries of another taxing district, as they existed on the first day of March of that year;

(3) Boundaries of ((a)) any other newly incorporated taxing district shall be established on the first day of June of the year in which the property tax levy is made (~~(whenever)~~) if the taxing district (~~(has incorporated that year and)~~) has boundaries coterminous with the boundaries of another taxing district, as they existed on the first day of March of that year(~~(-or)~~).

The boundaries of a taxing district (~~(have been altered that year by removing or adding territory)~~) shall be established on the first day of June if territory has been added to, or removed from, the taxing district after the first day of March of that year with boundaries coterminous with the boundaries of another taxing district (~~(to the taxing district)~~) as they existed on the first day of March of that year. However, the boundaries of a road district, library district, or fire protection district or districts, that include any portion of the area that was annexed to a city or town within its boundaries shall be altered as of this date to exclude this area. In any case where any instrument setting forth the official boundaries of any newly established taxing district, or setting forth any change in such boundaries, is required by law to be filed in the office of the county auditor or other county official, said instrument shall be filed in triplicate. The officer with whom such instrument is filed shall transmit two copies to the county assessor.

No property tax levy shall be made for any taxing district whose boundaries are not established as of the dates provided in this section.

NEW SECTION. Sec. 2. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect immediately."

On page 1, line 2 of the title, after "taxes;" strike the remainder of the title and insert "reenacting and amending RCW 84.09.030; and declaring an emergency."

and the same is herewith transmitted.

W. D. Naismith, Assistant Secretary.

MOTION

Ms. Haugen moved that the House do concur in the Senate amendments to Substitute House Bill No. 1370.

Ms. Haugen spoke in favor of the motion, and it was carried.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

The Speaker (Mr. O'Brien presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1370 as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1370 as amended by the Senate, and the bill passed the House by the following vote: Yeas, 97; excused, 1.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Baugher, Beck, Belcher, Betrozoff, Bowman, Braddock, Brække, Bristow, Brooks, Brough, Brumsickle, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Fraser, Fuhrman, Grant, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Insee, Jacobsen, Jesernig, Jones, King P, King R, Kremen, Leonard, Locke, May, McLean, Meyers R, Miller, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Padden, Patrick, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith, Sommers D, Sommers H, Spanel, Sprengle, Tate, Todd, Valle, Van Luvan, Vekich, Walk, Walker, Wang, Wilson K, Wilson S, Wineberry, Winsley, Wolfe, Wood, Youngsman, Zellinsky, and Mr. Speaker - 97.

Excused: Representative Gallagher - 1.

Substitute House Bill No. 1370 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SENATE AMENDMENTS TO HOUSE BILL

April 10, 1989

Mr. Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 1388 with the following amendments:

Strike everything after the enacting clause and insert the following:

"Sec. 1. Section 2, chapter 58, Laws of 1975 as last amended by section 501, chapter 212, Laws of 1987 and RCW 4.24.310 are each amended to read as follows:

For the purposes of RCW 4.24.300 the following words and phrases shall have the following meanings unless the context clearly requires otherwise:

(1) 'Compensation' has its ordinary meaning but does not include: Nominal payments, reimbursement for expenses, or pension benefits(~~(-nor does it include)~~); payments made to volunteer part-time and volunteer on-call personnel of fire departments, fire districts, ambulance districts, police departments, or any emergency response organizations; or any payment to a person employed as a transit operator who is paid for his or her regular work, which work does not routinely include providing emergency care or emergency transportation.

(2) 'Emergency care' means care, first aid, treatment, or assistance rendered to the injured person in need of immediate medical attention and includes providing or arranging for further medical treatment or care for the injured person. Except with respect to the injured person or persons being transported for further medical treatment or care, the immunity granted by RCW 4.24.300 does not apply to the negligent operation of any motor vehicle.

(3) 'Scene of an emergency' means the scene of an accident or other sudden or unexpected event or combination of circumstances which calls for immediate action."

On page 1, line 1 of the title, after "transport;" strike the remainder of the title and insert "and amending RCW 4.24.310."

and the same is herewith transmitted.

W. D. Naismith, Assistant Secretary.

MOTION

Ms. R. Fisher moved that the House do concur in the Senate amendments to Substitute House Bill No. 1388.

Representatives R. Fisher and McLean spoke in favor of the motion, and it was carried.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

The Speaker (Mr. O'Brien presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1388 as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1388 as amended by the Senate, and the bill passed the House by the following vote: Yeas, 97; excused, 1.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Baugher, Beck, Belcher, Betrozoff, Bowman, Braddock, Brekke, Bristow, Brooks, Brough, Brumsickle, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Fraser, Fuhrman, Grant, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Inslee, Jacobsen, Jesernig, Jones, King P, King R, Kremen, Leonard, Locke, May, McLean, Meyers R, Miller, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Padden, Patrick, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith, Sommers D, Sommers H, Spanel, Sprenkle, Tate, Todd, Valle, Van Luvan, Vekich, Walk, Walker, Wang, Wilson K, Wilson S, Wineberry, Winsley, Wolfe, Wood, Youngsman, Zellinsky, and Mr. Speaker - 97.

Excused: Representative Gallagher - 1.

Substitute House Bill No. 1388 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SENATE AMENDMENTS TO HOUSE BILL

April 6, 1989

Mr. Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 1408 with the following amendments:

Strike everything after the enacting clause and insert the following:

"Sec. 1. Section 1, chapter 274, Laws of 1947 as last amended by section 7, chapter 13, Laws of 1985 and RCW 41.40.010 are each amended to read as follows:

As used in this chapter, unless a different meaning is plainly required by the context:

(1) 'Retirement system' means the public employees' retirement system provided for in this chapter.

(2) 'Retirement board' means the board provided for in this chapter and chapter 41.26 RCW.

(3) 'State treasurer' means the treasurer of the state of Washington.

(4) (a) 'Employer' for persons who establish membership in the retirement system on or before September 30, 1977, means every branch, department, agency, commission, board, and office of the state, any political subdivision or association of political subdivisions of the state admitted into the retirement system, and legal entities authorized by RCW 35.63.070 and 36.70.060 or chapter 39.34 RCW as now or hereafter amended; and the term shall also include any labor guild, association, or organization the membership of a local lodge or division of which is comprised of at least forty percent employees of an employer (other than such labor guild, association, or organization) within this chapter. The term may also include any city of the first class that has its own retirement system.

(b) 'Employer' for persons who establish membership in the retirement system on or after October 1, 1977, means every branch, department, agency, commission, board, and office of the state, and any political subdivision and municipal corporation of the state admitted into the retirement system, including public agencies created pursuant to RCW 35.63.070, 36.70.060, and 39.34.030.

(5) 'Member' means any employee included in the membership of the retirement system, as provided for in RCW 41.40.120.

(6) 'Original member' of this retirement system means:

(a) Any person who became a member of the system prior to April 1, 1949;

(b) Any person who becomes a member through the admission of an employer into the retirement system on and after April 1, 1949, and prior to April 1, 1951;

(c) Any person who first becomes a member by securing employment with an employer prior to April 1, 1951, provided the member has rendered at least one or more years of service to any employer prior to October 1, 1947:

(d) Any person who first becomes a member through the admission of an employer into the retirement system on or after April 1, 1951, provided, such person has been in the regular employ of the employer for at least six months of the twelve-month period preceding the said admission date;

(e) Any member who has restored all contributions that may have been withdrawn as provided by RCW 41.40.150 and who on the effective date of the individual's retirement becomes entitled to be credited with ten years or more of membership service except that the provisions relating to the minimum amount of retirement allowance for the member upon retirement at age seventy as found in RCW 41.40.190(4) shall not apply to the member;

(f) Any member who has been a contributor under the system for two or more years and who has restored all contributions that may have been withdrawn as provided by RCW 41.40.150 and who on the effective date of the individual's retirement has rendered five or more years of service for the state or any political subdivision prior to the time of the admission of the employer into the system, except that the provisions relating to the minimum amount of retirement allowance for the member upon retirement at age seventy as found in RCW 41.40.190(4) shall not apply to the member.

(7) 'New member' means a person who becomes a member on or after April 1, 1949, except as otherwise provided in this section.

(8) (a) 'Compensation earnable' for persons who establish membership in the retirement system on or before September 30, 1977, means salaries or wages earned during a payroll period for personal services and where the compensation is not all paid in money, maintenance compensation shall be included upon the basis of the schedules established by the member's employer: PROVIDED, That retroactive payments to an individual by an employer on reinstatement of the employee in a position, or payments by an employer to an individual in lieu of reinstatement in a position which are awarded or granted as the equivalent of the salary or wage which the individual would have earned during a payroll period shall be considered compensation earnable and the individual shall receive the equivalent service credit: PROVIDED FURTHER, That if a leave of absence is taken by an individual for the purpose of serving in the state legislature, the salary which would have been received for the position from which the leave of absence was taken, shall be considered as compensation earnable if the employee's contribution is paid by the employee and the employer's contribution is paid by the employer or employee.

(b) 'Compensation earnable' for persons who establish membership in the retirement system on or after October 1, 1977, means salaries or wages earned by a member during a payroll period for personal services, including overtime payments, and shall include wages and salaries deferred under provisions established pursuant to sections 403(b), 414(h), and 457 of the United States Internal Revenue Code, but shall exclude nonmoney maintenance compensation and lump sum payments for deferred annual sick leave, unused accumulated vacation, unused accumulated annual leave, or any form of severance pay: PROVIDED, That retroactive payments to an individual by an employer on reinstatement of the employee in a position, or payments by an employer to an individual in lieu of reinstatement in a position which are awarded or granted as the equivalent of the salary or wage which the individual would have earned during a payroll period shall be considered compensation earnable to the extent provided above, and the individual shall receive the equivalent service credit: PROVIDED FURTHER, That in any year in which a member serves in the legislature, the member shall have the option of having such member's compensation earnable be the greater of:

(i) the compensation earnable the member would have received had such member not served in the legislature; or

(ii) such member's actual compensation earnable received for nonlegislative public employment and legislative service combined. Any additional contributions to the retirement system required because compensation earnable under subparagraph (i) of this subsection is greater than compensation earnable under subparagraph (ii) of this subsection shall be paid by the member for both member and employer contributions.

(9) (a) 'Service' for persons who establish membership in the retirement system on or before September 30, 1977, means periods of employment rendered to any employer for which compensation is paid, and includes time spent in office as an elected or appointed official of an employer. Full time work for seventy hours or more in any given calendar month shall constitute one month of service. All hours worked in eligible positions for any employer in a calendar month shall be combined for the purpose of determining a month of service. Only months of service shall be counted in the computation of any retirement allowance or other benefit provided for in this chapter. Years of service shall be determined by dividing the total number of months of service by twelve. Any fraction of a year of service as so determined shall be taken into account in the computation of such retirement allowance or benefits.

Members employed by the state school for the blind, or the state school for the deaf shall receive twelve months of service for each contract year or school year of employment commencing on or after June 15, 1979.

Each member who is employed by an institution of higher education or a community college shall receive twelve months of service for each academic year of employment commencing on or after June 15, 1979, in which the member makes member contributions under this chapter for each month of such academic year, and the member is employed in a position which is restricted as to duration by the employer to the academic year.

Service by a state employee officially assigned by the state on a temporary basis to assist another public agency, shall be considered as service as a state employee: PROVIDED, That service to any other public agency shall not be considered service as a state employee if such service has been used to establish benefits in any other public retirement system: PROVIDED FURTHER, That an individual shall receive no more than a total of twelve months of service credit during any calendar year: PROVIDED FURTHER, That where an individual is employed by two or more employers the individual shall only receive one months service credit during any calendar month in which multiple service for seventy or more hours is rendered.

During the regular contract year or school year of employment, members employed by school districts shall receive service credit in any month in which the school is closed for a vacation period of five calendar days or more. The member shall have been employed or on paid leave of absence for at least three and one-half hours each day the school was open or shall have received compensation for service averaging at least three and one-half hours for each such day.

(b) 'Service' for persons who establish membership in the retirement system on or after October 1, 1977, means periods of employment by a member for one or more employers for which compensation earnable is earned for ninety or more hours per calendar month. All hours worked in eligible positions for any employer in a calendar month shall be combined for the purpose of determining a month of service.

During the regular contract year or school year of employment, members employed by school districts shall receive service credit in any month in which the school is closed for a vacation period of five calendar days or more. The member shall have been employed or on paid leave of absence for at least four and one-half hours each day the school was open or shall have received compensation for service averaging at least four and one-half hours for each such day.

Years of service shall be determined by dividing the total number of months of service by twelve. Any fraction of a year of service as so determined shall be taken into account in the computation of such retirement allowance or benefits.

Members employed by school districts, the state school for the blind, the state school for the deaf, institutions of higher education, or community colleges shall receive twelve months of service for each contract year or school year of employment.

Service in any state elective position shall be deemed to be full time service, except that persons serving in state elective positions who are members of the teachers' retirement system or law enforcement officers' and fire fighters' retirement system at the time of election or appointment to such position may elect to continue membership in the teachers' retirement system or law enforcement officers' and fire fighters' retirement system.

A member shall receive a total of not more than twelve months of service for such calendar year: PROVIDED, That when an individual is employed by two or more employers the individual shall only receive one month's service credit during any calendar month in which multiple service for ninety or more hours is rendered.

(10) 'Prior service' means all service of an original member rendered to any employer prior to October 1, 1947.

(11) 'Membership service' means:

(a) All service rendered, as a member, after October 1, 1947;

(b) All service after October 1, 1947, to any employer prior to the time of its admission into the retirement system: PROVIDED, That an amount equal to the employer and employee contributions which would have been paid to the retirement system on account of such service shall have been paid to the retirement system with interest (as computed by the department) on the employee's portion prior to retirement of such person, by the employee or his employer, except as qualified by RCW 41.40.120: PROVIDED FURTHER, That employer contributions plus employee contributions with interest submitted by the employee under this subsection shall be placed in the employee's individual account in the employees' savings fund and be treated as any other contribution made by the employee, with the exception that the contributions submitted by the employee in payment of the employer's obligation, together with the interest the director may apply to the employer's contribution, shall be excluded from the calculation of the member's annuity in the event the member selects a benefit with an annuity option;

(c) Service not to exceed six consecutive months of probationary service rendered after April 1, 1949, and prior to becoming a member, in the case of any member, upon payment in full by such member of the total amount of the employer's contribution to the retirement fund which would have been required under the law in effect when such probationary service was

rendered if the member had been a member during such period, except that the amount of the employer's contribution shall be calculated by the director based on the first month's compensation earnable as a member:

(d) Service not to exceed six consecutive months of probationary service, rendered after October 1, 1947, and before April 1, 1949, and prior to becoming a member, in the case of any member, upon payment in full by such member of five percent of such member's salary during said period of probationary service, except that the amount of the employer's contribution shall be calculated by the director based on the first month's compensation earnable as a member.

(12) (a) 'Beneficiary' for persons who establish membership in the retirement system on or before September 30, 1977, means any person in receipt of a retirement allowance, pension or other benefit provided by this chapter.

(b) 'Beneficiary' for persons who establish membership in the retirement system on or after October 1, 1977, means any person in receipt of a retirement allowance or other benefit provided by this chapter resulting from service rendered to an employer by another person.

(13) 'Regular interest' means such rate as the director may determine.

(14) 'Accumulated contributions' means the sum of all contributions standing to the credit of a member in the member's individual account together with the regular interest thereon.

(15) (a) 'Average final compensation' for persons who establish membership in the retirement system on or before September 30, 1977, means the annual average of the greatest compensation earnable by a member during any consecutive two year period of service for which service credit is allowed; or if the member has less than two years of service then the annual average compensation earnable during the total years of service for which service credit is allowed.

(b) 'Average final compensation' for persons who establish membership in the retirement system on or after October 1, 1977, means the member's average compensation earnable of the highest consecutive sixty months of service prior to such member's retirement, termination, or death. Periods constituting authorized leaves of absence may not be used in the calculation of average final compensation.

(16) 'Final compensation' means the annual rate of compensation earnable by a member at the time of termination of employment.

(17) 'Annuity' means payments for life derived from accumulated contributions of a member. All annuities shall be paid in monthly installments.

(18) 'Pension' means payments for life derived from contributions made by the employer. All pensions shall be paid in monthly installments.

(19) 'Retirement allowance' means the sum of the annuity and the pension.

(20) 'Employee' means any person who may become eligible for membership under this chapter, as set forth in RCW 41.40.120.

(21) 'Actuarial equivalent' means a benefit of equal value when computed upon the basis of such mortality and other tables as may be adopted by the director.

(22) 'Retirement' means withdrawal from active service with a retirement allowance as provided by this chapter.

(23) 'Eligible position' means:

(a) Any position which normally requires five or more uninterrupted months of service a year for which regular compensation is paid to the occupant thereof;

(b) Any position occupied by an elected official or person appointed directly by the governor for which compensation is paid.

(24) 'Ineligible position' means any position which does not conform with the requirements set forth in subdivision (23).

(25) 'Leave of absence' means the period of time a member is authorized by the employer to be absent from service without being separated from membership.

(26) 'Totally incapacitated for duty' means total inability to perform the duties of a member's employment or office or any other work for which the member is qualified by training or experience.

(27) 'Retiree' for persons who establish membership in the retirement system on or after October 1, 1977, means any member in receipt of a retirement allowance or other benefit provided by this chapter resulting from service rendered to an employer by such member.

(28) 'Department' means the department of retirement systems created in chapter 41.50 RCW.

(29) 'Director' means the director of the department.

(30) 'State elective position' means any position held by any person elected or appointed to state-wide office or elected or appointed as a member of the legislature.

(31) 'State actuary' or 'actuary' means the person appointed pursuant to RCW 44.44.010(2), Sec. 2, Section 1, chapter 192, Laws of 1987 as amended by section 1, chapter 195, Laws of 1988 and RCW 41.54.010 are each amended to read as follows:

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) 'Base salary' means salaries or wages earned by a member of a system during a payroll period for personal services and includes wages and salaries deferred under provisions of the United States internal revenue code, but shall exclude overtime payments, nonmoney maintenance compensation, and lump sum payments for deferred annual sick leave, unused accumulated vacation, unused accumulated annual leave, any form of severance pay, any bonus for voluntary retirement, any other form of leave, or any similar lump sum payment.

(2) 'Department' means the department of retirement systems.

(3) 'Director' means the director of the department of retirement systems.

(4) 'Dual member' means a person who (a) is or becomes a member of a system on or after July 1, 1988, (b) has been a member of one or more other systems, and (c) has never been retired for service from a retirement system and is not receiving a disability retirement or disability leave benefit from any retirement system listed in RCW 41.50.030 or subsection (6) of this section.

(5) 'Service' means the same as it may be defined in each respective system. For the purposes of RCW 41.54.030, military service granted under RCW 41.40.170(3) or 43.43.260 may only be based on service accrued under chapter 41.40 or 43.43 RCW, respectively.

(6) 'System' means the retirement systems established under chapters 41.32, 41.40, 41.44, and 43.43 RCW and the city employee retirement systems for Seattle, Tacoma, and Spokane. The inclusion of an individual first class city system is subject to the procedure set forth in RCW 41.54.060.

NEW SECTION. Sec. 3. A new section is added to chapter 41.40 RCW to read as follows:

Any active member of this system who has previously established five or more years service credit in the city of Seattle's police relief and pension fund system, who withdrew his or her contributions from Seattle's police relief and pension fund system prior to July 1, 1961, and who has never been a member of the law enforcement officers' and fire fighters' pension system created in chapter 41.26 RCW, may receive credit in this system for such service, subject to the terms and conditions specified in section 4 of this act.

NEW SECTION. Sec. 4. A new section is added to chapter 41.40 RCW to read as follows:

(1) A member who fulfills the requirements of section 3 of this act may file a written declaration no later than September 30, 1989, with the department and the Seattle police relief and pension fund system indicating the member's desire to make an irrevocable transfer of credit from the Seattle system to this system. The member shall restore his or her contributions, with interest since the date of withdrawal as determined by the director, no later than December 31, 1989.

(2) Upon receipt of the written declaration the Seattle police relief and pension fund system shall send the department a report of the member's service credit. It shall also transfer to the department employer contributions in an amount equal to the cost of the benefit provided to the member pursuant to sections 3 and 4 of this act, as determined by the director. The Seattle police relief and pension fund system shall send the service credit report and transfer of employer contributions within ninety days of receiving the member's written declaration.

NEW SECTION. Sec. 5. A new section is added to chapter 41.40 RCW to read as follows:

Any member who has not received a month of service credit because the employer failed to combine the hours worked in two or more eligible positions during a calendar month shall receive service credit for such a month if the member pays the contribution which would have been due at the time the hours were worked. The member's contribution for lost service credit must be paid within five years after the effective date of this act or prior to retirement, whichever occurs first.

On page 1, line 2 of the title, after "system;" strike the remainder of the title and insert "amending RCW 41.40.010 and 41.54.010; and adding new sections to chapter 41.40 RCW."

and the same is herewith transmitted.

W. D. Naismith, Assistant Secretary.

MOTION

Ms. H. Sommers moved that the House refuse to concur in the Senate amendments to Substitute House Bill No. 1408 and ask the Senate to recede therefrom. The motion was carried.

SENATE AMENDMENTS TO HOUSE BILL

April 4, 1989

Mr. Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 1414 with the following amendments:

Strike everything after the enacting clause and insert the following:

NEW SECTION. Sec. 1. The judicial information system committee, as established by court rule, shall determine all matters pertaining to the delivery of services available from the judicial information system. The committee may establish a fee schedule for the provision of information services and may enter into contracts with any person, public or private, including the

state, its departments, subdivisions, institutions, and agencies. However, no fee may be charged to county or city governmental agencies within the state of Washington using the judicial information system for the business of the courts.

NEW SECTION. Sec. 2. There is created an account in the custody of the state treasurer to be known as the judicial information system account. The office of the administrator for the courts shall maintain and administer the account, in which shall be deposited all moneys received from in state noncourt users and any out-of-state users of the judicial information system. The legislature shall appropriate the funds in the account for the purposes of the judicial information system. The account shall be credited with all receipts from the rental, sale, or distribution of supplies, equipment, computer software, products, and services rendered to in state noncourt users and all out-of-state users and licensees of the judicial information system.

NEW SECTION. Sec. 3. The judicial information system committee shall develop a schedule of user fees for in-state noncourt users and all out-of-state users of the judicial information computer system and charges for judicial information system products and licenses for the purpose of distributing and apportioning the full cost of operation and continued development of the system among the users. The schedule shall generate sufficient revenue to cover the costs relating to (1) the payment of salaries, wages, other costs including, but not limited to the acquisition, operation, and administration of acquired information services, supplies, and equipment; and (2) the development of judicial information system products and services. As used in this section, the term 'supplies' shall not be interpreted to delegate or abrogate the state purchasing and material control director's responsibilities and authority to purchase supplies as provided in chapter 43.19 RCW.

NEW SECTION. Sec. 4. Sections 1 through 3 of this act shall constitute a new chapter in Title 2 RCW."

On page 1, line 1 of the title, after "fund;" strike the remainder of the title and insert "and adding a new chapter to Title 2 RCW."

and the same is herewith transmitted.

W. D. Naismith, Assistant Secretary.

MOTION

Mr. Crane moved that the House do concur in the Senate amendments to Substitute House Bill No. 1414.

Mr. Crane spoke in favor of the motion, and it was carried.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

The Speaker (Mr. O'Brien presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1414 as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1414 as amended by the Senate, and the bill passed the House by the following vote: Yeas, 97; excused, 1.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Baugher, Beck, Belcher, Betzoff, Bowman, Braddock, Brekke, Bristow, Brooks, Brough, Brumsickle, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Fraser, Fuhrman, Grant, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Insee, Jacobsen, Jesernig, Jones, King P, King R, Kremen, Leonard, Locke, May, McLean, Meyers R, Miller, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Padden, Patrick, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith, Sommers D, Sommers H, Spanel, Sprenkle, Tate, Todd, Valle, Van Luven, Vekich, Walk, Walker, Wang, Wilson K, Wilson S, Wineberry, Winsley, Wolte, Wood, Youngsman, Zellinsky, and Mr. Speaker - 97.

Excused: Representative Gallagher - 1.

Substitute House Bill No. 1414 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SENATE AMENDMENTS TO HOUSE BILL

April 4, 1989

Mr. Speaker:

The Senate has passed HOUSE BILL NO. 1467 with the following amendments:

On page 1, line 6, after "from" strike "property"

On page 1, line 7, after "involving" insert "capital"

On page 2, line 6, after "state" strike all material through "account" on line 9, and insert "department of transportation's construction management and support program-program D"

and the same is herewith transmitted.

W. D. Naismith, Assistant Secretary.

MOTION

Mr. Walk moved that the House do concur in the Senate amendments to House Bill No. 1467.

Mr. Walk spoke in favor of the motion, and it was carried.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

The Speaker (Mr. O'Brien presiding) stated the question before the House to be the final passage of House Bill No. 1467 as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1467 as amended by the Senate, and the bill passed the House by the following vote: Yeas, 97; excused, 1.

Voting yeas: Representatives Anderson, Appelwick, Ballard, Basich, Baugher, Beck, Belcher, Betrozoff, Bowman, Braddock, Brekke, Bristow, Brooks, Brough, Brumsickle, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Fraser, Fuhrman, Grant, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Inslée, Jacobsen, Jesernig, Jones, King P, King R, Kremen, Leonard, Locke, May, McLean, Meyers R, Miller, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Padden, Patrick, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith, Sommers D, Sommers H, Spanel, Sprenkle, Tate, Todd, Valle, Van Luven, Vekich, Walk, Walker, Wang, Wilson K, Wilson S, Wineberry, Winsley, Wolfe, Wood, Youngsman, Zellinsky, and Mr. Speaker - 97.

Excused: Representative Gallagher - 1.

House Bill No. 1467 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SENATE AMENDMENTS TO HOUSE BILL

April 4, 1989

Mr. Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 1547 with the following amendments:

Strike everything after the enacting clause and insert the following:

"Sec. 1. Section 1, chapter 201, Laws of 1984 as amended by section 1, chapter 108, Laws of 1985 and RCW 26.09.105 are each amended to read as follows:

(1) In entering or modifying a support order under this chapter, the court shall require either or both parents to maintain or provide health insurance coverage except as provided in subsection (2) of this section, for any ~~((dependent child if the following conditions are met:~~

~~(1) Health insurance))~~ child named in the order if: (a) Coverage that can be extended to cover the child is or becomes available to that parent through ~~((an employer or other organization; and~~

~~(2) The employer or other organization offering health insurance will contribute all or a part of the premium for coverage of the child))~~ employment or is union-related; and

~~(b) The cost of such coverage does not exceed twenty-five percent of the obligated parent's basic child support obligation.~~

~~(2) The court shall consider the best interests of the child and have discretion to order health insurance coverage when entering or modifying a support order under this chapter if the cost of such coverage exceeds twenty-five percent of the obligated parent's basic support obligation.~~

~~(3) The parents shall maintain such coverage required under this section until:~~

~~(a) Further order of the court;~~

~~(b) The child is emancipated, if there is no express language to the contrary in the order;~~

or

~~(c) Health insurance is no longer available through the parents' employer or union and no conversion privileges exist to continue coverage following termination of employment.~~

~~(4) A parent who is required to extend health insurance coverage to a child under this section is liable for any covered health care costs for which the parent receives direct payment from an insurer.~~

~~(5) This section shall not be construed to limit the authority of the court to enter or modify support orders containing provisions for payment of ~~((medical))~~ uninsured health expenses.~~

~~((medical)) health care costs, or insurance premiums which are in addition to and not inconsistent with this section. ((‘Health insurance’ as used in this section does not include medical assistance provided under chapter 74.09 RCW.))~~

(6) A parent ordered to provide health insurance coverage shall provide proof of such coverage within twenty days of the entry of the order, or within twenty days of the date such coverage becomes available, to:

(a) The physical custodian; or

(b) The department of social and health services if the parent has been notified or ordered to make support payments to the Washington state support registry.

(7) Every order requiring a parent to provide health care or insurance coverage shall be entered in compliance with RCW 26.23.050 and be subject to direct enforcement as provided under chapter 26.18 RCW.

(8) ‘Health insurance coverage’ as used in this section does not include medical assistance provided under chapter 74.09 RCW.

Sec. 2. Section 2, chapter 260, Laws of 1984 as amended by section 17, chapter 435, Laws of 1987 and RCW 26.18.020 are each amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) ‘Dependent child’ means any child for whom a support order has been established or for whom a duty of support is owed.

(2) ‘Duty of support’ means the duty to provide for the needs of a dependent child, which may include necessary food, clothing, shelter, education, and health care. The duty includes any obligation to make monetary payments, to pay expenses, including spousal maintenance, or to reimburse another person or an agency for the cost of necessary support furnished a dependent child. The duty may be imposed by court order, by operation of law, or otherwise.

(3) ‘Obligee’ means the custodian of a dependent child, or person or agency, to whom a duty of support is owed, or the person or agency to whom the right to receive or collect support has been assigned.

(4) ‘Obligor’ means the person owing a duty of support.

(5) ‘Support order’ means any judgment, decree, or order of support issued by the superior court or authorized agency of the state of Washington; or a judgment, decree, or other order of support issued by a court or agency of competent jurisdiction in another state or country, which has been registered or otherwise made enforceable in this state.

(6) ‘Employer’ includes the United States government, a state or local unit of government, and any person or entity who pays or owes earnings to the obligor.

(7) ‘Earnings’ means compensation paid or payable for personal services, whether denominated as wages, salary, commission, bonus, or otherwise, and, notwithstanding any other provision of law making the payments exempt from garnishment, attachment, or other process to satisfy support obligations, specifically includes periodic payments pursuant to pension or retirement programs, or insurance policies of any type, but does not include payments made under Title 50 RCW, except as provided in RCW 50.40.020 and 50.40.050, or Title 74 RCW.

(8) ‘Disposable earnings’ means that part of the earnings of an individual remaining after the deduction from those earnings of any amount required by law to be withheld.

(9) ‘Department’ means the department of social and health services.

(10) ‘Health insurance coverage’ includes any coverage under which medical services are provided by an employer or a union whether that coverage is provided through a self-insurance program, under the employee retirement income security act of 1974, a commercial insurer pursuant to chapters 48.20 and 48.21 RCW, a health care service contractor pursuant to chapter 48.44 RCW, or a health maintenance organization pursuant to chapter 48.46 RCW, and the state through chapter 41.05 RCW.

(11) ‘Insurer’ means a commercial insurance company providing disability insurance under chapter 48.20 or 48.21 RCW, a health care service contractor providing health care coverage under chapter 48.44 RCW, a health maintenance organization providing comprehensive health care services under chapter 48.46 RCW, and shall also include any employer or union which is providing health insurance coverage on a self-insured basis.

Sec. 3. Section 17, chapter 157, Laws of 1973 1st ex. sess. as last amended by section 17, chapter 275, Laws of 1988 and RCW 26.09.170 are each amended to read as follows:

(1) Except as otherwise provided in subsection (7) of RCW 26.09.070, the provisions of any decree respecting maintenance or support may be modified only as to installments accruing subsequent to the motion for modification and, except as otherwise provided in subsection (4) or (5) of this section, only upon a showing of a substantial change of circumstances. The provisions as to property disposition may not be revoked or modified, unless the court finds the existence of conditions that justify the reopening of a judgment under the laws of this state.

(2) Unless otherwise agreed in writing or expressly provided in the decree the obligation to pay future maintenance is terminated upon the death of either party or the remarriage of the party receiving maintenance.

(3) Unless otherwise agreed in writing or expressly provided in the decree, provisions for the support of a child are terminated by emancipation of the child or by the death of the parent obligated to support the child.

(4) An order of child support may be modified one year or more after it has been entered without showing a substantial change of circumstances:

(a) If the order in practice works a severe economic hardship on either party or the child;

(b) If a party requests an adjustment in an order for child support which was based on guidelines which determined the amount of support according to the child's age, and the child is no longer in the age category on which the current support amount was based;

(c) If a child is still in high school, upon a finding that there is a need to extend support beyond the eighteenth birthday to complete high school; or

(d) To add an automatic adjustment of support provision consistent with RCW 26.09.100.

(5) An order or decree entered prior to June 7, 1984, may be modified without showing a substantial change of circumstances if the requested modification is to:

(a) Require health insurance coverage for a child named therein; or

(b) Modify an existing order for health insurance coverage.

(6) An obligor's voluntary unemployment or voluntary underemployment, by itself, is not a substantial change of circumstances.

~~((6))~~ (7) The department of social and health services may file an action to modify an order of child support if public assistance money is being paid to or for the benefit of the child and the child support order is twenty-five percent or more below the appropriate child support amount set forth in the adopted child support schedule. The determination of twenty-five percent or more shall be based on the current income of the parties and the department shall not be required to show a substantial change of circumstances.

NEW SECTION. Sec. 4. A new section is added to chapter 26.26 RCW to read as follows:

(1) In entering or modifying a support order under this chapter, the court shall require either or both parents to maintain or provide health insurance coverage for any dependent child as provided under RCW 26.09.105.

(2) This section shall not be construed to limit the authority of the court to enter or modify support orders containing provisions for payment of uninsured health expenses, health costs, or insurance premiums which are in addition to and not inconsistent with this section. 'Health insurance coverage' as used in this section does not include medical assistance provided under chapter 74.09 RCW.

(3) A parent ordered to provide health insurance coverage shall provide proof of such coverage within twenty days of the entry of the order, or within twenty days of the date such coverage becomes available, to:

(a) The physical custodian; or

(b) The department of social and health services if the parent has been notified or ordered to make support payments to the Washington state support registry.

(4) Every order requiring a parent to provide health insurance coverage shall be entered in compliance with RCW 26.23.050 and be subject to direct enforcement as provided under chapter 26.18 RCW.

NEW SECTION. Sec. 5. A new section is added to chapter 26.18 RCW to read as follows:

(1) Whenever an obligor parent who has been ordered to provide health insurance coverage for a dependent child fails to provide such coverage or lets it lapse, the department or the obligee may seek enforcement of the coverage order as provided under this section.

(2)(a) If the obligor parent's order to provide health insurance coverage contains language notifying the obligor that failure to provide such coverage may result in direct enforcement of the order and orders payments through, or has been submitted to, the Washington state support registry for enforcement, then the department may, without further notice to the obligor, send a notice of enrollment to the obligor's employer or union by certified mail, return receipt requested.

The notice shall require the employer or union to enroll the child in the health insurance plan as provided in subsection (3) of this section.

(b) If the obligor parent's order to provide health insurance coverage does not order payments through, and has not been submitted to, the Washington state support registry for enforcement:

(i) The obligee may, without further notice to the obligor send a certified copy of the order requiring health insurance coverage to the obligor's employer or union by certified mail, return receipt requested; and

(ii) The obligee shall attach a notarized statement to the order declaring that the order is the latest order addressing coverage entered by the court and require the employer or union to enroll the child in the health insurance plan as provided in subsection (3) of this section.

(3) Upon receipt of an order that provides for health insurance coverage, or a notice of enrollment:

(a) The obligor's employer or union shall answer the party who sent the order or notice within thirty-five days and confirm that the child:

(i) Has been enrolled in the health insurance plan:

(ii) Will be enrolled in the next open enrollment period; or
 (iii) Cannot be covered, stating the reasons why such coverage cannot be provided;
 (b) The employer or union shall withhold any required premium from the obligor's income or wages;

(c) If more than one plan is offered by the employer or union, and each plan may be extended to cover the child, then the child shall be enrolled in the obligor's plan. If the obligor's plan does not provide coverage which is accessible to the child, the child shall be enrolled in the least expensive plan otherwise available to the obligor parent;

(d) The employer or union shall provide information about the name of the health insurance coverage provider or insurer and the extent of coverage available to the obligee or the department and shall make available any necessary claim forms or enrollment membership cards.

(4) If the order for coverage contains no language notifying the obligor that failure to provide health insurance coverage may result in direct enforcement of the order, the department or the obligee may serve a written notice of intent to enforce the order on the obligor by certified mail, return receipt requested, or by personal service. If the obligor fails to provide written proof that such coverage has been obtained or applied for within twenty days of service of the notice, or within twenty days of coverage becoming available the department or the obligee may proceed to enforce the order directly as provided in subsection (2) of this section.

(5) If the obligor ordered to provide health insurance coverage elects to provide coverage that will not be accessible to the child because of geographic or other limitations when accessible coverage is otherwise available, the department or the obligee may serve a written notice of intent to purchase health insurance coverage on the obligor by certified mail, return receipt requested. The notice shall also specify the type and cost of coverage.

(6) If the department serves a notice under subsection (5) of this section the obligor shall, within twenty days of the date of service:

(a) File an application for an adjudicative proceeding; or

(b) Provide written proof to the department that the obligor has either applied for, or obtained, coverage accessible to the child.

(7) If the obligee serves a notice under subsection (5) of this section, within twenty days of the date of service the obligor shall provide written proof to the obligee that the obligor has either applied for, or obtained, coverage accessible to the child.

(8) If the obligor fails to respond to a notice served under subsection (5) of this section to the party who served the notice, the party who served the notice may purchase the health insurance coverage specified in the notice directly. The amount of the monthly premium shall be added to the support debt and be collectible without further notice. The amount of the monthly premium may be collected or accrued until the obligor provides proof of the required coverage.

(9) The signature of the obligee or of a department employee shall be a valid authorization to the coverage provider or insurer for purposes of processing a payment to the child's health services provider. An order for health insurance coverage shall operate as an assignment of all benefit rights to the obligee or to the child's health services provider, and in any claim against the coverage provider or insurer, the obligee or the obligee's assignee shall be subrogated to the rights of the obligor. Notwithstanding the provisions of this section regarding assignment of benefits, this section shall not require a health care service contractor authorized under chapter 48.44 RCW or a health maintenance organization authorized under chapter 48.46 RCW to deviate from their contractual provisions and restrictions regarding reimbursement for covered services. If the coverage is terminated, the employer shall mail a notice of termination to the department or the obligee at the obligee's last known address within thirty days of the termination date.

(10) This section shall not be construed to limit the right of the obligor or the obligee to bring an action in superior court at any time to enforce, modify, or clarify the original support order.

(11) Nothing in this section shall be construed to require a health maintenance organization, or health care service contractor, to extend coverage to a child who resides outside its service area.

NEW SECTION. Sec. 6. A new section is added to chapter 74.20A RCW to read as follows:

(1) Whenever a support order is entered or modified under this chapter, the department shall require the responsible parent to maintain or provide health insurance coverage for any dependent child as provided under RCW 26.09.105.

(2) 'Health insurance coverage' as used in this section does not include medical assistance provided under chapter 74.09 RCW.

(3) A parent ordered to provide health insurance coverage shall provide proof of such coverage to the department within twenty days of the entry of the order, or within fifteen days of the date such coverage becomes available.

(4) Every order requiring a parent to provide health insurance coverage shall be entered in compliance with RCW 26.23.050 and be subject to direct enforcement as provided under chapter 26.18 RCW.

NEW SECTION. Sec. 7. A new section is added to chapter 74.20A RCW to read as follows:

In furtherance of the policy of the state to cooperate with the federal government in the administration of the child support enforcement program, the department may adopt such rules and regulations as may become necessary to entitle the state to participate in federal funds, unless such rules would be expressly prohibited by law. Any section or provision of law dealing with the child support program which may be susceptible to more than one construction shall be interpreted in favor of the construction most likely to comply with federal laws entitling the state to receive federal funds. If any law dealing with the child support enforcement program is ruled to be in conflict with federal requirements which are a prescribed condition of the allocation of federal funds, such conflicting law is declared to be inoperative solely to the extent of the conflict.

Sec. 8. Section 5, chapter 435, Laws of 1987 and RCW 26.23.050 are each amended to read as follows:

(1) Except as provided in subsection (2) of this section, the superior court shall include in all superior court orders which establish or modify a support obligation((:));

(a) A provision which orders and directs that the responsible parent ((to)) make all support payments to the Washington state support registry((-or the person entitled to receive the payments if the parties agree to an alternate payment plan and the court finds that the alternate payment plan includes reasonable assurances that payments will be made in a regular and timely manner. The superior court shall also include));

(b) A statement that a notice of payroll deduction may be issued or other income withholding action under chapter 26.18 RCW or chapter 74.20A RCW may be taken, without further notice to the responsible parent((if a support payment is more than fifteen days past due in an amount equal to or greater than the support payable for one month. If the court approves an alternate payment plan, the order shall include)); and

(c) A statement that the order may be submitted to the Washington state support registry for enforcement;

(i) If a support payment is ((more than fifteen days past due in)) not paid when due and an amount equal to or greater than the support payable for one month is owed under an order entered prior to July 1, 1990; or

(ii) At any time after entry of the court order for orders entered by the court on or after July 1, 1990.

(2)(a) For orders entered on or after July 1, 1990, the court may approve an alternate payment plan and order the responsible parent to make payments directly to the person entitled to receive the payments or direct that the issuance of a notice of payroll deduction or other income withholding actions be delayed until a support payment is past due. The parties to the order must agree to such a plan and the plan must contain reasonable assurances that payments will be made in a regular and timely manner.

(b) If the order directs payment to the person entitled to receive the payments instead of to the Washington state support registry, the order shall include a statement that the order may be submitted to the registry if a support payment is past due.

(c) If the order directs delayed issuance of the notice of payroll deduction or other income withholding action, the order shall include a statement that such action may be taken, without further notice, at any time after a support payment is past due.

(d) The provisions of this subsection do not apply if the department is providing public assistance under Title 74 RCW.

(3) The office of administrative hearings and the department of social and health services shall require that all support obligations established as administrative orders include a provision which orders and directs that the responsible parent shall make all support payments to the Washington state support registry. All administrative orders shall also state that a notice of payroll deduction may be issued, or other income withholding action taken without further notice to the responsible parent((:));

(a) For an order entered prior to July 1, 1990, if a support payment is ((more than fifteen days past due in)) not paid when due and an amount equal to or greater than the support payable for one month; or

(b) For orders entered on or after July 1, 1990, at any time after entry of the order.

((3)) (4) If the support order does not include the ((provision ordering and directing that all payments be made to the Washington state support registry and a statement that a notice of payroll deduction may be issued if a support payment is past due;)) notice required under subsection (1) of this section the office of support enforcement may serve a notice on the responsible parent stating such requirements and authorizations. Service may be by personal service or any form of mail requiring a return receipt.

((4)) (5) Every support order shall state:

(a) That payment shall be made to the Washington state support registry or in accordance with the alternate payment plan approved by the court;

(b) That a notice of payroll deduction may be issued or other income withholding action under chapter 26.18 RCW or chapter 74.20A RCW may be taken, without further notice to the responsible parent((:));

(i) If a support payment is (~~more than fifteen days past due in~~) not paid when due and an amount equal to or greater than the support payable for one month is owed under an order entered prior to July 1, 1990; or

(ii) At any time after entry of the order for orders entered on or after July 1, 1990, unless the court approves an alternate payment plan under subsection (2) of this section;

(c) The income of the parties, if known, or that their income is unknown and the income upon which the support award is based;

(d) The support award as a sum certain amount;

(e) The specific day or date on which the support payment is due;

(f) The social security number, residence address, and name of employer of the responsible parent;

(g) The social security number and residence address of the (~~custodial parent~~) physical custodian except as provided in subsection (6) of this section;

(h) The names, dates of birth, and social security numbers, if any, of the dependent children: (~~and~~)

(i) That the parties are to notify the Washington state support registry of any change in residence address;

(j) That any parent owing a duty of child support shall be obligated to provide health insurance coverage for his or her child if coverage that can be extended to cover the child is or becomes available to that parent through employment or is union-related as provided under RCW 26.09.105;

(k) That if proof of health insurance coverage is not provided within twenty days, the obligee or the department may seek direct enforcement of the coverage through the obligor's employer or union without further notice to the obligor as provided under chapter 26.18 RCW; and

(l) The reasons for not ordering health insurance coverage if the order fails to require such coverage.

(~~(5)~~) (6) The physical custodian's address shall be omitted from an order entered under the administrative procedure act. A responsible parent whose support obligation has been determined by such administrative order may request the physical custodian's residence address by submission of a request for disclosure under RCW 26.23.120.

(7) The superior court clerk, the office of administrative hearings, and the department of social and health services shall, within five days of entry, forward to the Washington state support registry, a true and correct copy of all superior court orders or administrative orders establishing or modifying a support obligation which provide that support payments shall be made to the support registry. If a superior court order entered prior to January 1, 1988, directs the responsible parent to make support payments to the clerk, the clerk shall send a true and correct copy of the support order and the payment record to the registry for enforcement action when the clerk identifies that a payment is more than fifteen days past due. The office of support enforcement shall reimburse the clerk for the reasonable costs of copying and sending copies of court orders to the registry at the reimbursement rate provided in Title IV-D of the social security act.

(~~(6)~~) (8) Receipt of a support order by the registry or other action under this section on behalf of a person or persons who are not recipients of public assistance is deemed to be a request for support enforcement services under RCW 74.20A.040.

(~~(7)~~) (9) After the responsible parent has been ordered or notified to make payments to the Washington state support registry in accordance with subsection (1), (2), or (3) of this section, the responsible parent shall be fully responsible for making all payments to the Washington state support registry and shall be subject to payroll deduction or other income withholding action. The responsible parent shall not be entitled to credit against a support obligation for any payments made to a person or agency other than to the Washington state support registry. A civil action may be brought by the payor to recover payments made to persons or agencies who have received and retained support moneys paid contrary to the provisions of this section.

NEW SECTION, Sec. 9. A new section is added to chapter 26.18 RCW to read as follows:

(1) An obligated parent's employer or union shall be liable for a fine of up to one thousand dollars per occurrence, if the employer or union fails or refuses, within thirty-five days of receiving the order or notice for health insurance coverage to:

(a) Promptly enroll the obligated parent's child in the health insurance plan; or

(b) Make a written answer to the person or entity who sent the order or notice for health insurance coverage stating that the child:

(i) Will be enrolled in the next available open enrollment period; or

(ii) Cannot be covered and explaining the reasons why coverage cannot be provided.

(2) Liability may be established and the fine may be collected by the office of support enforcement under chapter 74.20A or 26.23 RCW using any of the remedies contained in those chapters.

(3) Any employer or union who enrolls a child in a health insurance plan in compliance with chapter 26.18 RCW shall be exempt from liability resulting from such enrollment.

Sec. 10. Section 10, chapter 260, Laws of 1984 as amended by section 20, chapter 435, Laws of 1987 and RCW 26.18.100 are each amended to read as follows:

The wage assignment order shall be substantially in the following form:

IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON IN AND FOR THE COUNTY OF

Obligee vs. Obligor Employer THE STATE OF WASHINGTON TO: AND TO: No. WAGE ASSIGNMENT ORDER Employer Obligor

The above-named obligee claims that the above-named obligor is more than fifteen days past due in child support payments in an amount equal to or greater than the child support payable for one month. The amount of the accrued child support debt as of this date is ... dollars, the amount of arrearage payments specified in the support order (if applicable) is ... dollars per ... and the amount of the current and continuing support obligation under the support order is ... dollars per ...

You are hereby commanded to answer this order by filling in the attached form according to the instructions, and you must mail or deliver the original of the answer to the court, one copy to the Washington state support registry, one copy to the obligee or obligee's attorney, and one copy to the obligor within twenty days after service of this wage assignment order upon you.

- If you possess any earnings due and owing to the obligor, then you shall do as follows: (1) Withhold from the obligor's earnings each month, or from each regular earnings disbursement, the lesser of: (a) The sum of the accrued support debt and the current support obligation; (b) The sum of the specified arrearage payment amount and the current support obligation; or (c) Fifty percent of the disposable earnings of the obligor. (2) The total amount withheld above is subject to the wage assignment order, and all other sums may be disbursed to the obligor.

You shall continue to withhold the ordered amounts from nonexempt earnings of the obligor until notified by: (a) The court that the wage assignment has been modified or terminated; or (b) The Washington state support registry, office of support enforcement that the accrued child support debt has been paid.

You shall promptly notify the court and the Washington state support registry if and when the employee is no longer employed by you.

You shall deliver the withheld earnings to the Washington state support registry at each regular pay interval, but the first delivery shall occur no sooner than twenty days after your receipt of this wage assignment order.

You shall deliver a copy of this order to the obligor as soon as is reasonably possible. This wage assignment order has priority over any other wage assignment or garnishment, except for another wage assignment or garnishment for child support, or order to withhold or deliver under chapter 74.20A RCW.

WHETHER OR NOT YOU OWE ANYTHING TO THE OBLIGOR, YOUR FAILURE TO ANSWER AS REQUIRED MAY MAKE YOU LIABLE FOR OBLIGOR'S CLAIMED SUPPORT DEBT TO THE OBLIGEE OR SUBJECT TO CONTEMPT OF COURT. NOTICE TO OBLIGOR: YOU HAVE A RIGHT TO REQUEST A HEARING IN THE SUPERIOR COURT THAT ISSUED THIS WAGE ASSIGNMENT ORDER, TO REQUEST THAT THE COURT QUASH, MODIFY, OR TERMINATE THE WAGE ASSIGNMENT ORDER. DATED THIS ... day of ..., 19 ...

Obligee, or obligee's attorney Judge/Court Commissioner

Sec. 11. Section 11, chapter 260, Laws of 1984 as amended by section 21, chapter 435, Laws of 1987 and RCW 26.18.110 are each amended to read as follows:

- (1) An employer upon whom service of a wage assignment order has been made shall answer the order by sworn affidavit within twenty days after the date of service. The answer shall state whether the obligor is employed by or receives earnings from the employer, whether the employer will honor the wage assignment order, and whether there are multiple child support attachments against the obligor.

(2) If the employer possesses any earnings due and owing to the obligor, the earnings subject to the wage assignment order shall be withheld immediately upon receipt of the wage assignment order. The withheld earnings shall be delivered to the Washington state support registry at each regular pay interval, but the first delivery shall occur no sooner than twenty days after receipt of the wage assignment order.

(3) The employer shall continue to withhold the ordered amounts from nonexempt earnings of the obligor until notified by:

(a) The court that the wage assignment has been modified or terminated; or

(b) The Washington state support registry that the accrued child support debt has been paid, provided the wage assignment order contains the language set forth under RCW 26.18.100(2)(b). The employer shall promptly notify the Washington state support registry when the employee is no longer employed.

(4) The employer may deduct a processing fee from the remainder of the employee's earnings after withholding under the wage assignment order, even if the remainder is exempt under RCW 26.18.090. The processing fee may not exceed (a) ten dollars for the first disbursement made by the employer to the Washington state support registry; and (b) one dollar for each subsequent disbursement to the clerk.

(5) An order for wage assignment for support entered under this chapter shall have priority over any other wage assignment or garnishment, except for another wage assignment or garnishment for child support, or order to withhold and deliver under chapter 74.20A RCW.

(6) An employer who fails to withhold earnings as required by a wage assignment issued under this chapter may be held liable for the amounts disbursed to the obligor in violation of the wage assignment order, and may be found by the court to be in contempt of court and may be punished as provided by law.

(7) No employer who complies with a wage assignment issued under this chapter may be liable to the employee for wrongful withholding.

(8) No employer may discharge, discipline, or refuse to hire an employee because of the entry or service of a wage assignment issued and executed under this chapter. A person who violates this subsection may be found by the court to be in contempt of court and may be punished as provided by law.

(9) An employer may combine amounts withheld from various employees into a single payment to the Washington state support registry, if the payment includes a listing of the amounts attributable to each employee and other information as required by the registry.

(10) An employer shall deliver a copy of the wage assignment order to the obligor as soon as is reasonably possible.

NEW SECTION, Sec. 12. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect immediately."

On page 1, line 1 of the title, after "enforcement;" strike the remainder of the title and insert "amending RCW 26.09.105, 26.18.020, 26.09.170, 26.23.050, 26.18.100, and 26.18.110; adding a new section to chapter 26.26 RCW; adding new sections to chapter 26.18 RCW; adding new sections to chapter 74.20A RCW; and declaring an emergency."

and the same is herewith transmitted.

W. D. Naismith, Assistant Secretary.

MOTION

Mr. Crane moved that the House do concur in the Senate amendments to Substitute House Bill No. 1547.

Mr. Crane spoke in favor of the motion, and it was carried.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

The Speaker (Mr. O'Brien presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1547 as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1547 as amended by the Senate, and the bill passed the House by the following vote: Yeas, 97; excused, 1.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Baugher, Beck, Belcher, Betzoff, Bowman, Braddock, Brekke, Bristow, Brooks, Brough, Brumsickle, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Fraser, Fuhrman, Grant, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Insee, Jacobsen, Jesernig, Jones, King P, King R, Kremen, Leonard, Locke, May, McLean, Meyers R, Miller, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Padden, Patrick, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith, Sommers D, Sommers H, Spanel, Sprengle, Tate, Todd, Vaile, Van Luven, Vekich,

Walk, Walker, Wang, Wilson K, Wilson S, Wineberry, Winsley, Wolfe, Wood, Youngsman, Zellinsky, and Mr. Speaker - 97.

Excused: Representative Gallagher - 1.

Substitute House Bill No. 1547 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

The Speaker (Mr. O'Brien presiding) declared the House to be at ease.

The Speaker (Mr. O'Brien presiding) called the House to order.

SENATE AMENDMENTS TO HOUSE BILL

April 6, 1989

Mr. Speaker:

The Senate has passed HOUSE BILL NO. 1020 with the following amendments:

Strike everything after the enacting clause and insert the following:

*Sec. 1. Section 2, chapter 108, Laws of 1967 ex. sess. as last amended by section 1, chapter 135, Laws of 1987 and RCW 41.56.020 are each amended to read as follows:

This chapter shall apply to any county or municipal corporation, or any political subdivision of the state of Washington, including district courts, except as otherwise provided by RCW 54.04.170, 54.04.180, and chapters 41.59, 47.64, and 53.18 RCW. The Washington state patrol shall be considered a public employer of state patrol officers appointed under RCW 43.43.020.

Sec. 2. Section 3, chapter 108, Laws of 1967 ex. sess. as last amended by section 2, chapter 135, Laws of 1987 and RCW 41.56.030 are each amended to read as follows:

As used in this chapter:

(1) 'Public employer' means any officer, board, commission, council, or other person or body acting on behalf of any public body governed by this chapter as designated by RCW 41.56.020, or any subdivision of such public body. For the purposes of this section, the public employer of district court employees for wage-related matters is the respective county legislative authority, or person or body acting on behalf of the legislative authority, and the public employer for nonwage-related matters is the judge or judge's designee of the respective district court.

(2) 'Public employee' means any employee of a public employer except any person (a) elected by popular vote, or (b) appointed to office pursuant to statute, ordinance or resolution for a specified term of office by the executive head or body of the public employer, or (c) whose duties as deputy, administrative assistant or secretary necessarily imply a confidential relationship to the executive head or body of the applicable bargaining unit, or any person elected by popular vote or appointed to office pursuant to statute, ordinance or resolution for a specified term of office by the executive head or body of the public employer, or (d) who is a personal assistant to a district judge or court commissioner. For the purpose of (d) of this subsection, no more than one assistant for each judge or commissioner may be excluded from a bargaining unit.

(3) 'Bargaining representative' means any lawful organization which has as one of its primary purposes the representation of employees in their employment relations with employers.

(4) 'Collective bargaining' means the performance of the mutual obligations of the public employer and the exclusive bargaining representative to meet at reasonable times, to confer and negotiate in good faith, and to execute a written agreement with respect to grievance procedures and collective negotiations on personnel matters, including wages, hours and working conditions, which may be peculiar to an appropriate bargaining unit of such public employer, except that by such obligation neither party shall be compelled to agree to a proposal or be required to make a concession unless otherwise provided in this chapter. In the case of the Washington state patrol, 'collective bargaining' shall not include wages and wage-related matters.

(5) 'Commission' means the public employment relations commission.

(6) 'Executive director' means the executive director of the commission.

(7) 'Uniformed personnel' means (a) law enforcement officers as defined in RCW 41.26.030 as now or hereafter amended, of cities with a population of fifteen thousand or more or law enforcement officers employed by the governing body of any county of the second class or larger, or (b) fire fighters as that term is defined in RCW 41.26.030, as now or hereafter amended."

On page 1, line 1 of the title, after "district" strike "and municipal" and the same is herewith transmitted.

W. D. Naismith, Assistant Secretary.

MOTION

Mr. Vekich moved that the House do concur in the Senate amendments to House Bill No. 1020. The motion was carried.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

The Speaker (Mr. O'Brien presiding) stated the question before the House to be the final passage of House Bill No. 1020 as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1020 as amended by the Senate, and the bill passed the House by the following vote: Yeas, 88; nays, 9; excused, 1.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Baugher, Beck, Belcher, Betzoff, Bowman, Braddock, Brekke, Bristol, Brooks, Brough, Brumsickle, Cantwell, Cole, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Fraser, Grant, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Inslee, Jacobsen, Jesernig, Jones, King P, King R, Kremen, Leonard, Locke, Meyers R, Miller, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Patrick, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Scott, Silver, Sommers D, Sommers H, Spanel, Sprenkle, Tate, Todd, Vaile, Van Luven, Vekich, Walk, Walker, Wang, Wilson K, Wineberry, Winsley, Wolfe, Wood, Zellinsky, and Mr. Speaker - 88.

Voting nay: Representatives Chandler, Fuhrman, May, McLean, Padden, Schoon, Smith, Wilson S, Youngsman - 9.

Excused: Representative Gallagher - 1.

House Bill No. 1020 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SENATE AMENDMENTS TO HOUSE BILL

March 29, 1989

Mr. Speaker:

The Senate has passed ENGROSSED HOUSE BILL NO. 1189 with the following amendments:

Strike everything after the enacting clause and insert the following:

NEW SECTION, Sec. 1. A new section is added to chapter 40.14 RCW to read as follows:

The director of the department of veterans affairs shall coordinate the design, construction, and placement of a memorial within the state capitol grounds honoring Washington state residents who died or are 'missing-in-action' in the Korean conflict.

NEW SECTION, Sec. 2. A new section is added to chapter 40.14 RCW to read as follows:

The director of the department of veterans affairs or the director's designee shall chair an advisory committee composed of seven members to include the director of the department of veterans affairs or the director's designee, the secretary of state or the secretary's designee, the director of the department of general administration or the director's designee, and two members who are representatives of state veterans' organizations and who served in the Korean conflict, one appointed by the speaker of the house of representatives and one appointed by the president of the senate. In addition, two members who served in the Korean conflict will be appointed by the director of the department of veterans affairs. The advisory committee and the state capitol committee shall approve the design and placement of the memorial before construction begins.

NEW SECTION, Sec. 3. The sum of twenty-five thousand dollars, or so much thereof as may be necessary, is appropriated for the biennium ending June 30, 1991, from the general fund to the department of veteran affairs to carry out the purposes of this act."

On page 1, line 1 of the title, after "memorial;" strike the remainder of the title and insert "adding new sections to chapter 40.14 RCW; and making an appropriation."

and the same is herewith transmitted.

W. D. Naismith, Assistant Secretary.

MOTION

Ms. R. Fisher moved that the House do concur in the Senate amendments to Engrossed House Bill No. 1189.

Representatives R. Fisher and McLean spoke in favor of the motion, and it was carried.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

The Speaker (Mr. O'Brien presiding) stated the question before the House to be the final passage of Engrossed House Bill No. 1189 as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 1189 as amended by the Senate, and the bill passed the House by the following vote: Yeas, 97; excused, 1.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Baugher, Beck, Belcher, Betrozoff, Bowman, Braddock, Brekke, Bristow, Brooks, Brough, Brumsickle, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Fraser, Fuhrman, Grant, Hankins, Hargrove, Haugen, Hearvey, Hine, Holland, Horn, Inslee, Jacobsen, Jesernig, Jones, King P, King R, Kremen, Leonard, Locke, May, McLean, Meyers R, Miller, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Padden, Patrick, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith, Sommers D, Sommers H, Spanel, Sprenkle, Tate, Todd, Valle, Van Luven, Vekich, Walk, Walker, Wang, Wilson K, Wilson S, Wineberry, Winsley, Wolfe, Wood, Youngsman, Zellinsky, and Mr. Speaker - 97.

Excused: Representative Gallagher - 1.

Engrossed House Bill No. 1189 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SENATE AMENDMENT TO HOUSE BILL

April 11, 1989

Mr. Speaker:

The Senate has passed ENGROSSED HOUSE BILL NO. 1438 with the following amendment:

On page 2, line 19, after "facilities" insert ", including vehicle replacement standards" and the same is herewith transmitted.

W. D. Naismith, Assistant Secretary.

MOTION

Mr. Baugher moved that the House do concur in the Senate amendment to Engrossed House Bill No. 1438. The motion was carried.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

The Speaker (Mr. O'Brien presiding) stated the question before the House to be the final passage of Engrossed House Bill No. 1438 as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 1438 as amended by the Senate, and the bill passed the House by the following vote: Yeas, 97; excused, 1.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Baugher, Beck, Belcher, Betrozoff, Bowman, Braddock, Brekke, Bristow, Brooks, Brough, Brumsickle, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Fraser, Fuhrman, Grant, Hankins, Hargrove, Haugen, Hearvey, Hine, Holland, Horn, Inslee, Jacobsen, Jesernig, Jones, King P, King R, Kremen, Leonard, Locke, May, McLean, Meyers R, Miller, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Padden, Patrick, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith, Sommers D, Sommers H, Spanel, Sprenkle, Tate, Todd, Valle, Van Luven, Vekich, Walk, Walker, Wang, Wilson K, Wilson S, Wineberry, Winsley, Wolfe, Wood, Youngsman, Zellinsky, and Mr. Speaker - 97.

Excused: Representative Gallagher - 1.

Engrossed House Bill No. 1438 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SENATE AMENDMENTS TO HOUSE BILL

April 11, 1989

Mr. Speaker:

The Senate has passed ENGROSSED HOUSE BILL NO. 1502 with the following amendments:

Strike everything after the enacting clause and insert the following:

*Sec. 1. Section 2, chapter 137, Laws of 1965 as last amended by section 5, chapter 351, Laws of 1985 and RCW 46.44.0941 are each amended to read as follows:

The following fees, in addition to the regular license and tonnage fees, shall be paid for all movements under special permit made upon state highways. All funds collected, except the amount retained by authorized agents of the department as provided in RCW 46.44.096, shall be forwarded to the state treasury and shall be deposited in the motor vehicle fund:

All overlegal loads, except overweight, single trip	\$ ((5.00))
	<u>10.00</u>
Continuous operation of overlegal loads having either overwidth or overheight features only, for a period not to exceed thirty days	\$ 20.00
Continuous operations of overlegal loads having overlength features only, for a period not to exceed thirty days	\$ 10.00
Continuous operation of a combination of vehicles having one trail- ing unit that exceeds forty-eight feet and is not more than fifty-six feet in length, for a period of one year	\$100.00
Continuous operation of a combination of vehicles having two trailing units which together exceed sixty feet and are not more than sixty-eight feet in length, for a period of one year	\$100.00
Continuous operation of a three-axle fixed load vehicle having less than 65,000 pounds gross weight, for a period not to exceed thirty days	\$ 50.00
Continuous operation of overlegal loads having nonreducible fea- tures not to exceed eighty-five feet in length and fourteen feet in width, for a period of one year	\$150.00
Continuous operation of farm implements under a permit issued as authorized by RCW 46.44.140 by:	
(1) Farmers in the course of farming activities, for any three-month period	\$ 10.00
(2) Farmers in the course of farming activities, for a period not to exceed one year	\$ 25.00
(3) Persons engaged in the business of the sale, repair, or maintenance of such farm implements, for any three-month period	\$ 25.00
(4) Persons engaged in the business of the sale, repair, or maintenance of such farm implements, for a period not to exceed one year	\$100.00

Overweight Fee Schedule

Weight over total registered gross weight plus additional gross weight purchased under RCW 46.44.095 or 46.44.047, or any other statute authorizing the state department of transportation to issue annual overweight permits.	Fee per mile on state highways
1- 5,999 pounds	\$.05
6,000-11,999 pounds	\$.10
12,000-17,999 pounds	\$.15
18,000-23,999 pounds	\$.25
24,000-29,999 pounds	\$.35
30,000-35,999 pounds	\$.45
36,000-41,999 pounds	\$.60
42,000-47,999 pounds	\$.75
48,000-53,999 pounds	\$.90
54,000-59,999 pounds	\$ 1.05
60,000-65,999 pounds	\$ 1.20
66,000-71,999 pounds	\$ 1.45
72,000-79,999 pounds	\$ 1.70
80,000 pounds or more	\$ 2.00

PROVIDED: (1) The minimum fee for any overweight permit shall be \$~~((5.00))~~ 10.00, (2) the fee for issuance of a duplicate permit shall be \$~~((5.00))~~ 10.00, (3) when computing overweight fees that result in an amount less than even dollars the fee shall be carried to the next full dollar if fifty cents or over and shall be reduced to the next full dollar if forty-nine cents or under.

Sec. 2. Section 46.44.092, chapter 12, Laws of 1961 as last amended by section 1, chapter 63, Laws of 1981 and RCW 46.44.092 are each amended to read as follows:

Special permits may not be issued for movements on any state highway outside the limits of any city or town in excess of the following widths:

On two-lane highways, fourteen feet;

On multiple-lane highways where a physical barrier serving as a median divider separates opposing traffic lanes, twenty feet;

On multiple-lane highways without a physical barrier serving as a median divider, thirty-two feet.

These limits apply except under the following conditions:

(1) In the case of buildings, the limitations referred to in this section for movement on any two lane state highway other than the national system of interstate and defense highways may be exceeded under the following conditions: (a) Controlled vehicular traffic shall be maintained in one direction at all times; (b) the maximum distance of movement shall not exceed five miles; additional contiguous permits shall not be issued to exceed the five-mile limit: PROVIDED, That when the department of transportation, pursuant to general rules adopted by the transportation commission, determines a hardship would result, this limitation may be exceeded upon approval of the department of transportation; (c) prior to issuing a permit a qualified transportation department employee shall make a visual inspection of the building and route involved determining that the conditions listed herein shall be complied with and that structures or overhead obstructions may be cleared or moved in order to maintain a constant and uninterrupted movement of the building; (d) special escort or other precautions may be imposed to assure movement is made under the safest possible conditions, and the Washington state patrol shall be advised when and where the movement is to be made;

(2) Permits may be issued for widths of vehicles in excess of the preceding limitations on highways or sections of highways which have been designed and constructed for width in excess of such limitations;

(3) Permits may be issued for vehicles with a total outside width, including the load, of nine feet or less when the vehicle is equipped with a mechanism designed to cover the load pursuant to RCW 46.61.655;

(4) These limitations may be rescinded when certification is made by military officials, or by officials of public or private power facilities, or when in the opinion of the department of transportation the movement or action is a necessary movement or action: PROVIDED FURTHER, That in the judgment of the department of transportation the structures and highway surfaces on the routes involved are capable of sustaining widths in excess of such limitation;

~~((4))~~ (5) These limitations shall not apply to movement during daylight hours on any two lane state highway where the gross weight, including load, does not exceed eighty thousand pounds and the overall width of load does not exceed sixteen feet: PROVIDED, That the minimum and maximum speed of such movements, prescribed routes of such movements, the times of such movements, limitation upon frequency of trips (which limitation shall be not less than one per week), and conditions to assure safety of traffic may be prescribed by the department of transportation or local authority issuing such special permit.

The applicant for any special permit shall specifically describe the vehicle or vehicles and load to be operated or moved and the particular state highways for which permit to operate is requested and whether such permit is requested for a single trip or for continuous operation.

Sec. 3. Section 46.44.095, chapter 12, Laws of 1961 as last amended by section 1, chapter 55, Laws of 1988 and RCW 46.44.095 are each amended to read as follows:

When a combination of vehicles has been lawfully licensed to a total gross weight of eighty thousand pounds and when a three or more axle single unit vehicle has been lawfully licensed to a total gross weight of forty thousand pounds pursuant to provisions of RCW 46.44-.041, a permit for additional gross weight may be issued by the department of transportation upon the payment of thirty-seven dollars and fifty cents per year for each one thousand pounds or fraction thereof of such additional gross weight: PROVIDED, That the tire limits specified in RCW 46.44.042 shall apply, and the gross weight on any single axle shall not exceed twenty thousand pounds, and the gross load on any group of axles shall not exceed the limits set forth in RCW 46.44.041: PROVIDED FURTHER, That within the tire limits of RCW 46.44.042, and notwithstanding RCW 46.44.041 and 46.44.091, a permit for an additional six thousand pounds may be purchased for the rear axles of a two-axle garbage truck or eight thousand pounds for the tandem axle of a three axle garbage truck at a rate not to exceed thirty dollars per thousand. Such additional weight in the case of garbage trucks shall not be valid or permitted on any part of the federal interstate highway system.

The annual additional tonnage permits provided for in this section shall be issued upon such terms and conditions as may be prescribed by the department pursuant to general rules adopted by the transportation commission. Such permits shall entitle the permittee to carry such additional load in an amount and upon highways or sections of highways as may be determined by the department of transportation to be capable of withstanding increased gross load without undue injury to the highway: PROVIDED, That the permits shall not be valid on any highway where the use of such permits would deprive this state of federal funds for highway purposes.

For those vehicles registered under chapter 46.87 RCW, the annual additional tonnage permits provided for in this section may be issued to coincide with the registration year of the base jurisdiction. For those vehicles registered under chapter 46.16 RCW and whose registration has staggered renewal dates, the annual additional tonnage permits may be issued to coincide with the expiration date of the registration. The permits may be purchased at any time, and if they are purchased for less than a full year, the fee shall be one-twelfth of the full fee multiplied by the number of months, including any fraction thereof, covered by the permit. When the department issues a duplicate permit to replace a lost or destroyed permit and where the department transfers a permit from one vehicle to another a fee of ~~((five))~~ ten dollars

shall be charged for each duplicate issued or each transfer. The department of transportation shall issue permits on a temporary basis for periods not less than five days at ~~((one))~~ two dollars per day for each two thousands pounds or fraction thereof.

The fees levied in RCW 46.44.0941 and this section shall not apply to any vehicles owned and operated by the state of Washington, any county within the state, or any city or town or metropolitan municipal corporation within the state, or by the federal government.

In the case of fleets prorating license fees under the provisions of chapter 46.87 RCW, the fees provided for in this section shall be computed by the department of transportation by applying the proportion of the Washington mileage of the fleet in question to the total mileage of the fleet as reported pursuant to chapter 46.87 RCW to the fees that would be required to purchase the additional weight allowance for all eligible vehicles or combinations of vehicles for which the extra weight allowance is requested.

When computing fees that result in an amount other than full dollars, the fee shall be increased to the next full dollar if fifty cents or over and shall be reduced to the next full dollar if forty-nine cents or under. The minimum fee for any prorated tonnage permit issued under this section shall be twenty-five dollars.

Sec. 4. Section 46.44.096, chapter 12, Laws of 1961 as last amended by section 56, chapter 7, Laws of 1984 and RCW 46.44.096 are each amended to read as follows:

In determining fees according to RCW 46.44.0941, mileage on state primary and secondary highways shall be determined from the planning survey records of the department of transportation, and the gross weight of the vehicle or vehicles, including load, shall be declared by the applicant. Overweight on which fees shall be paid will be gross loadings in excess of loadings authorized by law or axle loadings in excess of loadings authorized by law, whichever is the greater. Loads which are overweight and oversize shall be charged the fee for the overweight permit without additional fees being assessed for the oversize features.

Special permits issued under RCW 46.44.047, 46.44.0941, or 46.44.095, may be obtained from offices of the department of transportation, ports of entry, or other agents appointed by the department.

The department may appoint agents for the purposes of selling special motor vehicle permits, additional tonnage permits, and log tolerance permits. Agents so appointed may retain three dollars and fifty cents for each permit sold to defray expenses incurred in handling and selling the permits. If the fee is collected by the department of transportation, the department shall certify the fee so collected to the state treasurer for deposit to the credit of the motor vehicle fund.

Fees established in RCW 46.44.0941 shall be paid to the political body issuing the permit if the entire movement is to be confined to roads, streets, or highways for which that political body is responsible. When a movement involves a combination of state highways, county roads, and/or city streets the fee shall be paid to the state department of transportation. When a movement is confined within the city limits of a city or town upon city streets, including routes of state highways on city streets, all fees shall be paid to the city or town involved. A permit will not be required from city or town authorities for a move involving a combination of city or town streets and state highways when the move through a city or town is being confined to the route of the state highway. When a move involves a combination of county roads and city streets the fee shall be paid to the county authorities, but the fee shall not be collected nor the county permit issued until valid permits are presented showing the city or town authorities approve of the move in question. When the movement involves only county roads the fees collected shall be paid to the county involved. Fees established shall be paid to the political body issuing the permit if the entire use of the vehicle during the period covered by the permit shall be confined to the roads, streets, or highways for which that political body is responsible.

If, pursuant to RCW 46.44.090, cities or counties issue additional tonnage permits similar to those provided for issuance by the state department of transportation in RCW 46.44.095, the state department of transportation shall authorize the use of the additional tonnage permits on state highways subject to the following conditions:

(1) The owner of the vehicle covered by such permit shall establish to the satisfaction of the state department of transportation that the primary use of the vehicle is on the streets or roads of the city or county issuing the additional tonnage permit;

(2) That the fees paid for the additional tonnage are not less than those established in RCW 46.44.095;

(3) That the city or county issuing the permit shall allow the use of permits issued by the state pursuant to RCW 46.44.095 on the streets or roads under its jurisdiction;

(4) That all of the provisions of RCW 46.44.042 and 46.44.041 shall be observed.

When the department of transportation is satisfied that the above conditions have been met, the department of transportation, by suitable endorsement on the permit, shall authorize its use on such highways as the department has authorized for such permits pursuant to RCW 46.44.095, and all such use of such highways is subject to whatever rules and regulations the state department of transportation has adopted for the permits."

In line 1 of the title, after "fees;" strike the remainder of the title and insert "and amending RCW 46.44.0941, 46.44.092, 46.44.095, and 46.44.096."

and the same is herewith transmitted.

W. D. Naismith, Assistant Secretary.

MOTION

Mr. Baugher moved that the House do concur in the Senate amendments to Engrossed House Bill No. 1502.

Mr. Baugher spoke in favor of the motion, and it was carried.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

The Speaker (Mr. O'Brien presiding) stated the question before the House to be the final passage of Engrossed House Bill No. 1502 as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 1502 as amended by the Senate, and the bill passed the House by the following vote: Yeas, 94; nays, 3; excused, 1.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Baugher, Beck, Belcher, Betrozoff, Bowman, Braddock, Brekke, Bristow, Brooks, Brough, Brumsickle, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Fraser, Fuhrman, Grant, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Jacobsen, Jesernig, Jones, King P, King R, Kremen, Leonard, Locke, May, McLean, Meyers R, Miller, Morris, Moyer, Nealey, Nelson, Nutley, O'Brien, Padden, Patrick, Peery, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith, Sommers D, Sommers H, Spanel, Sprengle, Tate, Todd, Valle, Van Luven, Vekich, Walk, Walker, Wang, Wilson K, Wilson S, Wineberry, Winsley, Wolfe, Wood, Youngsman, Zellinsky, and Mr. Speaker - 94.

Voting nay: Representatives Inslee, Myers H, Phillips - 3.

Excused: Representative Gallagher - 1.

Engrossed House Bill No. 1502 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SENATE AMENDMENTS TO HOUSE BILL

April 11, 1989

Mr. Speaker:

The Senate has passed ENGROSSED SUBSTITUTE HOUSE BILL NO. 1553 with the following amendments:

On page 2, line 29, after "banking" insert "or the state supervisor of savings and loans"

On page 16, line 9, after "all banks," insert "eligible banking organizations."

On page 16, line 24, strike Section 22

On page 7, line 7, after "(1)" insert "The authority is authorized to provide assistance and advice to persons forming corporations under chapter 31.24 RCW.

(2) The authority may contract with corporations organized under this chapter. Each contract shall specify that the money received under the contract shall be used to provide management assistance, which may include management and technical advice and services and other technical support, to businesses receiving financing from the contracting corporation. No more than five corporations may contract with the authority under this section at any time. No corporation may receive more than a total of two hundred fifty thousand dollars under this section.

(3) To qualify for a contract under this section, a corporation shall agree that at least one-half of the corporation's loans and investments will be to businesses operating in distressed areas as defined in RCW 43.165.010(3)(a) and that the corporation's loans and investments will be to businesses that have agreed to enter first-source hiring agreements with the employment security department, local private industry councils, local labor unions, or other employment or placement agencies. These agreements shall require the businesses to interview prospective employees from a list of the unemployed supplied by the employment or placement agencies and hire any qualified candidates on the list before hiring any candidates not on the list. The first-source hiring agreements shall require the business to:

(a) Provide a job description for each position;

(b) Provide a description of the skills each position requires; and

(c) Provide a salary range for each position.

The first-source hiring agreements shall require the employment or placement agency to provide a list of candidates who have expressed interest in each available position and who meet the skill requirements of each position. No fees may be charged of the unemployed candidates on the list supplied by the employment or placement agency.

(4) The authority shall adopt rules to carry out this section."

Renumber the remaining subsections consecutively and correct internal references accordingly.

On page 20, after line 30, insert the following:

"(x) Financial information, business plans, examination reports, and any information produced or obtained in evaluating or examining a business and industrial development corporation organized or seeking certification under chapter 31.24 RCW."

and the same is herewith transmitted.

W. D. Naismith, Assistant Secretary.

MOTION

Ms. Cantwell moved that the House do concur in the Senate amendments to Engrossed Substitute House Bill No. 1553.

Representatives Cantwell and Doty spoke in favor of the motion, and it was carried.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

The Speaker (Mr. O'Brien presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 1553 as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1553 as amended by the Senate, and the bill passed the House by the following vote: Yeas, 93; nays, 4; excused, 1.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Baugher, Beck, Belcher, Betzoff, Bowman, Braddock, Brekke, Bristow, Brooks, Brough, Brumsickle, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Fraser, Fuhrman, Grant, Hankins, Hargrove, Haugen, Heavey, Hine, Horn, Insee, Jacobsen, Jesernig, Jones, King P, King R, Kremen, Leonard, Locke, May, McLean, Meyers R, Miller, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith, Sommers D, Sommers H, Spanel, Sprenkle, Tate, Todd, Valle, Van Luven, Vekich, Walk, Walker, Wang, Wilson K, Wilson S, Wineberry, Winsley, Wood, Youngsman, Zellinsky, and Mr. Speaker - 93.

Voting nay: Representatives Holland, Padden, Patrick, Wolfe - 4.

Excused: Representative Gallagher - 1.

Engrossed Substitute House Bill No. 1553 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SENATE AMENDMENTS TO HOUSE BILL

April 12, 1989

Mr. Speaker:

The Senate has passed HOUSE BILL NO. 1769 with the following amendments:

Strike everything after the enacting clause and insert the following:

"NEW SECTION, Sec. 1. The legislature recognizes that a unique educational experience can result from an undergraduate upper division student attending an out-of-state institution. It also recognizes that some Washington residents may be unable to pursue such out-of-state enrollment owing to their limited financial resources and the higher cost of nonresident tuition. The legislature intends to facilitate expanded nonresident undergraduate upper division enrollment opportunities for residents of the state by authorizing the governing boards of the four-year institutions of higher education to enter into exchange programs with other states' comparable public four-year institutions with comparable programs wherein the participating institutions agree that visiting undergraduate upper division students will pay resident tuition rates of the host institutions.

NEW SECTION, Sec. 2. A new section is added to chapter 28B.15 RCW to read as follows:

The boards of regents of the state universities and the boards of trustees of the regional universities and The Evergreen State College may enter into undergraduate upper division student exchange agreements with comparable public four-year institutions of higher education of other states and agree to charge participating undergraduate upper division students resident tuition rates subject to the following restrictions:

(1) In any given academic year, the number of undergraduate upper division nonresident exchange students receiving nonresident tuition waivers at a state institution, shall not exceed the number of that institution's undergraduate upper division students receiving nonresident

tuition waivers at participating out-of-state institutions. Waiver imbalances that may occur in one year shall be off-set in the year immediately following.

(2) Undergraduate upper division student participation in an exchange program authorized by this section is limited to one calendar year.

Sec. 3, Section 4, chapter 273, Laws of 1971 ex. sess. as last amended by section 1, chapter 362, Laws of 1985 and RCW 28B.15.014 are each amended to read as follows:

The following nonresidents shall be exempted from paying the nonresident tuition and fee differential:

(1) Any person who resides in the state of Washington and who holds a graduate service appointment designated as such by a public institution of higher education or is employed for an academic department in support of the instructional or research programs involving not less than twenty hours per week during the term such person shall hold such appointment.

(2) Any faculty member, classified staff member or administratively exempt employee holding not less than a half time appointment at an institution who resides in the state of Washington, and the dependent children and spouse of such persons.

(3) Active-duty military personnel stationed in the state of Washington and the spouses and dependents of such military personnel.

(4) Any immigrant refugee and the spouse and dependent children of such refugee, if the refugee (a) is on parole status, or (b) has received an immigrant visa, or (c) has applied for United States citizenship.

(5) Domestic exchange students participating in the program created under section 2 of this 1989 act.

On page 1, line 1 of the title, after "education," strike the remainder of the title and insert "amending RCW 28B.15.014; adding a new section to chapter 28B.15 RCW; and creating a new section."

and the same is herewith transmitted.

W. D. Naismith, Assistant Secretary.

MOTION

Mr. Jacobsen moved that the House do concur in the Senate amendments to House Bill No. 1769.

Representatives Jacobsen and Van Luven spoke in favor of the motion, and it was carried.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

The Speaker (Mr. O'Brien presiding) stated the question before the House to be the final passage of House Bill No. 1769 as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1769 as amended by the Senate, and the bill passed the House by the following vote: Yeas, 97; excused, 1.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Baugher, Beck, Belcher, Betrozoff, Bowman, Braddock, Brekke, Bristow, Brooks, Brough, Brumsickle, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Fraser, Fuhrman, Grant, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Inslee, Jacobsen, Jesernig, Jones, King P, King R, Kremen, Leonard, Locke, May, McLean, Meyers R, Miller, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Padden, Patrick, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith, Sommers D, Sommers H, Spanel, Sprengle, Tate, Todd, Valle, Van Luven, Vekich, Walk, Walker, Wang, Wilson K, Wilson S, Wineberry, Winsley, Wolfe, Wood, Youngsman, Zellinsky, and Mr. Speaker - 97.

Excused: Representative Gallagher - 1.

House Bill No. 1769 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SENATE AMENDMENTS TO HOUSE BILL

April 7, 1989

Mr. Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 1889 with the following amendments:

On page 1, line 11, after "arising" strike "from good faith acts or omissions" and insert "((acts or omissions)) from acts or omissions in good faith and"

On page 1, line 21, after "suit," strike everything through "action." on line 24

On page 2, beginning on line 8, strike "No executions shall issue against the state on any judgment."

On page 2, line 25, after "liability" strike "occurred while the employee was acting within the scope of his or her public employment or duties" and insert "was in good faith and occurred while the employee was acting within the scope of his or her employment or duties and the employee is being represented in accordance with RCW 4.92.070"

and the same is herewith transmitted.

W. D. Naismith, Assistant Secretary.

MOTION

Mr. Crane moved that the House do concur in the Senate amendments to Substitute House Bill No. 1889.

Representatives Crane and Padden spoke in favor of the motion, and it was carried.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

The Speaker (Mr. O'Brien presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1889 as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1889 as amended by the Senate, and the bill passed the House by the following vote: Yeas, 97; excused, 1.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Baugher, Beck, Belcher, Betzoff, Bowman, Braddock, Brekke, Bristow, Brooks, Brough, Brumsickle, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Fraser, Fuhrman, Grant, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Insee, Jacobsen, Jesernig, Jones, King P, King R, Kremen, Leonard, Locke, May, McLean, Meyers R, Miller, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Padden, Patrick, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith, Sommers D, Sommers H, Spanel, Sprengle, Tate, Todd, Valle, Van Luvan, Vekich, Walk, Walker, Wang, Wilson K, Wilson S, Wineberry, Winsley, Wolfe, Wood, Youngsman, Zellinsky, and Mr. Speaker - 97.

Excused: Representative Gallagher - 1.

Substitute House Bill No. 1889 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SENATE AMENDMENTS TO HOUSE BILL

April 7, 1989

Mr. Speaker:

The Senate has passed ENGROSSED HOUSE BILL NO. 2001 with the following amendments:

Strike everything after the enacting clause and insert the following:

"Sec. 1. Section 1, chapter 31, Laws of 1893 as amended by section 1, chapter 56, Laws of 1925 ex. sess. and RCW 16.04.010 are each amended to read as follows:

Any person suffering damage done by any horses, ~~((mares;))~~ mules, ~~((asses))~~ donkeys, cattle, goats, sheep, swine, or any such animals, which shall either trespass upon any ~~((cultivated))~~ land ~~((-inclosed))~~ enclosed by lawful fence ~~((or situated within any district created pursuant to RCW 16.24.010 through 16.24.065;))~~ as provided in chapter 16.60 RCW or trespass while running at large in violation of chapter 16.24 RCW may retain and keep in custody such offending animals until the owner or person having possession of such animals shall pay such damage and costs, or until good and sufficient security be given for the same.

NEW SECTION. Sec. 2. A new section is added to chapter 16.04 RCW to read as follows:

Whenever any animals trespass as provided in RCW 16.04.010, the owner or person having possession of such animal shall be liable for all damages the owner or occupant may sustain by reason of such trespass.

Sec. 3. Section 2, chapter 124, Laws of 1895 and RCW 16.16.020 are each amended to read as follows:

In any prosecution under ~~((RCW 16.16.010 through 16.16.030))~~ chapter 16.24 RCW proof that the animal running at large is branded with the registered or known brand of the defendant shall be prima facie evidence that the defendant is the owner of said animal ~~((-and proof that said animal is found at large shall be prima facie evidence that the owner permitted the same to be at large;))~~.

Sec. 4. Section 1, chapter 25, Laws of 1911 as amended by section 1, chapter 40, Laws of 1937 and RCW 16.24.010 are each amended to read as follows:

The ~~((board of county commissioners))~~ county legislative authority of any county of this state shall have the power to designate by an order made and published, as provided in RCW 16.24.030, certain territory as stock restricted area within such county in which it shall be unlawful to permit livestock of any kind to run at large ~~((PROVIDED, That))~~. No territory so designated shall be less than two square miles in area ~~((AND PROVIDED FURTHER, That))~~. RCW 16.24.010 through 16.24.065 shall not affect counties having adopted township organization. All territory not so designated shall be range area, in which it shall be lawful to permit ~~((livestock))~~ cattle, horses, mules, or donkeys to run at large; PROVIDED, That the county legislative authority may designate areas where it shall be unlawful to permit any livestock other than cattle to run at large.

Sec. 5. Section 2, chapter 25, Laws of 1911 as last amended by section 2, chapter 40, Laws of 1937 and RCW 16.24.020 are each amended to read as follows:

Within sixty days after the taking effect of RCW 16.24.010 through 16.24.065, the county ~~((commissioners))~~ legislative authority of each of the several counties of the state may make an order fixing a time and place when a hearing will be had, notice of which shall be published at least once each week for two successive weeks in some newspaper having a general circulation within the county. It shall be the duty of the ~~((board of county commissioners))~~ county legislative authority at the time fixed for such hearing, or at the time to which such hearing may be adjourned, to hear all persons interested in the establishment of range areas or stock restricted areas as defined in RCW 16.24.010 through 16.24.065.

Sec. 6. Section 3, chapter 25, Laws of 1911 as last amended by section 3, chapter 40, Laws of 1937 and RCW 16.24.030 are each amended to read as follows:

Within thirty days after the conclusion of any such hearing the county ~~((commissioners))~~ legislative authority shall make an order describing the stock restricted areas within the county where livestock may not run at large, which order shall be entered upon the records of the county and published in a newspaper having general circulation in such county at least once each week for four successive weeks.

Sec. 7. Section 1, chapter 93, Laws of 1923 as amended by section 4, chapter 40, Laws of 1937 and RCW 16.24.050 are each amended to read as follows:

When the county ~~((commissioners))~~ legislative authority of any county deem it advisable to change the boundary or boundaries of any stock restricted area, a hearing shall be held in the same manner as provided in RCW 16.24.020. If the county ~~((commissioners))~~ legislative authority decides to change the boundary or boundaries of any stock restricted area or areas, ~~((they))~~ it shall within thirty days after the conclusion of such hearing make an order describing said change or changes. Such order shall be entered upon the records of the county and published in a newspaper having general circulation in such county once each week for four successive weeks.

Sec. 8. Section 5, chapter 40, Laws of 1937 and RCW 16.24.060 are each amended to read as follows:

At the point where a public road enters a range area, and at such other points thereon within such area as the county ~~((commissioners))~~ legislative authority shall designate, there shall be erected a road sign bearing the words: 'RANGE AREA. WATCH OUT FOR LIVESTOCK.'

Sec. 9. Section 6, chapter 40, Laws of 1937 as amended by section 20, chapter 415, Laws of 1985 and RCW 16.24.065 are each amended to read as follows:

(1) No person owning or in control of any livestock shall willfully or negligently allow such livestock to run at large in any stock restricted area ~~((nor shall any person owning or in control of any livestock allow such livestock))~~ or to wander or stray upon the right-of-way of any public highway ~~((of two or more lanes))~~ lying within a stock restricted area when not in the charge of some person.

(2) Livestock may run at large upon lands belonging to the state of Washington or the United States only when the owner of the livestock has been granted grazing privileges in writing.

Sec. 10. Section 127, chapter 189, Laws of 1937 and RCW 16.24.070 are each amended to read as follows:

~~((It shall be unlawful for any person to cause or permit any livestock to graze or stray upon any portion of the right-of-way of any public highway of this state, within any stock restricted area.))~~ It shall be unlawful for any person to herd or move any livestock over, along or across the right-of-way of any public highway, or portion thereof, within any stock restricted area, without having in attendance a sufficient number of persons to control the movement of such livestock and to warn or otherwise protect vehicles traveling upon such public highway from any danger by reason of such livestock being herded or moved thereon.

~~((In the event that any livestock is allowed to stray or graze upon the right-of-way of any public highway, or portion thereof, within any stock restricted area, unattended, the same may be impounded for safekeeping and, if the owner be not known, complaint may be instituted against such stock in a court of competent jurisdiction. Notice shall be published in one issue of~~

a paper of general circulation published as close as possible to the location where the live stock were found, describing as nearly as possible the stock, where found, and that the same are to be sold; in the event that the owner appears and convinces the court of his right thereto, the stock may be delivered upon payment by him of all costs of court, advertising and caring for the stock; in the event no person claiming the right thereto shall appear by the close of business on the tenth day following and exclusive of the date of publication of notice, the stock may be sold at public or private sale, all costs of court, advertising and caring therefor paid from the proceeds thereof and the balance certified by the judge of the court ordering such sale, to the treasurer of the county in which located, to be credited to the county school fund;)

Sec. 11. Section 2, chapter 31, Laws of 1951 as last amended by section 16, chapter 415, Laws of 1985 and RCW 16.13.020 are each amended to read as follows:

Any horses, mules, donkeys, or cattle of any age running at large or trespassing in violation of (~~RCW 16.13.010~~) chapter 16.24 RCW as now or hereafter amended, which are not restrained as provided by RCW 16.04.010, are declared to be a public nuisance(~~and shall be impounded by the~~), The sheriff of the county where found(;) and the nearest brand inspector shall (also) have authority to impound ((class 1 estrays as defined in RCW 16.13.025) such animals which are not restrained as provided by RCW 16.04.010.

Sec. 12. Section 3, chapter 31, Laws of 1951 as last amended by section 7, chapter 154, Laws of 1979 and RCW 16.13.030 are each amended to read as follows:

Upon taking possession of (~~a class 1 estray~~) any livestock at large contrary to the provisions of RCW 16.13.020, or any unclaimed livestock submitted or impounded, by any person, at any public livestock market or any other facility approved by the director, the sheriff or brand inspector shall cause it to be transported to and impounded at the nearest public livestock market licensed under chapter 16.65 RCW or at such place as approved by the director. If the sheriff has impounded ((a class 1 estray) an animal in accordance with this section, he shall forthwith notify the nearest brand inspector of the department of agriculture, who shall examine the animal and, by brand, tattoo, or other identifying characteristic, shall attempt to ascertain the ownership thereof.

Sec. 13. Section 5, chapter 31, Laws of 1951 and RCW 16.13.050 are each amended to read as follows:

Upon claiming any animal impounded under this chapter, the owner shall pay ((the) all costs of transportation, advertising, legal proceedings, and keep ((thereof) of the animal.

Sec. 14. Section 5, chapter 25, Laws of 1911 and RCW 16.24.090 are each amended to read as follows:

((The owner of swine shall not)) Except as provided in chapter 16.24 RCW, a person who owns or has possession, charge, or control of horses, mules, donkeys, cattle, goats, sheep or swine shall not negligently allow them to run at large at any time or within any territory(;~~and any violation of this section shall render such owner liable to the penalties provided for in RCW 16.24.040~~), it shall not be necessary for any person to fence against such animals, and it shall be no defense to any action or proceedings brought pursuant to this chapter or chapter 16.04 RCW that the party injured by or restraining such animals did not have his or her lands enclosed by a lawful fence: PROVIDED, That ((swine) such animals may be driven upon the highways while in charge of sufficient attendants.

Sec. 15. Section 1, page 453, Laws of 1890 as amended by section 4, chapter 66, Laws of 1965 and RCW 16.20.010 are each amended to read as follows:

It shall be lawful for any person having cows or heifers running at large in this state to take up or capture and castrate, at the risk of the owner, at any time between the first day of March and the fifteenth day of May, any bull above the age of ten months found running at large out of the enclosed grounds of the owner or keeper(~~and~~), It shall be lawful for any person to take up or capture and geld, at the risk of the owner, between April 1 and September 30 of any year, any stud horse or jackass or any male mule above the age of eighteen months found running at large out of the enclosed grounds of the owner or keeper. If the said animal shall die, as a result of such castration, the owner shall have no recourse against the person who shall have taken up or captured and castrated, or caused to be castrated, the said animal: PROVIDED, Such act of castration shall have been skillfully done by a person accustomed to doing the same: AND PROVIDED FURTHER, That if the person so taking up or capturing such ((bull) animal, or causing ((him) it to be so taken up or captured, shall know the owner or keeper of such animal, and shall know that said animal is being kept for breeding purposes, it shall be his duty forthwith to notify such owner or keeper of the taking up of said animal, and if such owner or keeper shall not within two days after being so notified pay for the reasonable costs of keeping of said animal ((at the rate of fifty cents per day), and take and safely keep said animal thereafter within his own enclosures, then it shall be lawful for the taker-up of said animal to castrate the same, and the owner thereof shall pay a reasonable sum for such act of castration ((the sum of one dollar and fifty cents)), if done skillfully, as hereinbefore required, and shall also pay for the keeping of said animal as above provided, and the amount for which he may be liable therefor may be recovered in an action at law in any court having jurisdiction thereof: AND PROVIDED FURTHER, That if said animal should be found running at

large a third time within the same year, and within the prohibited dates hereinbefore mentioned, it shall be lawful for any person to capture and castrate (~~(him)~~) the animal without giving any notice to the owner or keeper whatever. For purposes of this section, geld and castrate shall have the same meaning.

Sec. 16. Section 2537, Code of 1881 as last amended by section 181, chapter 202, Laws of 1987 and RCW 16.28.160 are each amended to read as follows:

It shall be the duty of any and all persons searching or hunting for stray horses, mules or cattle, to drive the band or herd in which they may find their stray horses, mules or cattle, into the nearest corral before separating their said stray animals from the balance of the herd or band; that in order to separate their said stray animals from the herd or band, the person or persons owning said stray shall drive them out of and away from the corral in which they may be driven before setting the herd at large. ~~((Any person violating this section shall be deemed guilty of a misdemeanor, and on conviction thereof, before a district judge, shall be fined in any sum not exceeding one hundred dollars, and half the costs of prosecution; said fine so recovered to be paid into the school fund of the county in which the offense was committed; and in addition thereto shall be imprisoned until the fine and costs are paid. PROVIDED: That all fees, fines, forfeitures and penalties collected or assessed by a district court because of the violation of a state law shall be remitted as provided in chapter 3.62 RCW as now exists or is later amended:))~~

Sec. 17. Section 19, chapter 415, Laws of 1985 and RCW 16.20.035 are each amended to read as follows:

RCW 16.20.020 and 16.20.030, each as recodified by this 1989 act, shall not apply to counties lying west of the summit of the Cascade mountains.

NEW SECTION. Sec. 18. The following sections, as amended by this 1989 act, are each recodified as sections in chapter 16.24 RCW: RCW 16.16.020, 16.13.020, 16.13.030, 16.13.050, 16.28.160, and 16.20.010.

NEW SECTION. Sec. 19. RCW 16.13.040, 16.13.060, 16.13.070, 16.13.080, 16.20.020, 16.20.030, 16.20.035, and 16.28.165 are each recodified as sections in chapter 16.24 RCW.

NEW SECTION. Sec. 20. The following acts or parts of acts are each repealed:

- (1) Section 2, chapter 12, Laws of 1891 and RCW 16.28.170;
- (2) Section 1, page 454, Laws of 1890 and RCW 16.12.010;
- (3) Section 2, page 454, Laws of 1890, section 1, chapter 86, Laws of 1927, section 178, chapter 202, Laws of 1987 and RCW 16.12.020;
- (4) Section 3, page 454, Laws of 1890, section 1, chapter 39, Laws of 1899, section 179, chapter 202, Laws of 1987 and RCW 16.12.030;
- (5) Section 7, page 456, Laws of 1890 and RCW 16.12.070;
- (6) Section 8, page 456, Laws of 1890 and RCW 16.12.080;
- (7) Section 1, chapter 115, Laws of 1888, section 1, chapter 53, Laws of 1907, section 1, chapter 159, Laws of 1913, section 1, chapter 33, Laws of 1945 and RCW 16.12.090;
- (8) Section 2, chapter 115, Laws of 1888, section 2, chapter 53, Laws of 1907, section 2, chapter 159, Laws of 1913, section 2, chapter 33, Laws of 1945 and RCW 16.12.100;
- (9) Section 3, chapter 115, Laws of 1888 and RCW 16.12.110;
- (10) Section 1, chapter 31, Laws of 1951, section 13, chapter 7, Laws of 1975 1st ex. sess., section 15, chapter 415, Laws of 1985 and RCW 16.13.010;
- (11) Section 9, chapter 31, Laws of 1951 and RCW 16.13.090;
- (12) Section 1, chapter 124, Laws of 1895 and RCW 16.16.010;
- (13) Section 3, chapter 124, Laws of 1895 and RCW 16.16.030;
- (14) Section 2549, Code of 1881 and RCW 16.16.040;
- (15) Section 4, page 90, Laws of 1871, section 2547, Code of 1881 and RCW 16.16.050;
- (16) Section 4, page 90, Laws of 1871, section 2548, Code of 1881, section 180, chapter 202, Laws of 1987 and RCW 16.16.060;
- (17) Section 3, chapter 111, Laws of 1917 and RCW 16.20.040;
- (18) Section 22, chapter 154, Laws of 1979 and RCW 16.13.025; and
- (19) Section 25, chapter 154, Laws of 1979 and RCW 16.57.295.

Sec. 21. Section 3, chapter 31, Laws of 1893 as last amended by section 24, chapter 415, Laws of 1985 and RCW 16.04.025 are each amended to read as follows:

If the owner or the person having in charge or possession such animals is unknown to the person sustaining the damage, the person retaining such animals shall, within twenty-four hours, notify the county sheriff or the nearest state brand inspector as to the number, description, and location of the animals. The county sheriff or brand inspector shall examine the animals by brand, tattoo, or other identifying characteristics and attempt to ascertain ownership. If the animal is marked with a brand or tattoo which is registered with the director of agriculture, the brand inspector or county sheriff shall furnish this information and other pertinent information to the person holding the animals who in turn shall send the notice required in RCW 16.04.020 to the animals' owner of record by certified mail.

If the county sheriff or the brand inspector determines that there is no apparent damage to the property of the person retaining the animals, or if the person sustaining the damage contacts the county sheriff or brand inspector to have the animals removed from his or her property, such animals shall be removed in accordance with chapter ~~((16-13))~~ 16.24 RCW. Such removal shall not prejudice the property owner's ability to recover damages through civil suit.

Sec. 22. Section 1, chapter 54, Laws of 1959 as last amended by section 15, chapter 296, Laws of 1981 and RCW 16.57.010 are each amended to read as follows:

For the purpose of this chapter:

(1) 'Department' means the department of agriculture of the state of Washington.

(2) 'Director' means the director of the department or ~~((his))~~ a duly appointed representative.

(3) 'Person' means a natural person, individual, firm, partnership, corporation, company, society, and association, and every officer, agent or employee thereof. This term shall import either the singular or the plural as the case may be.

(4) 'Livestock' includes, but is not limited to, horses, mules, cattle, sheep, swine, goats, poultry and rabbits.

(5) 'Brand' means a permanent fire brand or any artificial mark, other than an individual identification symbol, approved by the director to be used in conjunction with a brand or by itself.

(6) 'Production record brand' means a number brand which shall be used for production identification purposes only.

(7) 'Brand inspection' means the examination of livestock or livestock hides for brands or any means of identifying livestock or livestock hides and/or the application of any artificial identification such as back tags or ear clips necessary to preserve the identity of the livestock or livestock hides examined.

~~((8))~~ ~~'Class I estray' means any cattle or horses at large contrary to the provisions of RCW 16.13.010 as now or hereafter amended, or any unclaimed cattle or horses submitted or impounded by any person at any public livestock market or any other facility approved by the director.~~

~~((9))~~ ~~'Class II estray' means any cattle or horses identified as estray that are offered for sale and as provided for in RCW 16.57.290 as now or hereafter amended.~~

~~((10))~~ 'Individual identification symbol' means a permanent mark placed on a horse for the purpose of individually identifying and registering the horse and which has been approved for use as such by the director.

~~((11))~~ (9) 'Registering agency' means any person issuing an individual identification symbol for the purpose of individually identifying and registering a horse.

Sec. 23. Section 29, chapter 54, Laws of 1959 as last amended by section 20, chapter 296, Laws of 1981 and RCW 16.57.290 are each amended to read as follows:

All unbranded cattle and horses and those bearing brands not recorded, in the current edition of this state's brand book, which are not accompanied by a certificate of permit, and those bearing brands recorded, in the current edition of this state's brand book, which are not accompanied by a certificate of permit signed by the owner of the brand when presented for inspection, ~~((are hereby declared to be class II estrays))~~ shall be sold by the director or the director's representative, unless other satisfactory proof of ownership is presented showing the person presenting them to be lawfully in possession. ~~((Such estrays shall be sold by))~~ Upon the sale of such cattle or horses, the director or ~~((his))~~ the director's representative ~~((who))~~ shall give the purchasers a bill of sale therefor, or, if theft is suspected, the ~~((horse))~~ cattle or horses may be impounded by the director or the director's representative.

Sec. 24. Section 30, chapter 54, Laws of 1959 as amended by section 21, chapter 296, Laws of 1981 and RCW 16.57.300 are each amended to read as follows:

The proceeds from the sale of ~~((class II estrays))~~ cattle and horses as provided for under RCW 16.57.290, after paying the cost thereof, shall be paid to the director, who shall make a record showing the brand or marks or other method of identification of the animals and the amount realized from the sale thereof. However, the proceeds from a sale of ~~((class II estrays))~~ such cattle or horses at a licensed public livestock market shall be held by the licensee for a reasonable period not to exceed thirty days to permit the consignor to establish ownership or the right to sell such cattle or horses. If such consignor fails to establish legal ownership or the right to sell such cattle or horses, such proceeds shall be paid to the director to be disposed of as any other estray proceeds.

Sec. 25. Section 35, chapter 296, Laws of 1981 and RCW 16.57.410 are each amended to read as follows:

(1) No person may act as a registering agency without a permit issued by the department. The director may issue a permit to any person or organization to act as a registering agency for the purpose of issuing permanent identification symbols for horses in a manner prescribed by the director. Application for such permit, or the renewal thereof by January 1 of each year, shall be on a form prescribed by the director, and accompanied by the proof of registration to be issued, any other documents required by the director, and a fee of one hundred dollars.

(2) Each registering agency shall maintain a permanent record for each individual identification symbol. The record shall include, but need not be limited to, the name, address, and phone number of the horse owner and a general description of the horse. A copy of each permanent record shall be forwarded to the director, if requested by the director.

(3) Individual identification symbols shall be inspected as required for brands under RCW 16.57.380 and 16.57.390. Any horse presented for inspection and bearing such a symbol, but not accompanied by proof of registration and certificate of permit, shall be ~~((considered a class II estray))~~ sold as provided under RCW 16.57.290 through 16.57.330.

(4) The director shall adopt such rules as are necessary for the effective administration of this section pursuant to chapter ~~((34.04))~~ 34.05 RCW.

NEW SECTION, Sec. 26. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected."

On page 1, line 1 of the title, after "livestock;" strike the remainder of the title and insert "amending RCW 16.04.010, 16.16.020, 16.24.010, 16.24.020, 16.24.030, 16.24.050, 16.24.060, 16.24.065, 16.24.070, 16.13.020, 16.13.030, 16.13.050, 16.24.090, 16.20.010, 16.28.160, 16.20.035, 16.04.025, 16.57.010, 16.57.290, 16.57.300, and 16.57.410; adding a new section to chapter 16.04 RCW; recodifying RCW 16.16.020, 16.13.020, 16.13.030, 16.13.050, 16.28.160, 16.20.010, 16.13.040, 16.13.060, 16.13.070, 16.13.080, 16.20.020, 16.20.030, 16.20.035, and 16.28.165; repealing RCW 16.28.170, 16.12.010, 16.12.020, 16.12.030, 16.12.070, 16.12.080, 16.12.090, 16.12.100, 16.12.110, 16.13.010, 16.13.090, 16.16.010, 16.16.030, 16.16.040, 16.16.050, 16.16.060, 16.20.040, 16.13.025, and 16.57.295; and prescribing penalties."

and the same is herewith transmitted.

W. D. Naismith, Assistant Secretary.

MOTION

Ms. Rayburn moved that the House do concur in the Senate amendments to Engrossed House Bill No. 2001.

Representatives Rayburn and Nealey spoke in favor of the motion, and it was carried.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

The Speaker (Mr. O'Brien presiding) stated the question before the House to be the final passage of Engrossed House Bill No. 2001 as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 2001 as amended by the Senate, and the bill passed the House by the following vote: Yeas, 97; excused, 1.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Baugher, Beck, Belcher, Betzoff, Bowman, Braddock, Brekke, Bristow, Brooks, Brough, Brumsickle, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Fraser, Fuhrman, Grant, Hankins, Hargrove, Haugen, Hearvey, Hine, Holland, Horn, Insee, Jacobsen, Jesernig, Jones, King P, King R, Kremen, Leonard, Locke, May, McLean, Meyers R, Miller, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Padden, Patrick, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith, Sommers D, Sommers H, Spaniel, Sprenkle, Tate, Todd, Valle, Van Luven, Vekich, Walk, Walker, Wang, Wilson K, Wilson S, Wineberry, Winsley, Wolfe, Wood, Youngsman, Zellinsky, and Mr. Speaker - 97.

Excused: Representative Gallagher - 1.

Engrossed House Bill No. 2001 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SENATE AMENDMENTS TO HOUSE CONCURRENT RESOLUTION

April 11, 1989

Mr. Speaker:

The Senate has passed HOUSE CONCURRENT RESOLUTION NO. 4408 with the following amendments:

On page 1, line 30, strike "adopts" and insert "accepts"

On page 2, line 4, after "by" strike "requiring" and insert "asking"

and the same is herewith transmitted.

W. D. Naismith, Assistant Secretary.

MOTION

Ms. Cantwell moved that the House do concur in the Senate amendments to House Concurrent Resolution No. 4408. The motion was carried.

FINAL PASSAGE OF HOUSE CONCURRENT RESOLUTION AS SENATE AMENDED

The Speaker (Mr. O'Brien presiding) stated the question before the House to be the final passage of House Concurrent Resolution No. 4408 as amended by the Senate.

ROLL CALL

The Clerk called the roll on the adoption of House Concurrent Resolution No. 4408 as amended by the Senate, and the resolution was adopted by the following vote: Yeas, 97; excused, 1.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Baugher, Beck, Belcher, Betzoff, Bowman, Braddock, Brekke, Bristow, Brooks, Brough, Brumsickle, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Fraser, Fuhrman, Grant, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Inslie, Jacobsen, Jesernig, Jones, King P, King R, Krømen, Leonard, Locke, May, McLean, Meyers R, Miller, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Padden, Patrick, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith, Sommers D, Sommers H, Spanel, Sprengle, Tate, Todd, Valle, Van Luven, Vekich, Walk, Walker, Wang, Wilson K, Wilson S, Wineberry, Winsley, Wolfe, Wood, Youngsman, Zellinsky, and Mr. Speaker - 97.

Excused: Representative Gallagher - 1.

House Concurrent Resolution No. 4408 as amended by the Senate, having received the constitutional majority, was declared adopted.

SENATE AMENDMENTS TO HOUSE BILL

April 3, 1989

Mr. Speaker:

The Senate has passed ENGROSSED HOUSE BILL NO. 1103 with the following amendments:

On page 4, line 25, after "including" strike "a" and insert "any"

On page 5, line 4, after "use," strike all material through "lienholder," on line 9 and insert "The manufacturer shall ((be made)) make such payment to the ((consumer and)) lessor and/or lienholder of record ((if any, as his or her interests may appear)) as necessary to obtain clear title to the motor vehicle and upon the lessor's and/or lienholder's receipt of that payment and payment by the consumer of any late payment charges, the consumer shall be relieved of any future obligation to the lessor and/or lienholder."

and the same is herewith transmitted.

W. D. Naismith, Assistant Secretary.

MOTION

Mr. Vekich moved that the House refuse to concur in the Senate amendments to Engrossed House Bill No. 1103 and ask the Senate for a conference thereon. The motion was carried.

APPOINTMENT OF CONFEREES

The Speaker (Mr. O'Brien presiding) appointed Representatives Jones, P. King and Wolfe as conferees on Engrossed House Bill No. 1103.

SENATE AMENDMENTS TO HOUSE BILL

April 14, 1989

Mr. Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 1405 with the following amendments:

Strike everything after the enacting clause and insert the following:

"NEW SECTION, Sec. 1. A new section is added to chapter 28B.15 RCW to read as follows:

In addition to the tuition and fees imposed under RCW 28B.15.202, 28B.15.402, and 28B.15.502, the boards of regents or trustees at each of the state's regional and state universities, The Evergreen State College, and the state's community colleges may impose a building fee surcharge in the manner provided in this section.

The building fee surcharge shall be expressed as a percentage of tuition fees as defined in RCW 28B.15.020. The building fee surcharge shall not exceed ten percent of tuition fees and

shall not apply to the summer term. For each state fiscal biennium, the respective board may impose the surcharge by November 10 of the year prior to the beginning of the fiscal biennium. Any subsequent modification of the surcharge shall not take effect until the end of the fiscal biennium for which the surcharge was imposed. Once imposed, the building fee surcharge shall not be reduced by the respective board if the reduction will result in the inability of the applicable bond retirement fund to pay the principal and interest on bonds for which the building fee surcharge revenue was pledged.

No surcharge under this section may be imposed or increased by the board of regents or trustees without the consultation of the student services and activities fee committee established under RCW 28B.15.045.

If a building fee surcharge is imposed under this section in a community college district with more than one campus, the surcharge shall apply uniformly to all campuses of that district.

The revenue generated from the building fee surcharge, together with a matching amount of operating fee revenue, shall be deposited in the state treasury as provided in RCW 28B.15.025 and shall be used solely for the capital purposes of the individual institution of higher education imposing the surcharge.

It is the intent of this section to provide additional resources to the state's institutions of higher education to address the institutions' unmet needs for capital improvements. The imposition of a surcharge by an institution of higher education under this section shall not be a prerequisite to the receipt by that institution of other appropriations for capital improvements.

Sec. 2. Section 12, chapter 390, Laws of 1985 and RCW 28B.15.025 are each amended to read as follows:

The term 'building fees' means the building fees imposed under RCW 28B.15.202, 28B.15.402, and 28B.15.502 and the building fee surcharge and matching funds authorized under section 1 of this act charged students registering at the state's colleges and universities(-which); The building fees are to be used as follows: At the University of Washington, solely for the purposes provided in RCW 28B.15.210; at Washington State University, solely for the purposes provided in RCW 28B.15.310; at each of the regional universities and at The Evergreen State College, solely for the purposes provided in RCW 28B.35.370; and at the community colleges, for the purposes provided in RCW 28B.50.320, 28B.50.360 and 28B.50.370. The community college building fee surcharge and matching funds shall be paid into the state treasury and deposited in the community college capital projects account pursuant to RCW 28B.50.360(2). The term 'building fees' is a renaming of the 'general tuition fee,' and shall not be construed to affect otherwise moneys pledged to, or used for bond retirement purposes.

Sec. 3. Section 2, chapter 257, Laws of 1981 as last amended by section 1, chapter 42, Laws of 1986 and RCW 28B.15.067 are each amended to read as follows:

Except as provided in section 1 of this act, tuition fees shall be established and adjusted annually under the provisions of this chapter beginning with the 1987-88 academic year. Such fees shall be identical, subject to other provisions of this chapter, for students enrolled at either state university, for students enrolled at the regional universities and The Evergreen State College and for students enrolled at any community college. Tuition fees shall reflect the undergraduate and graduate educational costs of the state universities, the regional universities and the community colleges, respectively, in the amounts prescribed in this chapter. The change from the biennial tuition fee adjustment to an annual tuition fee adjustment shall not reduce the amount of revenue to the state general fund.

Sec. 4. Section 20, chapter 15, Laws of 1970 ex. sess. as last amended by section 16, chapter 57, Laws of 1985 and by section 56, chapter 390, Laws of 1985 and RCW 28B.50.360 are each reenacted and amended to read as follows:

There is hereby created in the state treasury a community college bond retirement fund. Except as provided in RCW 28B.15.025, within thirty-five days from the date of start of each quarter all building fees of each such community college shall be paid into the state treasury, and shall be credited as follows:

(1) On or before June 30th of each year the college board if issuing bonds payable out of building fees shall certify to the state treasurer the amounts required in the ensuing twelve-month period to pay and secure the payment of the principal of and interest on such bonds. The state treasurer shall thereupon deposit the amounts so certified in the community college bond retirement fund which fund as required, is hereby created in the state treasury. Such amounts of the funds deposited in the bond retirement fund as are necessary to pay and secure the payment of the principal of and interest on the building bonds issued by the college board as authorized by this chapter shall be exclusively devoted to that purpose. If in any twelve-month period it shall appear that the amount certified by the college board is insufficient to pay and secure the payment of the principal of and interest on the outstanding building bonds, the state treasurer shall notify the college board and such board shall adjust its certificate so that all requirements of moneys to pay and secure the payment of the principal and interest on all such bonds then outstanding shall be fully met at all times.

(2) That portion of the building fees not required for or in excess of the amounts necessary to pay and secure the payment of any of the bonds as provided in subsection (1) above shall

be deposited in the community college capital projects account which account is hereby created in the state treasury. The sums deposited in the capital projects account shall be appropriated and expended exclusively for the construction, reconstruction, erection, equipping, maintenance, demolition and major alteration of buildings and other capital assets owned by the state board for community college education in the name of the state of Washington, and the acquisition of sites, rights-of-way, easements, improvements or appurtenances in relation thereto, and for the payment of principal of and interest on any bonds issued for such purposes. All earnings of investments of balances in the community college capital projects account shall be credited to the general fund.

(3) Notwithstanding the provisions of subsections (1) and (2) above, at such time as all outstanding building bonds of the college board payable from the community college bond retirement fund have been paid, redeemed, and retired, or at such time as ample provision has been made by the state for full payment, from some source other than the community college bond retirement fund, of the principal of and the interest on and call premium, if applicable, of such bonds as they mature and/or upon their call prior to their maturity, through refunding or otherwise, that portion of all building fees of the community colleges equal to the amount required to pay yearly debt service on any general obligation bonds issued by the state in accordance with Article VIII, section 1, Washington state Constitution, for community college purposes, shall be paid into the general fund of the state treasury. The state finance committee shall determine whether ample provision has been made for payment of such bonds payable from the said bond retirement fund and shall determine the amount required to pay yearly debt service on such general obligation bonds of the state. This subsection does not apply to the building fee surcharge and matching funds authorized under section 1 of this act. Nothing in this subsection shall be construed as obligating the legislature or the state to provide for payment of such community college building bonds from some source other than the community college bond retirement fund or as pledging the general credit of the state to the payment of such bonds.

(4) The revenue from the building fee surcharge and matching funds authorized under section 1 of this act is not obligated to the payment of principal or interest on any bond issued prior to the effective date of this act or any bond for which the building fee surcharge and matching fund revenue was not specifically pledged.

Sec. 5. Section 6, chapter 257, Laws of 1981 as last amended by section 19, chapter 390, Laws of 1985 and RCW 28B.15.202 are each amended to read as follows:

Tuition fees and services and activities fees at the University of Washington and at Washington State University for other than summer quarters or semesters shall be as follows:

(1) For full time resident undergraduate students and all other full time resident students not in graduate study programs or enrolled in programs leading to the degrees of doctor of medicine, doctor of dental surgery, and doctor of veterinary medicine, the total tuition fees shall be one-third of the per student undergraduate educational costs at the state universities computed as provided in RCW 28B.15.067 and 28B.15.070: PROVIDED, That ((the building fees for each academic year shall be one hundred and twenty dollars)) beginning July 1, 1991, the building fees for each academic year shall equal nine percent of the tuition level established in this subsection.

(2) For full time resident graduate students not enrolled in programs leading to the degrees of doctor of medicine, doctor of dental surgery, and doctor of veterinary medicine, the total tuition fees shall be twenty-three percent of the per student graduate educational costs at the state universities computed as provided in RCW 28B.15.067 and 28B.15.070: PROVIDED, That ((the building fees for each academic year shall be one hundred and twenty dollars)) beginning July 1, 1991, the building fees for each academic year shall equal nine percent of the tuition level established in this subsection.

(3) For full time resident students enrolled in programs leading to the degrees of doctor of medicine, doctor of dental surgery, and doctor of veterinary medicine, the total tuition fees shall be one hundred sixty-seven percent of such fees charged in subsection (2) above: PROVIDED, That ((the building fees for each academic year shall be three hundred and forty-two dollars)) beginning July 1, 1991, the building fees for each academic year shall equal nine percent of the tuition level established in this subsection.

(4) For full time nonresident undergraduate students and such other full time nonresident students not in graduate study programs or enrolled in programs leading to the degrees of doctor of medicine, doctor of dental surgery, or doctor of veterinary medicine, the total tuition fees shall be one hundred percent of the per student undergraduate educational costs at the state universities computed as provided in RCW 28B.15.067 and 28B.15.070: PROVIDED, That ((the building fees for each academic year shall be three hundred and fifty-four dollars)) beginning July 1, 1991, the building fees for each academic year shall equal nine percent of the tuition level established in this subsection.

(5) For full time nonresident graduate students not enrolled in programs leading to the degrees of doctor of medicine, doctor of dental surgery, and doctor of veterinary medicine, the total tuition fees shall be four thousand and seventy-four dollars, and thereafter such fees shall

be sixty percent of the per student graduate educational costs at the state universities computed as provided in RCW 28B.15.067 and 28B.15.070: PROVIDED, That ~~((the building fees for each academic year shall be three hundred and fifty-four dollars))~~ beginning July 1, 1991, the building fees for each academic year shall equal nine percent of the tuition level established in this subsection.

(6) For full time nonresident students enrolled in programs leading to the degrees of doctor of medicine, doctor of dental surgery, and doctor of veterinary medicine, the total tuition fees shall be one hundred sixty-seven percent of such fees charged in subsection (5) above: PROVIDED, That ~~((the building fees for each academic year shall be five hundred and fifty-five dollars))~~ beginning July 1, 1991, the building fees for each academic year shall equal nine percent of the tuition level established in this subsection.

(7) The boards of regents of each of the state universities shall charge and collect equally from each of the students registering at the particular institution and included in subsections (1) through (6) hereof a services and activities fee which for each year of the 1981-83 biennium shall not exceed one hundred and thirty-eight dollars. In subsequent biennia the board of regents may increase the existing fee, consistent with budgeting procedures set forth in RCW 28B.15.045, by a percentage not to exceed the percentage increase in tuition fees authorized in subsection (1) above: PROVIDED, That such percentage increase shall not apply to that portion of the services and activities fee previously committed to the repayment of bonded debt. The services and activities fee committee provided for in RCW 28B.15.045 may initiate a request to the governing board for a fee increase.

Sec. 6. Section 7, chapter 257, Laws of 1981 as last amended by section 24, chapter 390, Laws of 1985 and RCW 28B.15.402 are each amended to read as follows:

Tuition fees and services and activities fees at the regional universities and The Evergreen State College for other than summer quarters or semesters shall be as follows:

(1) For full time resident undergraduate students and all other full time resident students not in graduate study programs, the total tuition fees shall be one-fourth of the per student undergraduate educational costs at the regional universities computed as provided in RCW 28B.15.067 and 28B.15.070: PROVIDED, That ~~((the building fees for each academic year shall be seventy-six dollars and fifty cents))~~ beginning July 1, 1991, the building fees for each academic year shall equal nine percent of the tuition level established in this subsection.

(2) For full time resident graduate students, the total tuition fees shall be twenty-three percent of the per student graduate educational costs at the regional universities computed as provided in RCW 28B.15.067 and 28B.15.070: PROVIDED, That ~~((the building fees for each academic year thereafter shall be seventy-six dollars and fifty cents))~~ beginning July 1, 1991, the building fees for each academic year shall equal nine percent of the tuition level established in this subsection.

(3) For full time nonresident undergraduate students and all other full time nonresident students not in graduate study programs, the total tuition fees shall be one hundred percent of the per student undergraduate educational costs at the regional universities computed as provided in RCW 28B.15.067 and 28B.15.070: PROVIDED, That ~~((the building fees for each academic year shall be two hundred and ninety-five dollars and fifty cents))~~ beginning July 1, 1991, the building fees for each academic year shall equal nine percent of the tuition level established in this subsection.

(4) For full time nonresident graduate students, the total of tuition fees shall be seventy-five percent of the per student graduate educational costs at the regional universities computed as provided in RCW 28B.15.067 and 28B.15.070: PROVIDED, That ~~((the building fees for each academic year shall be two hundred and ninety-five dollars and fifty cents))~~ beginning July 1, 1991, the building fees for each academic year shall equal nine percent of the tuition level established in this subsection.

(5) The boards of trustees of each of the regional universities and The Evergreen State College shall charge and collect equally from each of the students registering at the particular institution and included in subsections (1) through (4) hereof a services and activities fee which for each year of the 1981-83 biennium shall not exceed one hundred eighty-four dollars and fifty cents. In subsequent biennia the board of trustees may increase the existing fee, consistent with budgeting procedures set forth in RCW 28B.15.045, by a percentage not to exceed the percentage increase in tuition fees authorized in subsection (1) above: PROVIDED, That such percentage increase shall not apply to that portion of the services and activities fee previously committed to the repayment of bonded debt. The services and activities fee committee provided for in RCW 28B.15.045 may initiate a request to the governing board for a fee increase.

Sec. 7. Section 8, chapter 257, Laws of 1981 as last amended by section 25, chapter 390, Laws of 1985 and RCW 28B.15.502 are each amended to read as follows:

Tuition fees and services and activities fees at each community college other than at summer quarters shall be as follows:

(1) For full time resident students, the total tuition fees shall be twenty-three percent of the per student educational costs at the community colleges computed as provided in RCW 28B.15.067 and 28B.15.070: PROVIDED, That ~~((the building fees for each academic year shall be one hundred and twenty-seven dollars and fifty cents))~~ beginning July 1, 1991, the building

fees for each academic year shall equal twenty percent of the tuition level established in this subsection.

(2) For full time nonresident students, the total tuition fees shall be one hundred percent of the per student educational costs at the community colleges computed as provided in RCW 28B.15.067 and 28B.15.070: PROVIDED, That ~~((the building fees for each academic year shall be four hundred and three dollars and fifty cents))~~ beginning July 1, 1991, the building fees for each academic year shall equal twenty percent of the tuition level established in this subsection.

(3) The boards of trustees of each of the state community colleges shall charge and collect equally from each of the students registering at the particular institution and included in subsections (1) and (2) hereof a services and activities fee which for each year of the 1981-83 biennium shall not exceed sixty-four dollars and fifty cents. In subsequent biennia the board of trustees may increase the existing fee, consistent with budgeting procedures set forth in RCW 28B.15.045, by a percentage not to exceed the percentage increase in tuition fees authorized in subsection (1) above: PROVIDED, That such percentage increase shall not apply to that portion of the services and activities fee previously committed to the repayment of bonded debt. The services and activities fee committee provided for in RCW 28B.15.045 may initiate a request to the governing board for a fee increase.

(4) Tuition and services and activities fees consistent with the above schedule will be fixed by the state board for community colleges for summer school students.

The board of trustees shall charge such fees for ungraded courses, noncredit courses, community services courses, and self-supporting short courses as it, in its discretion, may determine, not inconsistent with the rules and regulations of the state board for community college education.

NEW SECTION, Sec. 8. Sections 5 through 7 of this act shall take effect July 1, 1991."

On page 1, beginning on line 1 of the title, after "fees;" strike the remainder of the title and insert "amending RCW 28B.15.025, 28B.15.067, 28B.15.202, 28B.15.402, and 28B.15.502; reenacting and amending RCW 28B.50.360; adding a new section to chapter 28B.15 RCW; and providing an effective date."

and the same is herewith transmitted.

W. D. Naismith, Assistant Secretary.

MOTION

Ms. H. Sommers moved that the House refuse to concur in the Senate amendments to Substitute House Bill No. 1405 and ask the Senate for a conference thereon. The motion was carried.

APPOINTMENT OF CONFEREES

The Speaker (Mr. O'Brien presiding) appointed Representatives H. Sommers, Jacobsen and Wood as conferees on Substitute House Bill No. 1405.

SENATE AMENDMENTS TO HOUSE BILL

April 14, 1989

Mr. Speaker:

The Senate has passed HOUSE BILL NO. 1478 with the following amendments:

Strike everything after the enacting clause and insert the following:

"Sec. 1. Section 17, chapter 90, Laws of 1979 as last amended by section 5, chapter 153, Laws of 1984 and RCW 18.64.044 are each amended to read as follows:

(1) A shopkeeper registered ~~((or exempt from registration))~~ as provided in this section may sell nonprescription drugs, if such drugs are sold in the original package of the manufacturer. ~~((Shopkeepers with fifteen or fewer drugs shall be exempt from the registration requirements of this section and shall not be required to pay any fees required by this section, but shall be considered shopkeepers for any other purposes under chapter 18.64 RCW.))~~

(2) Every shopkeeper not a licensed pharmacist, desiring to secure the benefits and privileges of this section, is hereby required to register as a shopkeeper through the master license system, and he or she shall pay the fee determined by the ~~((board))~~ secretary for registration, and on a date to be determined by the ~~((board))~~ secretary thereafter the fee determined by the ~~((board))~~ secretary for renewal of the registration; and shall at all times keep said registration or the current renewal thereof conspicuously exposed in the shop to which it applies. In event such shopkeeper's registration is not renewed by the master license expiration date, no renewal or new registration shall be issued except upon payment of the registration renewal fee and the master license delinquency fee under chapter 19.02 RCW. This registration fee shall not authorize the sale of legend drugs or controlled substances.

(3) The registration fees determined by the ~~((board))~~ secretary under subsection (2) of this section shall not exceed the cost of registering the shopkeeper.

(4) Any shopkeeper who shall vend or sell, or offer to sell to the public any such nonprescription drug or preparation without having registered to do so as provided in this section,

shall be guilty of a misdemeanor and each sale or offer to sell shall constitute a separate offense.

Sec. 2. Section 1, chapter 28, Laws of 1939 as amended by section 15, chapter 90, Laws of 1979 and RCW 18.64.245 are each amended to read as follows:

Every proprietor or manager of a pharmacy shall keep readily available a suitable record of prescriptions which shall preserve for a period of not less than ~~((five))~~ two years the record of every prescription dispensed at such pharmacy which shall be numbered, dated, and filed, and shall produce the same in court or before any grand jury whenever lawfully required to do so. The record shall be maintained either separately from all other records of the pharmacy or in such form that the information required is readily retrievable from ordinary business records of the pharmacy. All record-keeping requirements for controlled substances must be complied with. Such record of prescriptions shall be for confidential use in the pharmacy, only: PROVIDED, That the record of prescriptions shall be open for inspection by the board of pharmacy or any officer of the law, who is authorized to enforce chapter 18.64, 69.41, or 69.50 RCW.

Sec. 3. Section 1, chapter 9, Laws of 1972 ex. sess. as last amended by section 10, chapter 153, Laws of 1984 and RCW 18.64.080 are each amended to read as follows:

(1) The ~~((state board of pharmacy))~~ department may license as a pharmacist any person who has filed an application therefor, subscribed by the person under oath or affirmation, containing such information as the board may by regulation require, and who—

(a) Is at least eighteen years of age ~~((and is a citizen of the United States, an alien in an educational pharmacy graduate or residency program for the period of the program, or a resident alien))~~;

(b) Has satisfied the board that he or she is of good moral and professional character, that he or she will carry out the duties and responsibilities required of a pharmacist, and that he or she is not unfit or unable to practice pharmacy by reason of the extent or manner of his or her proven use of alcoholic beverages, drugs, or controlled substances, or by reason of a proven physical or mental disability;

(c) Holds a baccalaureate degree in pharmacy or a doctor of pharmacy degree granted by a school or college of pharmacy which is accredited by the board of pharmacy;

(d) Has completed or has otherwise met the internship requirements as set forth in board rules;

(e) Has satisfactorily passed the necessary examinations ~~((given))~~ approved by the board and administered by the department.

(2) The ~~((state board of pharmacy))~~ department shall, at least once in every calendar year, offer an examination to all applicants for a pharmacist license who have completed their educational and internship requirements pursuant to rules promulgated by the board. The ~~((said))~~ examination shall be determined by the board. In case of failure at a first examination, the applicant shall have within three years the privilege of a second and third examination. In case of failure in a third examination, the applicant shall not be eligible for further examination until he or she has satisfactorily completed additional preparation as directed and approved by the board. The applicant must pay the examination fee determined by the ~~((board))~~ secretary for each examination taken. Upon passing the required examinations and complying with all the rules and regulations of the board and the provisions of this chapter, the ~~((board))~~ department shall grant the applicant a license as a pharmacist and issue to him or her a certificate qualifying him or her to enter into the practice of pharmacy.

(3) Any person enrolled as a student of pharmacy in an accredited college may file with the ~~((state board of pharmacy))~~ department an application for registration as a pharmacy intern in which ~~((said))~~ application he or she shall be required to furnish such information as the board may, by regulation, prescribe and, simultaneously with the filing of said application, shall pay to the ~~((board))~~ department a fee to be determined by the ~~((board))~~ secretary. All certificates issued to pharmacy interns shall be valid for a period to be determined by the board, but in no instance shall the certificate be valid if the individual is no longer making timely progress toward graduation, provided however, the board may issue an intern certificate to a person to complete an internship to be eligible for initial licensure or for the reinstatement of a previously licensed pharmacist.

(4) To assure adequate practical instruction, pharmacy internship experience as required under this chapter shall be obtained after registration as a pharmacy intern by practice in any licensed pharmacy or other program meeting the requirements promulgated by regulation of the board, and shall include such instruction in the practice of pharmacy as the board by regulation shall prescribe.

(5) The ~~((board))~~ department may, without examination other than one in the laws relating to the practice of pharmacy, license as a pharmacist any person who, at the time of filing application therefor, is currently licensed as a pharmacist in any other state, territory, or possession of the United States: PROVIDED, That the ~~((said))~~ person shall produce evidence satisfactory to the ~~((board))~~ department of having had the required secondary and professional education and training and who was licensed as a pharmacist by examination in another state prior to June 13, 1963, shall be required to satisfy only the requirements which existed in this

state at the time he or she became licensed in such other state: PROVIDED FURTHER, That the state in which ~~((said))~~ the person is licensed shall under similar conditions grant reciprocal licenses as pharmacist without examination to pharmacists duly licensed by examination in this state. Every application under this subsection shall be accompanied by a fee determined by the ~~((board))~~ department.

(6) The ~~((board))~~ department shall provide for, regulate, and require all persons licensed as pharmacists to renew their license periodically, and shall prescribe the form of such license and information required to be submitted by all applicants.

Sec. 4. Section 15, chapter 38, Laws of 1963 as amended by section 14, chapter 90, Laws of 1979 and RCW 18.64.165 are each amended to read as follows:

The board shall have the power to refuse, suspend, or revoke the license of any manufacturer, wholesaler, pharmacy, shopkeeper, itinerant vendor, ~~((or))~~ peddler, poison distributor, or precursor chemical distributor upon proof that:

(1) The license was procured through fraud, misrepresentation, or deceit;

(2) The licensee has violated or has permitted any employee to violate any of the laws of this state or the United States relating to drugs, controlled substances, cosmetics, or nonprescription drugs, or has violated any of the rules and regulations of the board of pharmacy or has been convicted of a felony.

NEW SECTION, Sec. 5. A new section is added to chapter 69.41 RCW to read as follows:

A pharmaceutical manufacturer, wholesaler, pharmacy, or practitioner who purchases, dispenses, or distributes legend drugs shall maintain invoices or such other records as are necessary to account for the receipt and disposition of the legend drugs.

The records maintained pursuant to this section shall be available for inspection by the board and its authorized representatives and shall be maintained for two years.

NEW SECTION, Sec. 6. A new section is added to chapter 69.41 RCW to read as follows:

All records, reports, and information obtained by the board or its authorized representatives from or on behalf of a pharmaceutical manufacturer, representative of a manufacturer, wholesaler, pharmacy, or practitioner who purchases, dispenses, or distributes legend drugs under this chapter are confidential and exempt from public inspection and copying under chapter 42.17 RCW. Nothing in this section restricts the investigations or the proceedings of the board so long as the board and its authorized representatives comply with the provisions of chapter 42.17 RCW.

Sec. 7. Section 2, chapter 107, Laws of 1987, section 1, chapter 337, Laws of 1987, section 16, chapter 370, Laws of 1987, section 1, chapter 404, Laws of 1987, and section 10, chapter 411, Laws of 1987 and RCW 42.17.310 are each reenacted and amended to read as follows:

(1) The following are exempt from public inspection and copying:

(a) Personal information in any files maintained for students in public schools, patients or clients of public institutions or public health agencies, welfare recipients, prisoners, probationers, or parolees.

(b) Personal information in files maintained for employees, appointees, or elected officials of any public agency to the extent that disclosure would violate their right to privacy.

(c) Information required of any taxpayer in connection with the assessment or collection of any tax if the disclosure of the information to other persons would (i) be prohibited to such persons by RCW 82.32.330 or (ii) violate the taxpayer's right to privacy or result in unfair competitive disadvantage to the taxpayer.

(d) Specific intelligence information and specific investigative records compiled by investigative, law enforcement, and penology agencies, and state agencies vested with the responsibility to discipline members of any profession, the nondisclosure of which is essential to effective law enforcement or for the protection of any person's right to privacy.

(e) Information revealing the identity of persons who file complaints with investigative, law enforcement, or penology agencies, other than the public disclosure commission, if disclosure would endanger any person's life, physical safety, or property: PROVIDED, That if at the time the complaint is filed the complainant indicates a desire for disclosure or nondisclosure, such desire shall govern: PROVIDED, FURTHER, That all complaints filed with the public disclosure commission about any elected official or candidate for public office must be made in writing and signed by the complainant under oath.

(f) Test questions, scoring keys, and other examination data used to administer a license, employment, or academic examination.

(g) Except as provided by chapter 8.26 RCW, the contents of real estate appraisals, made for or by any agency relative to the acquisition or sale of property, until the project or prospective sale is abandoned or until such time as all of the property has been acquired or the property to which the sale appraisal relates is sold, but in no event shall disclosure be denied for more than three years after the appraisal.

(h) Valuable formulae, designs, drawings, and research data obtained by any agency within five years of the request for disclosure when disclosure would produce private gain and public loss.

(i) Preliminary drafts, notes, recommendations, and intra-agency memorandums in which opinions are expressed or policies formulated or recommended except that a specific record shall not be exempt when publicly cited by an agency in connection with any agency action.

(j) Records which are relevant to a controversy to which an agency is a party but which records would not be available to another party under the rules of pretrial discovery for causes pending in the superior courts.

(k) Records, maps, or other information identifying the location of archaeological sites in order to avoid the looting or depredation of such sites.

(l) Any library record, the primary purpose of which is to maintain control of library materials, or to gain access to information, which discloses or could be used to disclose the identity of a library user.

(m) Financial information supplied by or on behalf of a person, firm, or corporation for the purpose of qualifying to submit a bid or proposal for (a) a ferry system construction or repair contract as required by RCW 47.60.680 through 47.60.750 or (b) highway construction or improvement as required by RCW 47.28.070.

(n) Railroad company contracts filed with the utilities and transportation commission under RCW 81.34.070, except that the summaries of the contracts are open to public inspection and copying as otherwise provided by this chapter.

(o) Financial and commercial information and records supplied by private persons pertaining to export services provided pursuant to chapter 53.31 RCW.

(p) Financial disclosures filed by private vocational schools under chapter 28C.10 RCW.

(q) Records filed with the utilities and transportation commission or attorney general under RCW 80.04.095 that a court has determined are confidential under RCW 80.04.095.

(r) Financial and commercial information and records supplied by businesses during application for loans or program services provided by chapters 43.31, 43.63A, and 43.168 RCW.

(s) Membership lists or lists of members or owners of interests of units in timeshare projects, subdivisions, camping resorts, condominiums, land developments, or common-interest communities affiliated with such projects, regulated by the department of licensing, in the files or possession of the department.

(t) ~~(Except as provided under section 2 of this 1987 act (1987 c 404 § 2).)~~ All applications for public employment, including the names of applicants, resumes, and other related materials submitted with respect to an applicant.

(u) The residential addresses and residential telephone numbers of employees or volunteers of a public agency which are held by the agency in personnel records, employment or volunteer rosters, or mailing lists of employees or volunteers.

(v) The residential addresses and residential telephone numbers of the customers of a public utility contained in the records or lists held by the public utility of which they are customers.

(w) Information obtained by the board of pharmacy as provided in RCW 69.45.090.

(x) Information obtained by the board of pharmacy and its representatives as provided in section 6 of this act.

(2) Except for information described in subsection (1)(c)(i) of this section and confidential income data exempted from public inspection pursuant to RCW 84.40.020, the exemptions of this section are inapplicable to the extent that information, the disclosure of which would violate personal privacy or vital governmental interests, can be deleted from the specific records sought. No exemption may be construed to permit the nondisclosure of statistical information not descriptive of any readily identifiable person or persons.

(3) Inspection or copying of any specific records exempt under the provisions of this section may be permitted if the superior court in the county in which the record is maintained finds, after a hearing with notice thereof to every person in interest and the agency, that the exemption of such records is clearly unnecessary to protect any individual's right of privacy or any vital governmental function.

(4) Agency responses refusing, in whole or in part, inspection of any public record shall include a statement of the specific exemption authorizing the withholding of the record (or part) and a brief explanation of how the exemption applies to the record withheld.

Sec. 8. Section 2, chapter 186, Laws of 1973 1st ex. sess. and RCW 69.41.020 are each amended to read as follows:

Legend drugs shall not be sold, delivered, dispensed or administered except in accordance with this chapter.

(1) No person shall obtain or attempt to obtain a legend drug, or procure or attempt to procure the administration of a legend drug:

(a) By fraud, deceit, misrepresentation, or subterfuge; or

(b) By the forgery or alteration of a prescription or of any written order; or

(c) By the concealment of a material fact; or

(d) By the use of a false name or the giving of a false address.

(2) Information communicated to a practitioner in an effort unlawfully to procure a legend drug, or unlawfully to procure the administration of any such drug, shall not be deemed a privileged communication.

(3) No person shall willfully make a false statement in any prescription, order, report, or record, required by this chapter.

(4) No person shall, for the purpose of obtaining a legend drug, falsely assume the title of, or represent himself to be, a manufacturer, wholesaler, or any practitioner.

(5) No person shall make or utter any false or forged prescription or other written order for legend drugs.

(6) No person shall affix any false or forged label to a package or receptacle containing legend drugs.

(7) No person shall willfully fail to maintain the records required by section 5 of this act. Sec. 9. Section 3, chapter 98, Laws of 1935 as last amended by section 2, chapter 153, Laws of 1984 and RCW 18.64.005 are each amended to read as follows:

The board shall:

(1) Regulate the practice of pharmacy and ~~((administer and))~~ enforce all laws placed under its jurisdiction;

(2) Prepare ~~((grade, and administer))~~ or determine the nature of, and supervise the grading ~~((and administration))~~ of examinations for applicants for pharmacists' licenses;

(3) ~~((Examine, inspect, and investigate all applicants for license as))~~ Establish the qualifications for licensure of pharmacists or pharmacy interns ((and grant licenses to all applicants whom it shall judge to be properly qualified));

(4) ~~((Establish reasonable fees for licenses, examinations, and services for other agencies sufficient to cover the cost of the operations of the board, in cases where there are unanticipated demands for services the board may request payment for services directly from the agencies for whom the services are performed, to the extent that revenues or other funds are available. Drug-related investigations regarding licensed health care practitioners shall be funded by an appropriation to the board from the health professions account. The payment may be made on either an advance or a reimbursable basis as approved by the director of financial management;~~

~~((5) Employ an executive officer, inspectors, investigators, chemists, and other agents as necessary to assist it for any purpose which it may deem necessary;~~

~~((6) Investigate violations of the provisions of law or regulations under its jurisdiction, and cause prosecutions to be instituted in the courts;~~

~~((7) Make inspections and investigations of pharmacies and other places, including dispensing machines, in which drugs or devices are stored, held, compounded, dispensed, sold, or administered to the ultimate consumer, to take and analyze any drugs or devices and to seize and condemn any drugs or devices which are adulterated, misbranded, stored, held, dispensed, distributed, administered, or compounded in violation of or contrary to law;~~

~~((8))~~ Conduct hearings for the revocation or suspension of licenses, permits, registrations, certificates, or any other authority to practice granted by the board, which hearings may also be conducted by an administrative law judge appointed under chapter 34.12 RCW;

~~((9))~~ (5) Issue subpoenas and administer oaths in connection with any ((investigation)) hearing, or disciplinary proceeding held under this chapter or any other chapter assigned to the board;

~~((10))~~ (6) Assist the regularly constituted enforcement agencies of this state in enforcing all laws pertaining to drugs, controlled substances, and the practice of pharmacy, and/or any other laws or rules under its jurisdiction;

~~((11))~~ (7) Promulgate rules for the dispensing, distribution, wholesaling, and manufacturing of drugs and devices and the practice of pharmacy for the protection and promotion of the public health, safety, and welfare. Violation of any such rules shall constitute grounds for refusal, suspension, or revocation of licenses or any other authority to practice issued by the board;

~~((12))~~ (8) Adopt rules establishing and governing continuing education requirements for pharmacists and other licensees applying for renewal of licenses under this chapter;

~~((13))~~ (9) Be immune, collectively and individually, from suit in any action, civil or criminal, based upon any disciplinary proceedings or other official acts performed ((in good faith)) as members of such board. Such immunity shall apply to employees of the ((board when acting at the direction of the board in the course of disciplinary proceedings)) department;

~~((14))~~ (10) Establish an interdepartmental coordinating committee on drug misuse, diversion, and abuse, composed of one member from each caucus of the house of representatives and senate, the superintendent of public instruction, the ((director)) secretary of ((licensing)) health, the executive secretary of the criminal justice training commission, the chief of the Washington state patrol, the secretary of social and health services, director of the traffic safety commission, representatives of prescribing, delivering, and dispensing health care practitioner boards, the attorney general, the director of the department of labor and industries, a representative of local law enforcement agencies, and the executive officer of the board of pharmacy, or their designees. The committee shall meet at least twice annually at the call of the executive officer of the board of pharmacy who shall serve as chairperson of the committee. The committee shall advise the board of pharmacy in all matters related to its powers and duties delineated in subsections ((15), (16), (17), (18) and (19)) (11), (12), (13), (14) and (15) of

this section, and shall report to the legislature each biennium on the results of its and the board's activity under those subsections:

((+5)) (1) Provide for the coordination and exchange of information on state programs relating to drug misuse, diversion, and abuse, and act as a permanent liaison among the departments and agencies engaged in activities concerning the legal and illegal use of drugs;

((+6)) (12) Suggest strategies for preventing, reducing, and eliminating drug misuse, diversion, and abuse, including professional and public education, and treatment of persons misusing and abusing drugs;

((+7)) (13) Conduct or encourage educational programs to be conducted to prevent the misuse, diversion, and abuse of drugs for health care practitioners and licensed or certified health care facilities;

((+8)) (14) Monitor trends of drug misuse, diversion, and abuse and make periodic reports to disciplinary boards of licensed health care practitioners and education, treatment, and appropriate law enforcement agencies regarding these trends;

((+9)) (15) Enter into written agreements with all other state and federal agencies with any responsibility for controlling drug misuse, diversion, or abuse and with health maintenance organizations, health care service contractors, and health care providers to assist and promote coordination of agencies responsible for ensuring compliance with controlled substances laws and to monitor observance of these laws and cooperation between these agencies. The department of social and health services, the department of labor and industries, ~~((the department of licensing))~~ and any other state agency including licensure disciplinary boards, shall refer all apparent instances of over-prescribing by practitioners and all apparent instances of legend drug overuse to the ~~((board))~~ department. The ~~((board))~~ department shall also encourage such referral by health maintenance organizations, health service contractors, and health care providers.

NEW SECTION, Sec. 10. A new section is added to chapter 18.64 RCW to read as follows:

The department shall:

(1) Establish reasonable license and examination fees and fees for services to other agencies in accordance with section 316 of Engrossed Substitute House Bill No. 1324. In cases where there are unanticipated demands for services, the department may request payment for services directly from the agencies for whom the services are performed, to the extent that revenues or other funds are available. Drug-related investigations regarding licensed health care practitioners shall be funded by an appropriation to the department from the health professions account. The payment may be made on either an advance or a reimbursable basis as approved by the director of financial management;

(2) Employ, with confirmation by the board, an executive officer who shall be exempt from the provisions of chapter 41.06 RCW and who shall be a pharmacist licensed in Washington, and employ inspectors, investigators, chemists, and other persons as necessary to assist it for any purpose which it may deem necessary;

(3) Investigate and prosecute, at the direction of the board, including use of subpoena powers, violations of law or regulations under its jurisdiction or the jurisdiction of the board of pharmacy;

(4) Make, at the direction of the board, inspections and investigations of pharmacies and other places, including dispensing machines, in which drugs or devices are stored, held, compounded, dispensed, sold, or administered to the ultimate consumer, to take and analyze any drugs or devices and to seize and condemn any drugs or devices which are adulterated, misbranded, stored, held, dispensed, distributed, administered, or compounded in violation of or contrary to law. The agreement between the department and the board, as required by section 301(2) of Engrossed Substitute House Bill No. 1324 shall include provisions for the department to involve the board in carrying out its duties required by this section.

Sec. 11. Section 1, chapter 82, Laws of 1969 ex. sess. as last amended by section 59, chapter 7, Laws of 1985 and RCW 18.64.009 are each amended to read as follows:

Employees of the ~~((Washington state board of pharmacy))~~ department, who are designated by the board as enforcement officers, are declared to be peace officers and shall be vested with police powers to enforce chapters 18.64, 69.04, 69.36, 69.40, 69.41, and 69.50 RCW and all other laws ~~((administered))~~ enforced by the board.

Sec. 12. Section 1, chapter 38, Laws of 1963 as last amended by section 3, chapter 153, Laws of 1984 and RCW 18.64.011 are each amended to read as follows:

Unless the context clearly requires otherwise, definitions of terms shall be as indicated when used in this chapter.

(1) 'Person' means an individual, corporation, government, governmental subdivision or agency, business trust, estate, trust, partnership or association, or any other legal entity.

(2) 'Board' means the Washington state board of pharmacy.

(3) 'Drugs' means:

(a) Articles recognized in the official United States pharmacopoeia or the official homeopathic pharmacopoeia of the United States;

(b) Substances intended for use in the diagnosis, cure, mitigation, treatment, or prevention of disease in man or other animals;

(c) Substances (other than food) intended to affect the structure or any function of the body of man or other animals; or

(d) Substances intended for use as a component of any substances specified in (a), (b), or (c) of this subsection, but not including devices or their component parts or accessories.

(4) 'Device' means instruments, apparatus, and contrivances, including their components, parts, and accessories, intended (a) for use in the diagnosis, cure, mitigation, treatment, or prevention of disease in man or other animals, or (b) to affect the structure or any function of the body of man or other animals.

(5) 'Nonlegend' or 'nonprescription' drugs means any drugs which may be lawfully sold without a prescription.

(6) 'Legend drugs' means any drugs which are required by any applicable federal or state law or regulation to be dispensed on prescription only or are restricted to use by practitioners only.

(7) 'Controlled substance' means a drug or substance, or an immediate precursor of such drug or substance, so designated under or pursuant to the provisions of chapter 69.50 RCW.

(8) 'Prescription' means an order for drugs or devices issued by a practitioner duly authorized by law or rule in the state of Washington to prescribe drugs or devices in the course of his or her professional practice for a legitimate medical purpose.

(9) 'Practitioner' means a physician, dentist, veterinarian, nurse, or other person duly authorized by law or rule in the state of Washington to prescribe drugs.

(10) 'Pharmacist' means a person duly licensed by the Washington state board of pharmacy to engage in the practice of pharmacy.

(11) 'Practice of pharmacy' includes the practice of and responsibility for: interpreting prescription orders; the compounding, dispensing, labeling, administering, and distributing of drugs and devices; the monitoring of drug therapy and use; the initiating or modifying of drug therapy in accordance with written guidelines or protocols previously established and approved for his or her practice by a practitioner authorized to prescribe drugs; the participating in drug utilization reviews and drug product selection; the proper and safe storing and distributing of drugs and devices and maintenance of proper records thereof; the providing of information on legend drugs which may include, but is not limited to, the advising of therapeutic values, hazards, and the uses of drugs and devices.

(12) 'Pharmacy' means every place properly licensed by the board of pharmacy where the practice of pharmacy is conducted.

(13) The words 'drug' and 'devices' shall not include surgical or dental instruments or laboratory materials, gas and oxygen, therapy equipment, X-ray apparatus or therapeutic equipment, their component parts or accessories, or equipment, instruments, apparatus, or contrivances used to render such articles effective in medical, surgical, or dental treatment, or for use or consumption in or for mechanical, industrial, manufacturing, or scientific applications or purposes, nor shall the word 'drug' include any article or mixture covered by the Washington pesticide control act (chapter 15.58 RCW), as enacted or hereafter amended, nor medicated feed intended for and used exclusively as a feed for animals other than man.

(14) The word 'poison' shall not include any article or mixture covered by the Washington pesticide control act (chapter 15.58 RCW), as enacted or hereafter amended.

(15) 'Deliver' or 'delivery' means the actual, constructive, or attempted transfer from one person to another of a drug or device, whether or not there is an agency relationship.

(16) 'Dispense' means the interpretation of a prescription or order for a drug, biological, or device and, pursuant to that prescription or order, the proper selection, measuring, compounding, labeling, or packaging necessary to prepare that prescription or order for delivery.

(17) 'Distribute' means the delivery of a drug or device other than by administering or dispensing.

(18) 'Compounding' shall be the act of combining two or more ingredients in the preparation of a prescription.

(19) 'Wholesaler' shall mean a corporation, individual, or other entity which buys drugs or devices for resale and distribution to corporations, individuals, or entities other than consumers.

(20) 'Manufacture' means the production, preparation, propagation, compounding, or processing of a drug or other substance or device or the packaging or repackaging of such substance or device, or the labeling or relabeling of the commercial container of such substance or device, but does not include the activities of a practitioner who, as an incident to his or her administration or dispensing such substance or device in the course of his or her professional practice, prepares, compounds, packages, or labels such substance or device.

(21) 'Manufacturer' shall mean a person, corporation, or other entity engaged in the manufacture of drugs or devices.

(22) 'Labeling' shall mean the process of preparing and affixing a label to any drug or device container. The label must include all information required by current federal and state law and pharmacy rules.

(23) 'Administer' means the direct application of a drug or device, whether by injection, inhalation, ingestion, or any other means, to the body of a patient or research subject.

(24) 'Master license system' means the mechanism established by chapter 19.02 RCW by which master licenses, endorsed for individual state-issued licenses, are issued and renewed utilizing a master application and a master license expiration date common to each renewable license endorsement.

(25) 'Department' means the department of health.

(26) 'Secretary' means the secretary of the department of health or the secretary's designee.

Sec. 13. Section 10, chapter 121, Laws of 1899 as last amended by section 7, chapter 90, Laws of 1979 and RCW 18.64.040 are each amended to read as follows:

Every applicant for license examination under this chapter shall pay the sum determined by the ((board)) secretary under section 316 of Engrossed Substitute House Bill No. 1324 before the examination is attempted.

Sec. 14. Section 12, chapter 213, Laws of 1909 as last amended by section 4, chapter 153, Laws of 1984 and RCW 18.64.043 are each amended to read as follows:

(1) The owner of each pharmacy shall pay an original license fee to be determined by the ((board)) secretary, and annually thereafter, on or before a date to be determined by the ((board)) secretary, a fee to be determined by the ((board)) secretary, for which he or she shall receive a license of location, which shall entitle the owner to operate such pharmacy at the location specified, or such other temporary location as the ((board)) secretary may approve, for the period ending on a date to be determined by the ((board)) secretary, and each such owner shall at the time of filing proof of payment of such fee as provided in RCW 18.64.045 as now or hereafter amended, file with the ((state board of pharmacy)) department on a blank therefor provided, a declaration of ownership and location, which declaration of ownership and location so filed as aforesaid shall be deemed presumptive evidence of ownership of the pharmacy mentioned therein.

(2) It shall be the duty of the owner to immediately notify the ((board)) department of any change of location and/or ownership and to keep the license of location or the renewal thereof properly exhibited in said pharmacy.

(3) Failure to comply with this section shall be deemed a misdemeanor, and each day that said failure continues shall be deemed a separate offense.

(4) In the event such license fee remains unpaid for sixty days from date due, no renewal or new license shall be issued except upon payment of the license renewal fee and a penalty fee equal to the original license fee.

Sec. 15. Section 5, chapter 153, Laws of 1949 as last amended by section 6, chapter 153, Laws of 1984 and RCW 18.64.045 are each amended to read as follows:

The owner of each and every place of business which manufactures drugs shall pay a license fee to be determined by the ((board)) secretary, and thereafter, on or before a date to be determined by the ((board)) secretary, a fee to be determined by the ((board)) secretary, for which the owner shall receive a license of location from the ((state board of pharmacy)) department, which shall entitle the owner to manufacture drugs at the location specified for the period ending on a date to be determined by the board, and each such owner shall at the time of payment of such fee file with the ((state board of pharmacy)) department, on a blank therefor provided, a declaration of ownership and location, which declaration of ownership and location so filed as aforesaid shall be deemed presumptive evidence of the ownership of such place of business mentioned therein. It shall be the duty of the owner to notify immediately the ((board)) department of any change of location and/or ownership and to keep the license of location or the renewal thereof properly exhibited in such place of business. Failure to conform with this section shall be deemed a misdemeanor, and each day that said failure continues shall be deemed a separate offense. In event such license fee remains unpaid for sixty days from date due, no renewal or new license shall be issued except upon payment of the license renewal fee and a penalty fee equal to the license renewal fee.

Sec. 16. Section 18, chapter 90, Laws of 1979 as amended by section 7, chapter 153, Laws of 1984 and RCW 18.64.046 are each amended to read as follows:

The owner of each place of business which sells legend drugs and nonprescription drugs, or nonprescription drugs at wholesale shall pay a license fee to be determined by the ((board)) secretary, and thereafter, on or before a date to be determined by the ((board)) secretary, a like fee to be determined by the ((board)) secretary, for which the owner shall receive a license of location from the ((state board of pharmacy)) department, which shall entitle such owner to either sell legend drugs and nonprescription drugs or nonprescription drugs at wholesale at the location specified for the period ending on a date to be determined by the board, and each such owner shall at the time of payment of such fee file with the ((state board of pharmacy)) department, on a blank therefor provided, a declaration of ownership and location, which declaration of ownership and location so filed as aforesaid shall be deemed presumptive evidence of the ownership of such place of business mentioned therein. It shall be the duty of the owner to notify immediately the ((board)) department of any change of location and ownership and to keep the license of location or the renewal thereof properly exhibited in such place of business. Failure to conform with this section shall be deemed a misdemeanor, and each day that said failure continues shall be deemed a separate offense. In

event such license fee remains unpaid for sixty days from date due, no renewal or new license shall be issued except upon payment of the license renewal fee and a penalty fee equal to the license renewal fee.

Sec. 17. Section 16, chapter 121, Laws of 1899 as last amended by section 8, chapter 153, Laws of 1984 and RCW 18.64.047 are each amended to read as follows:

Any itinerant vendor or any peddler of any nonprescription drug or preparation for the treatment of disease or injury, shall pay a registration fee determined by the ~~((board))~~ secretary on a date to be determined by the ~~((board))~~ secretary. The ~~((state board of pharmacy))~~ department may issue a registration to such vendor on an approved application made to the ~~((state board of pharmacy))~~ department. Any itinerant vendor or peddler who shall vend or sell, or offer to sell to the public any such nonprescription drug or preparation without having registered to do so as provided in this section, shall be guilty of a misdemeanor and each sale or offer to sell shall constitute a separate offense. In event such registration fee remains unpaid for sixty days from date due, no renewal or new registration shall be issued except upon payment of the registration renewal fee and a penalty fee equal to the renewal fee. This registration shall not authorize the sale of legend drugs or controlled substances.

Sec. 18. Section 9, chapter 98, Laws of 1935 as last amended by section 9, chapter 153, Laws of 1984 and RCW 18.64.050 are each amended to read as follows:

In the event that a license or certificate issued by the ~~((board of pharmacy))~~ department is lost or destroyed, the person to whom it was issued may obtain a duplicate thereof upon furnishing proof of such fact satisfactory to the ~~((board of pharmacy))~~ department and the payment of a fee determined by the ~~((board of pharmacy))~~ secretary.

In the event any person desires any certified document to which he is entitled, he shall receive the same upon payment of a fee determined by the ~~((board of pharmacy))~~ secretary.

Sec. 19. Section 11, chapter 121, Laws of 1899 as last amended by section 11, chapter 153, Laws of 1984 and RCW 18.64.140 are each amended to read as follows:

Every licensed pharmacist who desires to practice pharmacy shall secure from the ~~((board))~~ department a license, the fee for which shall be determined by the ~~((board))~~ secretary. The renewal fee shall also be determined by the ~~((board))~~ secretary. The date of renewal may be established by the ~~((board))~~ secretary by regulation and the ~~((board))~~ department may by regulation extend the duration of a licensing period for the purpose of staggering renewal periods. Such regulation may provide a method for imposing and collecting such additional proportional fee as may be required for the extended period. Payment of this fee shall entitle the licensee to a pharmacy law book, subsequent current mailings of all additions, changes, or deletions in the pharmacy practice act, chapter 18.64 RCW, and all additions, changes, or deletions of pharmacy board and department regulations. Pharmacists shall pay the license renewal fee and a penalty equal to the license renewal fee for the late renewal of their license more than sixty days after the renewal is due. The current license shall be conspicuously displayed to the public in the pharmacy to which it applies. Any licensed pharmacist who desires to leave the active practice of pharmacy in this state may secure from the ~~((board))~~ department an inactive license. The initial license and renewal fees shall be determined by the ~~((board))~~ secretary. The holder of an inactive license may reactivate his or her license to practice pharmacy in accordance with rules adopted by the board.

Sec. 20. Section 1, chapter 101, Laws of 1977 ex. sess. and RCW 18.64A.010 are each amended to read as follows:

Terms used in this chapter shall have the meaning set forth in this section unless the context clearly indicates otherwise:

(1) 'Board' means the state board of pharmacy;

(2) 'Department' means the department of health;

(3) 'Secretary' means the secretary of the department of health or the secretary's designee.

~~((2))~~ (4) 'Pharmacist' means a person duly licensed by the state board of pharmacy to engage in the practice of pharmacy;

~~((3))~~ (5) 'Pharmacy' means every place properly licensed by the board of pharmacy where the practice of pharmacy is conducted;

~~((4))~~ (6) 'Pharmacy assistant level A' means:

(a) A person who is enrolled in, or who has satisfactorily completed, a board approved training program designed to prepare persons to perform nondiscretionary functions associated with the practice of pharmacy; or

(b) A person who is a graduate with a degree in pharmacy or medicine of a foreign school, university, or college recognized by the board;

~~((5))~~ (7) 'Pharmacy assistant level B' means a person certified by the board to perform limited functions in the pharmacy;

~~((6))~~ (8) 'Practice of pharmacy' means the definition given in RCW 18.64.011, as now or hereafter amended.

Sec. 21. Section 3, chapter 101, Laws of 1977 ex. sess. and RCW 18.64A.030 are each amended to read as follows:

The board shall adopt, in accordance with chapter ~~((34.04))~~ 34.05 RCW, rules and regulations governing the extent to which pharmacy assistants may perform services associated with

the practice of pharmacy during training and after successful completion of a training course. Such regulations shall provide for the certification of pharmacy assistants by the department at a ((uniform annual)) fee ((to-be)) determined by the ((board)) secretary under section 316 of Engrossed Substitute House Bill No. 1324 according to the following levels of classification:

(1) 'Level A pharmacy assistants' may assist in performing, under the immediate supervision and control of a licensed pharmacist, manipulative, nondiscretionary functions associated with the practice of pharmacy.

(2) 'Level B pharmacy assistants' may perform, under the general supervision of a licensed pharmacist, duties including but not limited to, typing of prescription labels, filing, refilling, bookkeeping, pricing, stocking, delivery, nonprofessional phone inquiries, and documentation of third party reimbursements.

Sec. 22. Section 5, chapter 101, Laws of 1977 ex. sess. and RCW 18.64A.050 are each amended to read as follows:

The board of pharmacy shall have the power to refuse, suspend, or revoke the certificate of any pharmacy assistant upon proof that:

(1) His or her certificate was procured through fraud, misrepresentation or deceit;

(2) He or she has been found guilty of any offense in violation of the laws of this state relating to drugs, poisons, cosmetics, or drug sundries by any court of competent jurisdiction: PROVIDED, That nothing herein shall be construed to affect or alter the provisions of RCW 9.96A.020;

(3) He or she is unfit to perform his or her duties because of habitual intoxication or abuse of controlled substances;

(4) He or she has exhibited gross incompetency in the performance of his or her duties;

(5) He or she has willfully or repeatedly violated any of the rules and regulations of the board of pharmacy or of the department;

(6) He or she has willfully or repeatedly performed duties beyond the scope of his or her certificate in violation of the provisions of this chapter; or

(7) He or she has impersonated a licensed pharmacist.

In any case of the refusal, suspension or revocation of a certificate by the board, a hearing shall be conducted in accordance with RCW 18.64.160, as now or hereafter amended, and appeal may be taken in accordance with the Administrative Procedure Act, chapter ((34.04)) 34.05 RCW.

Sec. 23. Section 6, chapter 101, Laws of 1977 ex. sess. and RCW 18.64A.060 are each amended to read as follows:

No pharmacy licensed in this state shall utilize the services of pharmacy assistants without approval of the board.

Any pharmacy licensed in this state may apply to the board for permission to use the services of pharmacy assistants. The application shall be accompanied by a uniform fee to be determined by the ((board)) secretary, shall detail the manner and extent to which the pharmacy assistants would be used and supervised, and shall provide other information in such form as the ((board)) secretary may require.

The board may approve or reject such applications. In addition, the board may modify the proposed utilization of pharmacy assistants and approve the application as modified. No such approval shall extend for more than one year, but approval once granted may be renewed annually upon payment of a uniform fee as determined by the ((board)) secretary. Whenever it appears to the board that a pharmacy assistant is being utilized in a manner inconsistent with the approval granted, the board may withdraw such approval. In the event a hearing is requested upon the rejection of an application, or upon the withdrawal of approval, a hearing shall be conducted in accordance with chapter 18.64 RCW, as now or hereafter amended, and appeal may be taken in accordance with the Administrative Procedure Act, chapter ((34.04)) 34.05 RCW.

Sec. 24. Section 1, chapter 186, Laws of 1973 1st ex. sess. as last amended by section 17, chapter 153, Laws of 1984 and RCW 69.41.010 are each amended to read as follows:

As used in this chapter, the following terms has the meaning indicated unless the context clearly requires otherwise:

(1) 'Administer' means the direct application of a legend drug whether by injection, inhalation, ingestion, or any other means, to the body of a patient or research subject by:

(a) A practitioner; or

(b) The patient or research subject at the direction of the practitioner.

(2) 'Deliver' or 'delivery' means the actual, constructive, or attempted transfer from one person to another of a legend drug, whether or not there is an agency relationship.

(3) 'Department' means the department of health.

(4) 'Secretary' means the secretary of the department of health or the secretary's designee.

((3)) (5) 'Dispense' means the interpretation of a prescription or order for a legend drug and, pursuant to that prescription or order, the proper selection, measuring, compounding, labeling, or packaging necessary to prepare that prescription or order for delivery.

((4)) (6) 'Dispenser' means a practitioner who dispenses.

((5)) (7) 'Distribute' means to deliver other than by administering or dispensing a legend drug.

((6)) (8) 'Distributor' means a person who distributes.

((7)) (9) 'Drug' means:

(a) Substances recognized as drugs in the official United States pharmacopoeia, official homeopathic pharmacopoeia of the United States, or official national formulary, or any supplement to any of them;

(b) Substances intended for use in the diagnosis, cure, mitigation, treatment, or prevention of disease in man or animals;

(c) Substances (other than food, minerals or vitamins) intended to affect the structure or any function of the body of man or animals; and

(d) Substances intended for use as a component of any article specified in clause (a), (b), or (c) of this subsection. It does not include devices or their components, parts, or accessories.

((8)) (10) 'Legend drugs' means any drugs which are required by state law or regulation of the state board of pharmacy to be dispensed on prescription only or are restricted to use by practitioners only.

((9)) (11) 'Person' means individual, corporation, government or governmental subdivision or agency, business trust, estate, trust, partnership or association, or any other legal entity.

((10)) (12) 'Practitioner' means:

(a) A physician under chapter 18.71 RCW, an osteopathic physician or an osteopathic physician and surgeon under chapter 18.57 RCW, a dentist under chapter 18.32 RCW, a podiatrist under chapter 18.22 RCW, a veterinarian under chapter 18.92 RCW, a registered nurse under chapter 18.88 RCW, a licensed practical nurse under chapter 18.78 RCW, an osteopathic physician's assistant under chapter 18.57A RCW, or a physician's assistant under chapter 18.71A RCW, or a pharmacist under chapter 18.64 RCW;

(b) A pharmacy, hospital, or other institution licensed, registered, or otherwise permitted to distribute, dispense, conduct research with respect to, or to administer a legend drug in the course of professional practice or research in this state; and

(c) A physician licensed to practice medicine and surgery or a physician licensed to practice osteopathy and surgery in any state, or province of Canada, which shares a common border with the state of Washington.

Sec. 25. Section 3, chapter 139, Laws of 1979 ex. sess. and RCW 69.41.075 are each amended to read as follows:

The state board of pharmacy may make such rules for the enforcement ~~(and administration)~~ of this chapter as are deemed necessary or advisable. The board shall identify, by rule-making pursuant to chapter ~~((34.04))~~ 34.05 RCW, those drugs which may be dispensed only on prescription or are restricted to use by practitioners, only. In so doing the board shall consider the toxicity or other potentiality for harmful effect of the drug, the method of its use, and any collateral safeguards necessary to its use. The board shall classify a drug as a legend drug where these considerations indicate the drug is not safe for use except under the supervision of a practitioner.

In identifying legend drugs the board may incorporate in its rules lists of drugs contained in commercial pharmaceutical publications by making specific reference to each such list and the date and edition of the commercial publication containing it. Any such lists so incorporated shall be available for public inspection at the headquarters of the ~~((state board of pharmacy))~~ department of health and shall be available on request from the ~~((board))~~ department of health upon payment of a reasonable fee to be set by the ~~((board))~~ department.

Sec. 26. Section 3, chapter 83, Laws of 1980 and RCW 69.41.220 are each amended to read as follows:

Each manufacturer and/or distributor shall publish and provide to the board by filing with the department printed material which will identify each current imprint used by the manufacturer or distributor ~~((and))~~. The board shall be notified of any change by the filing of any change with the department. This information shall be provided by the ~~((board))~~ department to all pharmacies licensed in the state of Washington, poison control centers, and hospital emergency rooms.

Sec. 27. Section 69.50.101, chapter 308, Laws of 1971 ex. sess. as last amended by section 2, chapter 144, Laws of 1987 and RCW 69.50.101 are each amended to read as follows:

As used in this chapter:

(a) 'Administer' means the direct application of a controlled substance, whether by injection, inhalation, ingestion, or any other means, to the body of a patient or research subject by:

(1) a practitioner, or

(2) the patient or research subject at the direction and in the presence of the practitioner.

(b) 'Agent' means an authorized person who acts on behalf of or at the direction of a manufacturer, distributor, or dispenser. It does not include a common or contract carrier, public warehouseman, or employee of the carrier or warehouseman.

(c) 'Drug enforcement administration' means the federal drug enforcement administration in the United States Department of Justice, or its successor agency.

(d) 'Controlled substance' means a drug, substance, or immediate precursor in Schedules I through V of Article II.

(e) 'Counterfeit substance' means a controlled substance which, or the container or labeling of which, without authorization, bears the trademark, trade name, or other identifying mark, imprint, number or device, or any likeness thereof, of a manufacturer, distributor, or dispenser other than the person who in fact manufactured, distributed, or dispensed the substance.

(f) 'Deliver' or 'delivery' means the actual, constructive, or attempted transfer from one person to another of a controlled substance, whether or not there is an agency relationship.

(g) 'Department' means the department of health.

(h) 'Secretary' means the secretary of the department of health or the secretary's designee.

((g)) (i) 'Dispense' means the interpretation of a prescription or order for a controlled substance and, pursuant to that prescription or order, the proper selection, measuring, compounding, labeling, or packaging necessary to prepare that prescription or order for delivery.

((h)) (j) 'Dispenser' means a practitioner who dispenses.

((i)) (k) 'Distribute' means to deliver other than by administering or dispensing a controlled substance.

((j)) (l) 'Distributor' means a person who distributes.

((k)) (m) 'Drug' means (1) substances recognized as drugs in the official United States Pharmacopoeia, official Homeopathic Pharmacopoeia of the United States, or Official National Formulary, or any supplement to any of them; (2) substances intended for use in the diagnosis, cure, mitigation, treatment, or prevention of disease in man or animals; (3) substances (other than food) intended to affect the structure or any function of the body of man or animals; and (4) substances intended for use as a component of any article specified in clause (1), (2), or (3) of this subsection. It does not include devices or their components, parts, or accessories.

((l)) (n) 'Immediate precursor' means a substance which the state board of pharmacy has found to be and by rule designates as being the principal compound commonly used or produced primarily for use, and which is an immediate chemical intermediary used or likely to be used in the manufacture of a controlled substance, the control of which is necessary to prevent, curtail, or limit manufacture.

((m)) (o) 'Manufacture' means the production, preparation, propagation, compounding, conversion or processing of a controlled substance, either directly or indirectly by extraction from substances of natural origin, or independently by means of chemical synthesis, or by a combination of extraction and chemical synthesis, and includes any packaging or repackaging of the substance or labeling or relabeling of its container, except that this term does not include the preparation or compounding of a controlled substance by an individual for his own use or the preparation, compounding, packaging, or labeling of a controlled substance:

(1) by a practitioner as an incident to his administering or dispensing of a controlled substance in the course of his professional practice, or

(2) by a practitioner, or by his authorized agent under his supervision, for the purpose of, or as an incident to, research, teaching, or chemical analysis and not for sale.

((n)) (p) 'Marihuana' means all parts of the plant of the genus *Cannabis* L., whether growing or not; the seeds thereof; the resin extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds or resin. It does not include the mature stalks of the plant, fiber produced from the stalks, oil or cake made from the seeds of the plant, any other compound, manufacture, salt, derivative, mixture, or preparation of the mature stalks (except the resin extracted therefrom), fiber, oil, or cake, or the sterilized seed of the plant which is incapable of germination.

((o)) (q) 'Narcotic drug' means any of the following, whether produced directly or indirectly by extraction from substances of vegetable origin, or independently by means of chemical synthesis, or by a combination of extraction and chemical synthesis:

(1) Opium and opiate, and any salt, compound, derivative, or preparation of opium or opiate.

(2) Any salt, compound, isomer, derivative, or preparation thereof which is chemically equivalent or identical with any of the substances referred to in clause 1, but not including the isoquinoline alkaloids of opium.

(3) Opium poppy and poppy straw.

(4) Coca leaves and any salt, compound, derivative, or preparation of coca leaves, and any salt, compound, isomer, derivative, or preparation thereof which is chemically equivalent or identical with any of these substances, but not including decocainized coca leaves or extractions of coca leaves which do not contain cocaine or ecgonine.

((p)) (r) 'Opiate' means any substance having an addiction-forming or addiction-sustaining liability similar to morphine or being capable of conversion into a drug having addiction-forming or addiction-sustaining liability. It does not include, unless specifically designated as controlled under RCW 69.50.201, the dextrorotatory isomer of 3-methoxy-n-methylmorphinan and its salts (dextromethorphan). It does include its racemic and levorotatory forms.

((q)) (s) 'Opium poppy' means the plant of the genus *Papaver* L., except its seeds, capable of producing an opiate.

((~~tr~~)) (l) 'Person' means individual, corporation, government or governmental subdivision or agency, business trust, estate, trust, partnership or association, or any other legal entity.

((~~tr~~)) (u) 'Poppy straw' means all parts, except the seeds, of the opium poppy, after mowing.

((~~tr~~)) (v) 'Practitioner' means:

(1) A physician under chapter 18.71 RCW, an osteopathic physician or an osteopathic physician and surgeon under chapter 18.57 RCW, a dentist under chapter 18.32 RCW, a chiroprapist under chapter 18.22 RCW, a veterinarian under chapter 18.92 RCW, a registered nurse under chapter 18.88 RCW, a licensed practical nurse under chapter 18.78 RCW, a pharmacist under chapter 18.64 RCW or a scientific investigator under this chapter, licensed, registered or otherwise permitted insofar as is consistent with those licensing laws to distribute, dispense, conduct research with respect to or administer a controlled substance in the course of their professional practice or research in this state.

(2) A pharmacy, hospital or other institution licensed, registered, or otherwise permitted to distribute, dispense, conduct research with respect to or to administer a controlled substance in the course of professional practice or research in this state.

(3) A physician licensed to practice medicine and surgery or a physician licensed to practice osteopathy and surgery in any state of the United States.

((~~tr~~)) (w) 'Production' includes the manufacture, planting, cultivation, growing, or harvesting of a controlled substance.

((~~tr~~)) (x) 'State', when applied to a part of the United States, includes any state, district, commonwealth, territory, insular possession thereof, and any area subject to the legal authority of the United States of America.

((~~tr~~)) (y) 'Ultimate user' means a person who lawfully possesses a controlled substance for his own use or for the use of a member of his household or for administering to an animal owned by him or by a member of his household.

((~~tr~~)) (z) 'Board' means the state board of pharmacy.

((~~tr~~) 'Executive officer' means the executive officer of the state board of pharmacy.))

Sec. 28, Section 69.50.201, chapter 308, Laws of 1971 ex. sess. as amended by section 2, chapter 124, Laws of 1986 and RCW 69.50.201 are each amended to read as follows:

(a) The state board of pharmacy shall ~~(administer)~~ enforce this chapter and may add substances to or delete or reschedule all substances enumerated in the schedules in RCW 69.50.204, 69.50.206, 69.50.208, 69.50.210, or 69.50.212 pursuant to the rule-making procedures of chapter ~~((34.04))~~ 34.05 RCW. In making a determination regarding a substance, the board shall consider the following:

- (1) the actual or relative potential for abuse;
- (2) the scientific evidence of its pharmacological effect, if known;
- (3) the state of current scientific knowledge regarding the substance;
- (4) the history and current pattern of abuse;
- (5) the scope, duration, and significance of abuse;
- (6) the risk to the public health;
- (7) the potential of the substance to produce psychic or physiological dependence liability;

and

(8) whether the substance is an immediate precursor of a substance already controlled under this Article.

(b) After considering the factors enumerated in subsection (a) the board may issue a rule controlling the substance if it finds the substance has a potential for abuse.

(c) If the board designates a substance as an immediate precursor, substances which are precursors of the controlled precursor shall not be subject to control solely because they are precursors of the controlled precursor.

(d) If any substance is designated, rescheduled, or deleted as a controlled substance under federal law and notice thereof is given to the board, the substance shall be similarly controlled under this chapter after the expiration of thirty days from publication in the Federal Register of a final order designating a substance as a controlled substance or rescheduling or deleting a substance, unless within that thirty day period, the board objects to inclusion, rescheduling, or deletion. In that case, the board shall proceed pursuant to the rule-making procedures of chapter ~~((34.04))~~ 34.05 RCW.

(e) Authority to control under this section does not extend to distilled spirits, wine, malt beverages, or tobacco as those terms are defined or used in Title 66 RCW and Title 26 RCW.

(f) The board shall exclude any nonnarcotic substances from a schedule if such substances may, under the Federal Food, Drug and Cosmetic Act, and under regulations of the drug enforcement administration, and the laws of this state including RCW 18.64.250, be lawfully sold over the counter.

(g) On or before December 1 of each year, the board shall inform the committees of reference of the legislature of the controlled substances added, deleted, or changed on the schedules specified in this chapter and which includes an explanation of these actions.

Sec. 29, Section 69.50.301, chapter 308, Laws of 1971 ex. sess. and RCW 69.50.301 are each amended to read as follows:

The state board of pharmacy may promulgate rules and ~~((charge reasonable))~~ the secretary may set fees of not less than ten dollars or more than fifty dollars relating to the registration and control of the manufacture, distribution, and dispensing of controlled substances within this state.

Sec. 30. Section 69.50.302, chapter 308, Laws of 1971 ex. sess. and RCW 69.50.302 are each amended to read as follows:

(a) Every person who manufactures, distributes, or dispenses any controlled substance within this state or who proposes to engage in the manufacture, distribution, or dispensing of any controlled substance within this state, must obtain annually a registration issued by the ~~((state board of pharmacy))~~ department in accordance with ~~((its))~~ the board's rules.

(b) Persons registered by the ~~((board))~~ department under this chapter to manufacture, distribute, dispense, or conduct research with controlled substances may possess, manufacture, distribute, dispense, or conduct research with those substances to the extent authorized by their registration and in conformity with the other provisions of this Article.

(c) The following persons need not register and may lawfully possess controlled substances under this chapter:

(1) an agent or employee of any registered manufacturer, distributor, or dispenser of any controlled substance if he is acting in the usual course of his business or employment: PROVIDED, That this exemption shall not include any agent or employee distributing sample controlled substances to practitioners without an order;

(2) a common or contract carrier or warehouseman, or an employee thereof, whose possession of any controlled substance is in the usual course of business or employment;

(3) an ultimate user or a person in possession of any controlled substance pursuant to a lawful order of a practitioner or in lawful possession of a Schedule V substance.

(d) The board may waive by rule the requirement for registration of certain manufacturers, distributors, or dispensers if it finds it consistent with the public health and safety: PROVIDED, That personal practitioners licensed or registered in the state of Washington under the respective professional licensing acts shall not be required to be registered under this chapter unless the specific exemption is denied pursuant to RCW 69.50.305 for violation of any provisions of this chapter.

(e) A separate registration is required at each principal place of business or professional practice where the applicant manufactures, distributes, or dispenses controlled substances.

(f) The ~~((board))~~ department may inspect the establishment of a registrant or applicant for registration in accordance with the board's rule.

Sec. 31. Section 69.50.303, chapter 308, Laws of 1971 ex. sess. and RCW 69.50.303 are each amended to read as follows:

(a) The ~~((state board of pharmacy))~~ department shall register an applicant to manufacture or distribute controlled substances included in RCW 69.50.204, 69.50.206, 69.50.208, 69.50.210, and 69.50.212 unless ~~((it))~~ the board determines that the issuance of that registration would be inconsistent with the public interest. In determining the public interest, the board shall consider the following factors:

(1) maintenance of effective controls against diversion of controlled substances into other than legitimate medical, scientific, or industrial channels;

(2) compliance with applicable state and local law;

(3) any convictions of the applicant under any federal and state laws relating to any controlled substance;

(4) past experience in the manufacture or distribution of controlled substances, and the existence in the applicant's establishment of effective controls against diversion;

(5) furnishing by the applicant of false or fraudulent material in any application filed under this chapter;

(6) suspension or revocation of the applicant's federal registration to manufacture, distribute, or dispense controlled substances as authorized by federal law; and

(7) any other factors relevant to and consistent with the public health and safety.

(b) Registration under subsection (a) does not entitle a registrant to manufacture and distribute controlled substances in Schedule I or II other than those specified in the registration.

(c) Practitioners must be registered, or exempted under RCW 69.50.302(d), to dispense any controlled substances or to conduct research with controlled substances in Schedules II through V if they are authorized to dispense or conduct research under the law of this state. The board need not require separate registration under this Article for practitioners engaging in research with nonnarcotic controlled substances in Schedules II through V where the registrant is already registered under this Article in another capacity. Practitioners registered under federal law to conduct research with Schedule I substances may conduct research with Schedule I substances within this state upon furnishing the board evidence of that federal registration.

(d) Compliance by manufacturers and distributors with the provisions of the federal law respecting registration entitles them to be registered under this chapter upon application and payment of the required fee.

Sec. 32. Section 69.50.304, chapter 308, Laws of 1971 ex. sess. as amended by section 8, chapter 124, Laws of 1986 and RCW 69.50.304 are each amended to read as follows:

(a) A registration, or exemption from registration, under RCW 69.50.303 to manufacture, distribute, or dispense a controlled substance may be suspended or revoked by the state board of pharmacy upon a finding that the registrant:

(1) has furnished false or fraudulent material information in any application filed under this chapter;

(2) has been found guilty of a felony under any state or federal law relating to any controlled substance;

(3) has had his federal registration suspended or revoked to manufacture, distribute, or dispense controlled substances; or

(4) has violated any state or federal rule or regulation regarding controlled substances.

(b) The board may limit revocation or suspension of a registration to the particular controlled substance or schedule of controlled substances, with respect to which grounds for revocation or suspension exist.

(c) If the board suspends or revokes a registration, all controlled substances owned or possessed by the registrant at the time of suspension or the effective date of the revocation order may be placed under seal. No disposition may be made of substances under seal until the time for taking an appeal has elapsed or until all appeals have been concluded unless a court, upon application therefor, orders the sale of perishable substances and the deposit of the proceeds of the sale with the court. Upon a revocation order becoming final, all controlled substances may be forfeited to the state.

(d) The ~~(board)~~ department shall promptly notify the drug enforcement administration of all orders suspending or revoking registration and all forfeitures of controlled substances.

Sec. 33. Section 1, chapter 197, Laws of 1977 ex. sess. and RCW 69.50.310 are each amended to read as follows:

On and after September 21, 1977, a humane society and animal control agency may apply to the ~~(state board of pharmacy)~~ department for registration pursuant to the applicable provisions of this chapter for the sole purpose of being authorized to purchase, possess, and administer sodium pentobarbital to euthanize injured, sick, homeless, or unwanted domestic pets and animals. Any agency so registered shall not permit a person to administer sodium pentobarbital unless such person has demonstrated adequate knowledge of the potential hazards and proper techniques to be used in administering this drug.

The ~~(board)~~ department may issue a limited registration to carry out the provisions of this section. The board shall promulgate such rules as it deems necessary to insure strict compliance with the provisions of this section. The board may suspend or revoke registration upon determination that the person administering sodium pentobarbital has not demonstrated adequate knowledge as herein provided. This authority is granted in addition to any other power to suspend or revoke registration as provided by law.

Sec. 34. Section 20, chapter 153, Laws of 1984 and RCW 69.50.311 are each amended to read as follows:

Any licensed health care practitioner with prescription or dispensing authority shall, as a condition of licensure and as directed by the practitioner's disciplinary board, consent to the requirement, if imposed, of complying with a triplicate prescription form program as may be established by rule by the department of ~~(licensing)~~ health.

Sec. 35. Section 69.50.500, chapter 308, Laws of 1971 ex. sess. and RCW 69.50.500 are each amended to read as follows:

(a) It is hereby made the duty of the state board of pharmacy, ~~(its)~~ the department, and their officers, agents, inspectors and representatives, and all law enforcement officers within the state, and of all prosecuting attorneys, to enforce all provisions of this chapter, except those specifically delegated, and to cooperate with all agencies charged with the enforcement of the laws of the United States, of this state, and all other states, relating to controlled substances as defined in this chapter.

(b) Employees of the ~~(Washington state board of pharmacy)~~ department of health, who are so designated by the board as enforcement officers are declared to be peace officers and shall be vested with police powers to enforce the drug laws of this state, including this chapter.

Sec. 36. Section 3, chapter 136, Laws of 1979 and RCW 69.51.030 are each amended to read as follows:

As used in this chapter:

(1) 'Board' means the state board of pharmacy;

(2) 'Department' means the department of health.

~~((2))~~ (3) 'Marijuana' means all parts of the plant of the genus *Cannabis* L., whether growing or not, the seeds thereof, the resin extracted from any part of the plant, and every compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds, or resin; and

~~((3))~~ (4) 'Practitioner' means a physician licensed pursuant to chapter 18.71 or 18.57 RCW.

Sec. 37. Section 4, chapter 136, Laws of 1979 and RCW 69.51.040 are each amended to read as follows:

(1) There is established in the board the controlled substances therapeutic research program. The program shall be administered by the ~~((board))~~ department. The board shall promulgate rules necessary for the proper administration of the Controlled Substances Therapeutic Research Act. In such promulgation, the board shall take into consideration those pertinent rules promulgated by the United States drug enforcement agency, the food and drug administration, and the national institute on drug abuse.

(2) Except as provided in RCW 69.51.050(4), the controlled substances therapeutic research program shall be limited to cancer chemotherapy and radiology patients and glaucoma patients, who are certified to the patient qualification review committee by a practitioner as being involved in a life-threatening or sense-threatening situation: PROVIDED, That no patient may be admitted to the controlled substances therapeutic research program without full disclosure by the practitioner of the experimental nature of this program and of the possible risks and side effects of the proposed treatment in accordance with the informed consent provisions of chapter 7.70 RCW.

(3) The board shall provide by rule for a program of registration with the department of bona fide controlled substance therapeutic research projects.

Sec. 38. Section 6, chapter 34, Laws of 1987 and RCW 69.38.060 are each amended to read as follows:

The state board of pharmacy, after consulting with the department of ~~((licensing))~~ health, shall require and provide for the annual licensure of every person now or hereafter engaged in manufacturing or selling poisons within this state. Upon a payment of a fee as set by the ~~((board, the board))~~ department, the department shall issue a license in such form as it may prescribe to such manufacturer or seller. Such license shall be displayed in a conspicuous place in such manufacturer's or seller's place of business for which it is issued.

Any person manufacturing or selling poison within this state without a license is guilty of a misdemeanor.

Sec. 39. Section 4, chapter 147, Laws of 1988 and RCW 69.43.040 are each amended to read as follows:

(1) The ~~((state board of pharmacy))~~ department of health, in accordance with rules developed by the state board of pharmacy shall provide a common reporting form for the substances in RCW 69.43.010 that contains at least the following information:

- (a) Name of the substance;
- (b) Quantity of the substance sold, transferred, or furnished;
- (c) The date the substance was sold, transferred, or furnished;
- (d) The name and address of the person buying or receiving the substance; and
- (e) The name and address of the manufacturer, wholesaler, retailer, or other person selling, transferring, or furnishing the substance.

(2) Monthly reports authorized under subsection (1)(e) of this section may be computer-generated in accordance with rules adopted by the ~~((state board of pharmacy))~~ department.

Sec. 40. Section 5, chapter 147, Laws of 1988 and RCW 69.43.050 are each amended to read as follows:

(1) The state board of pharmacy may adopt all rules necessary to carry out this chapter.

(2) Notwithstanding subsection (1) of this section, the department of health may adopt rules necessary for the administration of this chapter.

Sec. 41. Section 9, chapter 147, Laws of 1988 and RCW 69.43.090 are each amended to read as follows:

(1) Any manufacturer, wholesaler, retailer, or other person who sells, transfers, or otherwise furnishes any substance specified in RCW 69.43.010 to a person in this state or who receives from a source outside of the state any substance specified in RCW 69.43.010 shall obtain a permit for the conduct of that business from the state board of pharmacy. However, a permit shall not be required of any manufacturer, wholesaler, retailer, or other person for the sale, transfer, furnishing, or receipt of any drug that contains ephedrine, phenylpropanolamine, or pseudoephedrine, or of any cosmetic that contains a substance specified in RCW 69.43.010(1), if such drug or cosmetic is lawfully sold, transferred, or furnished over the counter without a prescription or by a prescription under chapter 69.04 or 69.41 RCW.

(2) Applications for permits shall be filed with the department in writing and signed by the applicant, and shall set forth the name of the applicant, the business in which the applicant is engaged, the business address of the applicant, and a full description of any substance sold, transferred, or otherwise furnished, or received.

(3) The board may grant permits on forms prescribed by it. The permits shall be effective for not more than one year from the date of issuance.

(4) Each applicant shall pay at the time of filing an application for a permit a fee determined by the ~~((board))~~ department.

(5) A permit granted under this chapter may be renewed on a date to be determined by the board, and annually thereafter, upon the filing of a renewal application and the payment of a permit renewal fee determined by the department.

(6) Permit fees charged by the ~~((board))~~ department shall not exceed the costs incurred by the ~~((board))~~ department in administering this chapter.

(7) Selling, transferring, or otherwise furnishing, or receiving any substance specified in RCW 69.43.010 without a required permit, is a gross misdemeanor.

Sec. 42. Section 1, chapter 411, Laws of 1987 and RCW 69.45.010 are each amended to read as follows:

The definitions in this section apply throughout this chapter.

(1) 'Board' means the board of pharmacy.

(2) 'Drug samples' means any federal food and drug administration approved controlled substance, legend drug, or products requiring prescriptions in this state, which is distributed at no charge to a practitioner by a manufacturer or a manufacturer's representative, exclusive of drugs under clinical investigations approved by the federal food and drug administration.

(3) 'Controlled substance' means a drug, substance, or immediate precursor of such drug or substance, so designated under or pursuant to chapter 69.50 RCW, the uniform controlled substances act.

(4) 'Deliver' or 'delivery' means the actual, constructive, or attempted transfer from one person to another of a drug or device, whether or not there is an agency relationship.

(5) 'Dispense' means the interpretation of a prescription or order for a drug, biological, or device and, pursuant to that prescription or order, the proper selection, measuring, compounding, labeling, or packaging necessary to prepare that prescription or order for delivery.

(6) 'Distribute' means to deliver, other than by administering or dispensing, a legend drug.

(7) 'Legend drug' means any drug that is required by state law or by regulations of the board to be dispensed on prescription only or is restricted to use by practitioners only.

(8) 'Manufacturer' means a person or other entity engaged in the manufacture or distribution of drugs or devices, but does not include a manufacturer's representative.

(9) 'Person' means any individual, corporation, government or governmental subdivision or agency, business trust, estate, trust, partnership, association, or any other legal entity.

(10) 'Practitioner' means a physician under chapter 18.71 RCW, an osteopathic physician or an osteopathic physician and surgeon under chapter 18.57 RCW, a dentist under chapter 18.32 RCW, a podiatrist under chapter 18.22 RCW, a veterinarian under chapter 18.92 RCW, a pharmacist under chapter 18.64 RCW, a commissioned medical or dental officer in the United States armed forces or the public health service in the discharge of his or her official duties, a duly licensed physician or dentist employed by the veterans administration in the discharge of his or her official duties, a registered nurse under chapter 18.88 RCW when authorized to prescribe by the board of nursing, an osteopathic physician's assistant under chapter 18.57A RCW when authorized by the board of osteopathic medicine and surgery, or a physician's assistant under chapter 18.71A RCW when authorized by the board of medical examiners.

(11) 'Manufacturer's representative' means an agent or employee of a drug manufacturer who is authorized by the drug manufacturer to possess drug samples for the purpose of distribution in this state to appropriately authorized health care practitioners.

(12) 'Reasonable cause' means a state of facts found to exist that would warrant a reasonably intelligent and prudent person to believe that a person has violated state or federal drug laws or regulations.

(13) 'Department' means the department of health.

(14) 'Secretary' means the secretary of the department or the secretary's designee.

Sec. 43. Section 2, chapter 411, Laws of 1987 and RCW 69.45.020 are each amended to read as follows:

A manufacturer that intends to distribute drug samples in this state shall register annually with the ~~((board))~~ department, providing the name and address of the manufacturer, and shall:

(1) Provide ~~((the board with))~~ a twenty-four hour telephone number and the name of the individual(s) who shall respond to reasonable official inquiries from the department, as directed by the board, based on reasonable cause, regarding required records, reports, or requests for information pursuant to a specific investigation of a possible violation. Each official request by the ~~((board))~~ department and each response by a manufacturer shall be limited to the information specifically relevant to the particular official investigation. Requests for the address of sites in this state at which drug samples are stored by the manufacturer's representative and the names and addresses of the individuals who are responsible for the storage or distribution of the drug samples shall be responded to as soon as possible but not later than the ~~((board's))~~ close of business on the next business day following the request; or

(2) If a twenty-four hour telephone number is not available, provide ~~((the board with))~~ the addresses of sites in this state at which drug samples are stored by the manufacturer's representative, and the names and addresses of the individuals who are responsible for the storage or distribution of the drug samples. The manufacturer shall annually submit a complete updated list of the sites and individuals to the ~~((board))~~ department.

Sec. 44. Section 3, chapter 411, Laws of 1987 and RCW 69.45.030 are each amended to read as follows:

(1) The following records shall be maintained by the manufacturer distributing drug samples in this state and shall be available for inspection by authorized representatives of the ~~((board))~~ department based on reasonable cause and pursuant to an official investigation:

(a) An inventory of drug samples held in this state for distribution, taken at least annually by a representative of the manufacturer other than the individual in direct control of the drug samples;

(b) Records or documents to account for all drug samples distributed, destroyed, or returned to the manufacturer. The records shall include records for sample drugs signed for by practitioners, dates and methods of destruction, and any dates of returns; and

(c) Copies of all reports of lost or stolen drug samples.

(2) All required records shall be maintained for two years and shall include transaction dates.

(3) Manufacturers shall report to the ~~((board)) department~~ the discovery of any loss or theft of drug samples as soon as possible but not later than the ~~((board's))~~ close of business on the next business day following the discovery.

(4) Manufacturers shall report to the ~~((board)) department~~ as frequently as, and at the same time as, their other reports to the federal drug enforcement administration, or its lawful successor, the name, address and federal registration number for each practitioner who has received controlled substance drug samples and the name, strength and quantity of the controlled substance drug samples distributed.

Sec. 45. Section 7, chapter 411, Laws of 1987 and RCW 69.45.070 are each amended to read as follows:

The ~~((board)) department~~ may charge reasonable fees for registration. The registration fee shall not exceed the fee charged by the ~~((board)) department~~ for a pharmacy location license.

NEW SECTION. Sec. 46. All reports, documents, surveys, books, records, files, papers, or written material in the possession of the board of pharmacy relating to the powers, functions, and duties transferred by this act, shall be delivered to the custody of the department of health. All cabinets, furniture, office equipment, motor vehicles, and other tangible property employed by the board of pharmacy in carrying out the powers, functions, and duties transferred by this act, shall be made available to the department of health. All funds, credits, or other assets held in connection with the powers, functions, and duties transferred by this act, shall be assigned to the department of health.

Any appropriations made to the board of pharmacy for carrying out the powers, functions, and duties transferred by this act, shall, on the effective date of this section, and upon the approval of the director of the office of financial management be transferred and credited to the department of health.

Whenever any question arises as to the transfer of any personnel, funds, books, documents, records, papers, files, equipment, or other tangible property used or held in the exercise of the powers and the performance of the duties and functions transferred, the director of financial management shall make a determination as to the proper allocation and certify the same to the state agencies concerned.

NEW SECTION. Sec. 47. All employees of the board of pharmacy engaged in performing the powers, functions, and duties transferred by this act are transferred to the jurisdiction of the department of health. All such employees classified under chapter 41.06 RCW, the state civil service law, are assigned to the department of health to perform their usual duties upon the same terms as formerly, without any loss of rights, subject to any action that may be appropriate thereafter in accordance with the laws and rules governing state civil service.

NEW SECTION. Sec. 48. All rules and all pending business before the board of pharmacy pertaining to the powers, functions, and duties transferred shall be continued and acted upon by the department of health. All contracts and obligations existing at the time of the transfer shall remain in full force and shall be performed by the department of health.

NEW SECTION. Sec. 49. The transfer of the powers, duties, functions, and personnel of the board of pharmacy shall not affect the validity of any act performed prior to the effective date of this section.

NEW SECTION. Sec. 50. If apportionments of budgeted funds are required because of the transfers directed by sections 46 through 49 of this act, the director of financial management shall certify the apportionments to the agencies affected, the state auditor, and the state treasurer. Each of these shall make the appropriate transfer and adjustments in funds and appropriation accounts and equipment records in accordance with the certification.

NEW SECTION. Sec. 51. Nothing contained in sections 46 through 50 of this act may be construed to alter any existing collective bargaining unit or the provisions of any existing collective bargaining agreement until the agreement has expired or until the bargaining unit has been modified by action of the personnel board as provided by law.

NEW SECTION. Sec. 52. The following acts or parts of acts are each repealed:

(1) Section 19, chapter 38, Laws of 1963, section 3, chapter 90, Laws of 1979 and RCW 18.64.007;

(2) Section 3, chapter 223, Laws of 1982, section 15, chapter 153, Laws of 1984 and RCW 43.131.249; and

(3) Section 7, chapter 223, Laws of 1982, section 16, chapter 153, Laws of 1984 and RCW 43.131.250.

NEW SECTION, Sec. 53. If Engrossed Substitute House Bill No. 1324, creating a department of health, is not enacted by June 30, 1989, sections 9 through 52 of this act shall be null and void."

On page 1, line 1 of the title, after "pharmacy;" strike the remainder of the title and insert "amending RCW 18.64.044, 18.64.245, 18.64.080, 18.64.165, 69.41.020, 18.64.005, 18.64.009, 18.64.011, 18.64.040, 18.64.043, 18.64.045, 18.64.046, 18.64.047, 18.64.050, 18.64.140, 18.64A.010, 18.64A.030, 18.64A.050, 18.64A.060, 69.41.010, 69.41.075, 69.41.220, 69.50.101, 69.50.201, 69.50.301, 69.50.302, 69.50.303, 69.50.304, 69.50.310, 69.50.311, 69.50.500, 69.51.030, 69.51.040, 69.38.060, 69.43.040, 69.43.050, 69.43.090, 69.45.010, 69.45.020, 69.45.030, and 69.45.070; reenacting and amending RCW 42.17.310; adding new sections to chapter 69.41 RCW; adding a new section to chapter 18.64 RCW; creating new sections; and repealing RCW 18.64.007, 43.131.249, and 43.131.250."

and the same is herewith transmitted.

W. D. Naismith, Assistant Secretary.

MOTION

Mr. Braddock moved that the House refuse to concur in the Senate amendments to House Bill No. 1478 and ask the Senate for a conference thereon. The motion was carried.

APPOINTMENT OF CONFEREES

The Speaker (Mr. O'Brien presiding) appointed Representatives Braddock, Sprengle and D. Sommers as conferees on House Bill No. 1478.

SENATE AMENDMENTS TO HOUSE BILL

April 14, 1989

Mr. Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 1711 with the following amendments:

Strike everything after the enacting clause and insert the following:

NEW SECTION, Sec. 1. As used in this chapter, the following terms have the meanings indicated unless the context clearly requires otherwise.

(1) 'Department' means the department of labor and industries.
 (2) 'Late night retail establishment' means any business or commercial establishment making sales to the public between the hours of eleven o'clock p.m. and six o'clock a.m., except restaurants, hotels, taverns, or any lodging facility.

(3) 'Employer' means the operator, lessee, or franchisee of a late night retail establishment.

NEW SECTION, Sec. 2. All employers operating late night retail establishments shall provide to their employees crime prevention training. Such crime prevention training shall be a part of the accident prevention program requirements imposed pursuant to the Washington industrial safety and health act of 1973, chapter 49.17 RCW, and shall be limited to:

(1) Providing a training manual developed and distributed by the department to employers or a manual which has been certified by the department pursuant to section 2 of this act containing security policies, safety and security procedures, and personal safety and crime avoidance techniques; and

(2) Attendance at a training seminar or training video presentation developed and distributed by the department or at a training seminar or training video presentation certified by the department pursuant to section 2 of this act.

NEW SECTION, Sec. 3. In addition to providing crime prevention training as provided in section 2 of this act, all employers operating late night retail establishments shall:

(1) Post a conspicuous sign in the window or door which states that there is a safe on the premises and it is not accessible to the employees on the premises and that the cash register contains only the minimal amount of cash needed to conduct business: PROVIDED, That an employer shall not be subject to penalties under section 4 of this act for having moneys in the cash register in excess of the minimal amount needed to conduct business;

(2) So arrange all material posted in the window or door so as to provide a clear and unobstructed view of the cash register, provided the cash register is otherwise in a position visible from the street;

(3) Have a drop-safe, limited access safe, or comparable device on the premises; and

(4) Operate the outside lights for that portion of the parking area that is necessary to accommodate customers during all night hours the late night retail establishment is open, if the late night retail establishment has a parking area for its customers.

NEW SECTION, Sec. 4. The requirements of this chapter shall be implemented and enforced, including rules, citations, violations, penalties, appeals, and other administrative procedures by the director of the department of labor and industries pursuant to the Washington industrial safety and health act of 1973, chapter 49.17 RCW.

NEW SECTION. Sec. 5. It is the sole responsibility of the employer to comply with the provisions of this chapter: PROVIDED, That no employer is subject to the penalties for non-compliance with section 2 of this act if the training manual was provided to employees and the employer gave written notice to the employees of the time, date, and place of the training seminar or video presentation.

NEW SECTION. Sec. 6. Sections 1 through 5 of this act shall constitute a new chapter in Title 49 RCW.

NEW SECTION. Sec. 7. This act shall take effect January 1, 1990. The director of the department of labor and industries may immediately take such steps as are necessary to ensure that this act is implemented on its effective date."

On page 1, line 2 of the title, after "hours;" strike the remainder of the title and insert "adding a new chapter to Title 49 RCW; prescribing penalties; and providing an effective date." and the same is herewith transmitted.

W. D. Naismith, Assistant Secretary.

MOTION

Ms. Cole moved that the House refuse to concur in the Senate amendments to Substitute House Bill No. 1711 and ask the Senate for a conference thereon. The motion was carried.

APPOINTMENT OF CONFEREES

The Speaker (Mr. O'Brien presiding) appointed Representatives Cole, Jones and Walker as conferees on Substitute House Bill No. 1711.

SENATE AMENDMENTS TO HOUSE BILL

April 14, 1989

Mr. Speaker:

The Senate has passed ENGROSSED HOUSE BILL NO. 1917 with the following amendments:

Strike everything after the enacting clause and insert the following:

NEW SECTION. Sec. 1. It is the intent of the legislature that only individuals who meet and maintain minimum standards of competence and conduct may provide certified appraisal services to the public.

NEW SECTION. Sec. 2. This chapter may be known and cited as the certified real estate appraiser act.

NEW SECTION. Sec. 3. As used in this chapter, the following terms have the meanings indicated unless the context clearly requires otherwise.

(1) 'Appraisal' or 'real estate appraisal' means an analysis, opinion, or conclusion relating to the nature, quality, value, or utility of specified interests in, or aspects of, identified real estate, for or in expectation of compensation. An appraisal may be classified by subject matter into either a valuation or an analysis. A 'valuation' is an estimate of the value of real estate or real property. An 'analysis' is a study of real estate or real property other than estimating value.

(2) 'Appraisal report' means any communication, written or oral, of an appraisal.

(3) 'Appraisal assignment' means an engagement for which an appraiser is employed or retained to act, or would be perceived by third parties or the public as acting, as a disinterested third party in rendering an unbiased analysis, opinion, or conclusion relating to the nature, quality, value, or utility of specified interests in, or aspects of, identified real estate. The term 'appraisal assignment' may apply to valuation work and analysis work.

(4) 'Board' means the certified real estate appraiser certification board.

(5) 'Certified appraisal' means an appraisal prepared or signed by a state-certified real estate appraiser. A certified appraisal represents to the public that it meets the appraisal standards defined in this chapter.

(6) 'Department' means the department of licensing.

(7) 'Director' means the director of the department of licensing.

(8) 'Real estate' means an identified parcel or tract of land, including improvements, if any.

(9) 'Real property' means one or more defined interests, benefits, or rights inherent in the ownership of real estate.

(10) 'Specialized appraisal services' means all appraisal services which do not fall within the definition of appraisal assignment. The term 'specialized appraisal service' may apply to valuation work and to analysis work. Regardless of the intention of the client or employer, if the appraiser would be perceived by third parties or the public as acting as a disinterested third party in rendering an unbiased analysis, opinion, or conclusion, the work is classified as an appraisal assignment and not a specialized appraisal service.

(11) 'State-certified real estate appraiser' means a person who develops and communicates real estate appraisals and who holds a valid certificate issued to him or her for either

general or residential real estate under this chapter. A state-certificated real estate appraiser may designate or identify an appraisal rendered by him or her as a 'certified appraisal' and indicate which type of certification is held.

NEW SECTION. Sec. 4. (1) No person, other than a state-certified real estate appraiser, may assume or use that title or any title, designation, or abbreviation likely to create the impression of certification as a real estate appraiser by this state. A person who is not certified under this chapter shall not describe or refer to any appraisal or real estate located in this state by the term 'certified.'

(2) This section does not preclude a person who is not certified as a state-certified real estate appraiser from appraising real estate in this state for compensation.

NEW SECTION. Sec. 5. There is established a real estate appraiser certification board which shall consist of seven members, two of whom are public members and five of whom are real estate appraisers.

The governor shall appoint the members of the real estate appraiser certification board.

Each of the real estate appraiser members first appointed to the board shall possess a minimum of ten years of active experience as a real estate appraiser, and shall be appointed from a cross-section of real estate appraisal organizations.

Each real estate appraiser member of the board appointed after July 1, 1990, must be a state-certified real estate appraiser under this chapter at the time of appointment and during the entire term. At least two members of the board shall be state-certified general real estate appraisers. At least one member of the board shall be a state-certified residential real estate appraiser. The term of each member of the board shall be three years, except that, of the members first appointed, one shall serve for three years, three shall serve for two years, and three shall serve for one year. Upon the expiration of a term, a member of the board continues to hold office until the appointment of a successor. No person shall serve as a member of the board for more than two consecutive terms. The governor may remove a member for cause.

The public members of the board shall not be engaged in the practice of real estate appraising.

The governor shall appoint one of the members as a chairperson. The chairperson serves at the pleasure of the governor.

The board shall meet at least once a year or as necessary to conduct board business upon the call of the chairperson at times and places as the chairperson shall designate.

A quorum of the board shall be five members.

Members of the board shall receive compensation under RCW 43.03.240 and shall be reimbursed for travel expenses under RCW 43.03.050 and 43.03.060.

NEW SECTION. Sec. 6. The real estate appraiser certification board provides technical assistance to the director relating to real estate appraisal standards and real estate appraiser qualifications and has the following responsibilities, powers, and duties:

(1) To recommend to the director the experience, education, and examination requirements that are appropriate for each classification of state-certified real estate appraiser;

(2) To recommend to the director the examination specifications, and the minimum scaled score required to pass the certification examinations for each classification of certification required by this chapter; and

(3) To conduct administrative hearings, as requested by the director, in connection with disciplinary proceedings under this chapter.

NEW SECTION. Sec. 7. The director shall have the following powers and duties:

(1) To adopt rules in accordance with chapter 34.05 RCW necessary to implement this chapter;

(2) To receive and approve applications for certification as a state-certified real estate appraiser under this chapter; to establish appropriate administrative procedures for the processing of such applications; to issue certificates to qualified applicants pursuant to the provisions of this chapter; and to maintain a register of the names and addresses of individuals who are currently certified under this chapter;

(3) To provide administrative assistance to the real estate appraiser certification board to enable the board to carry out its responsibilities under this chapter;

(4) To solicit bids and enter into contracts with educational testing services or organizations for the preparation of questions and answers for certification examinations;

(5) To administer or contract for administration of certification examinations at locations and times as may be required to carry out the responsibilities under this chapter;

(6) To consider recommendations by the real estate appraiser certification board relating to the experience, education, and examination requirements for each classification of state-certified appraiser;

(7) To consider recommendations by the real estate appraiser certification board relating to standards of professional appraisal practice in the enforcement of this chapter;

(8) To issue an annual statement describing the receipts and expenditures in the administration of this chapter during each fiscal year;

(9) To establish appropriate administrative procedures for disciplinary proceedings conducted pursuant to the provisions of this chapter;

(10) To compel the attendance of witnesses and production of books, documents, records, and other papers; to administer oaths; and to take testimony and receive evidence concerning all matters within their jurisdiction. These powers may be exercised directly by the director or the director's authorized representatives acting by authority of law;

(11) To employ such professional, clerical, and technical assistance as may be necessary to properly administer the work of the director;

(12) To establish forms necessary to administer this chapter; and

(13) To do all other things necessary to carry out the provisions of this chapter.

NEW SECTION. Sec. 8. The director, members of the board, or individuals acting on their behalf are immune from suit in any action, civil or criminal, based on any acts performed in the course of their duties except for their intentional or willful misconduct.

NEW SECTION. Sec. 9. The director shall establish fees by rule, under RCW 43.24.086 and chapter 34.05 RCW and establish collection procedures for the fees.

NEW SECTION. Sec. 10. (1) Applications for examinations, original certification, and renewal certification shall be made in writing to the department on forms approved by the director. Applications for original and renewal certification shall include a statement confirming that the applicant shall comply with applicable rules and regulations and that the applicant understands the penalties for misconduct.

(2) The appropriate fees shall accompany all applications for examination, reexamination, original certification, and renewal certification.

NEW SECTION. Sec. 11. There shall be two categories of state-certified real estate appraisers:

(1) The state-certified residential real estate appraiser classification shall consist of those persons meeting the requirements for appraisal of residential real property of one to four units.

(2) The state-certified general real estate appraiser classification shall consist of those persons meeting the requirements for certification relating to the appraisal of all types of real property.

NEW SECTION. Sec. 12. (1) As a prerequisite to taking the examination for certification as a state-certified general real estate appraiser, an applicant shall present evidence satisfactory to the director that he or she has successfully completed the education requirements adopted by the director.

(2) As a prerequisite to taking the examination for certification as a state-certified residential real estate appraiser, an applicant shall present evidence satisfactory to the director that he or she has successfully completed the education requirements adopted by the director.

NEW SECTION. Sec. 13. As a prerequisite to taking the examination for certification as a state-certified real estate appraiser, an applicant must meet the experience requirements adopted by the director.

NEW SECTION. Sec. 14. (1) An original certification as a state-certified real estate appraiser shall be issued to persons who have satisfactorily passed a written examination as adopted by the board.

(2) An applicant as a state-certified residential or general real estate appraiser, who presents evidence satisfactory to the director that he or she has been practicing in this state as a real estate appraiser for more than five years prior to the effective date of this section, may be issued an original certificate without taking an examination.

NEW SECTION. Sec. 15. Every applicant for certification who is not a resident of this state shall submit, with the application for certification, an irrevocable consent that service of process upon him or her may be made by service on the director if, in an action against the applicant in a court of this state arising out of the applicant's activities as a state-certified real estate appraiser, the plaintiff cannot, in the exercise of due diligence, obtain personal service upon the applicant.

NEW SECTION. Sec. 16. An applicant for certification who is currently certified and in good standing under the laws of another state may obtain a certificate as a Washington state-certified real estate appraiser without being required to satisfy the examination requirements of this chapter if: The director determines that the certification requirements are substantially similar to those found in Washington state; and that the other state has a written reciprocal agreement to provide similar treatment to holders of Washington state certificates.

NEW SECTION. Sec. 17. (1) Each original and renewal certificate shall be for a period of one year.

(2) To be renewed as a state-certified real estate appraiser, the holder of a valid certificate shall apply and pay the prescribed fee to the director no earlier than one hundred twenty days prior to the expiration date of the certificate.

(3) If a person fails to renew a certificate prior to its expiration, the person may obtain a renewal certificate by satisfying all of the requirements for renewal and paying late renewal fees.

NEW SECTION. Sec. 18. (1) A certificate issued under this chapter shall bear the signature or facsimile signature of the director and a certificate number assigned by the director.

(2) Each state-certified real estate appraiser shall place his or her certificate number adjacent to or immediately below the title "state-certified residential real estate appraiser" or

'state-certified general real estate appraiser' when used in an appraisal report or in a contract or other instrument used by the certificate holder in conducting real property appraisal activities.

NEW SECTION, Sec. 19. (1) The term 'state-certified real estate appraiser' may only be used to refer to individuals who hold the certificate and may not be used following or immediately in connection with the name or signature of a firm, partnership, corporation, or group, or in such manner that it might be interpreted as referring to a firm, partnership, corporation, group, or anyone other than an individual holder of the certificate.

(2) No certificate may be issued under this chapter to a corporation, partnership, firm, or group. This shall not be construed to prevent a state-certified appraiser from signing an appraisal report on behalf of a corporation, partnership, firm, or group practice.

NEW SECTION, Sec. 20. An application for certification or recertification may be denied, and the certification of any state-certified real estate appraiser may be revoked, suspended, or otherwise disciplined in accordance with the provisions of this chapter, for any of the following acts or omissions:

(1) Failing to meet the minimum qualifications for state certification established by or pursuant to this chapter;

(2) Procuring or attempting to procure state certification under this chapter by knowingly making a false statement, knowingly submitting false information, or knowingly making a material misrepresentation on any application filed with the director;

(3) Paying money other than the fees provided for by this chapter to any employee of the director or the board to procure state certification under this chapter;

(4) Failure or refusal without good cause to exercise reasonable diligence in developing an appraisal, preparing an appraisal report, or communicating an appraisal;

(5) Negligence or incompetence in developing an appraisal, preparing an appraisal report, or communicating an appraisal;

(6) Continuing to act as a certified real estate appraiser when his or her certificate is on an expired status;

(7) Failing, upon demand, to disclose any information within his or her knowledge to, or to produce any document, book, or record in his or her possession for inspection of the director or the director's authorized representatives acting by authority of law; and

(8) Violating any provision of this chapter or any lawful rule or regulation made by the director pursuant thereto.

NEW SECTION, Sec. 21. The director may investigate the actions of a state-certified real estate appraiser or an applicant for certification or recertification. Upon receipt of information indicating that a state-certified real estate appraiser under this chapter may have violated this chapter, the director shall cause one or more of the staff investigators to make an investigation of the facts to determine whether or not there is admissible evidence of any such violation. If technical assistance is required, a staff investigator may consult with not more than one of the appraiser members of the board. If an appraiser member of the board is consulted and renders assistance in an investigation, the appraiser member is excused from service on the board in connection with any administrative hearing that may result from such investigation.

In any investigation made by the director's investigative staff, the director shall have the power to compel the attendance of witnesses and the production of books, documents, records, and other papers, to administer oaths, and to take testimony and receive evidence concerning all matters within the director's jurisdiction.

If the director determines, upon investigation, that a state-certified real estate appraiser under this chapter has violated this chapter, a statement of charges shall be prepared and served upon the state-certified real estate appraiser. This statement of charges shall require the accused party to file an answer to the statement of charges within twenty days of the date of service.

In responding to a statement of charges, the accused party may admit to the allegations, deny the allegations, or otherwise plea. Failure to make a timely response shall be deemed an admission of the allegations contained in the statement of charges.

NEW SECTION, Sec. 22. The administrative hearing on the allegations in the statement of charges may be heard by the board or an administrative law judge appointed under chapter 34.12 RCW at the time and place prescribed by the director and in accordance with the provisions of the administrative procedure act, chapter 34.05 RCW. If the board or the administrative law judge determines that a state-certified real estate appraiser is guilty of a violation of any of the provisions of this chapter, a formal decision shall be prepared that contains findings of fact and recommendations to the director concerning the appropriate disciplinary action to be taken.

In such event the director shall enter an order to that effect and shall file the same in his or her office and immediately mail a copy thereof to the affected party at the addresses of record with the department. Such order shall not be operative for a period of ten days from the date thereof. Any licensee or applicant aggrieved by a final decision by the director in an adjudicative proceeding whether such decision is affirmative or negative in form, is entitled to a

judicial review in the superior court under the provisions of the administrative procedure act, chapter 34.05 RCW.

NEW SECTION. Sec. 23. The attorney general shall render to the director and board opinions upon all questions of law relating to the construction or interpretation of this chapter, or arising in the administration thereof that may be submitted by the director or board, and shall act as attorney for the director and board in all actions and proceedings brought by or against the director and board under or pursuant to any provisions of this chapter.

NEW SECTION. Sec. 24. Sections 2 through 23 of this act shall constitute a new chapter in Title 18 RCW.

NEW SECTION. Sec. 25. If specific funding for the purposes of this act, referencing this act by bill number, is not provided by June 30, 1989, in the omnibus appropriations act, this act shall be null and void.

NEW SECTION. Sec. 26. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 27. (1) Sections 2, 3, 5 through 8, 24, and 26 of this act are necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect July 1, 1989.

(2) Sections 1, 4, 9 through 22, and 24 of this act shall take effect July 1, 1990."

On page 1, line 2 of the title, after "appraisers;" strike the remainder of the title and insert "adding a new chapter to Title 18 RCW; creating new sections; providing effective dates; and declaring an emergency."

and the same is herewith transmitted.

W. D. Naismith, Assistant Secretary.

MOTION

Mr. Vekich moved that the House refuse to concur in the Senate amendments to Engrossed House Bill No. 1917 and ask the Senate for a conference thereon. The motion was carried.

APPOINTMENT OF CONFEREES

The Speaker (Mr. O'Brien presiding) appointed Representatives O'Brien, Vekich and May as conferees on Engrossed House Bill No. 1917.

There being no objection, the House advanced to the eleventh order of business.

MOTION

On motion of Mr. Heavey, the House adjourned until 9:30 a.m., Tuesday, April 18, 1989.

JOSEPH E. KING, Speaker

ALAN THOMPSON, Chief Clerk

ONE HUNDREDTH DAY

MORNING SESSION

House Chamber, Olympia, Tuesday, April 18, 1989

The House was called to order at 9:30 a.m. by the Speaker (Mr. O'Brien presiding). The Clerk called the roll and all members were present except Representative Gallagher, who was excused.

The flag was escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Vanessa Anderson and Clay Robinson. Prayer was offered by The Reverend Jim Todd, Minister of the Sunrise Church of God of Olympia.

Reading of the Journal of the previous day was dispensed with and it was ordered to stand approved.

CENTENNIAL MESSAGE FROM THE WASHINGTON STATE HISTORICAL SOCIETY

April 18, 1989

On this day in 1889, while a man and a woman were watching a bear at the Tacoma Hotel, the man told the woman that the bear could hug a person to death. The woman replied that her companion "ought to interview the bear and learn something of the brute's methods."

On this day in 1911, a resident of Hoquiam received \$1,630 for four hogs he raised by letting them roam at large for eighteen months, living off fern roots in the fall and winter, berry roots in the summer, and skunk cabbage in the spring.

On April 18, 1917 the name of Pacific Aero Products was changed to Boeing Airplane.

The Speaker (Mr. O'Brien presiding) declared the House to be at ease.

The Speaker (Mr. O'Brien presiding) called the House to order.

MESSAGES FROM THE SENATE

April 14, 1989

Mr. Speaker:

The Senate has passed:

HOUSE BILL NO. 1241,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1504,

and the same are herewith transmitted.

W. D. Naismith, Assistant Secretary.

April 17, 1989

Mr. Speaker:

The President has signed:

SENATE BILL NO. 5250,
SENATE BILL NO. 5826,
SENATE BILL NO. 5853,
SUBSTITUTE SENATE BILL NO. 5857,

and the same are herewith transmitted.

Gordon A. Golob, Secretary.

SENATE AMENDMENTS TO HOUSE BILL

April 5, 1989

Mr. Speaker:

The Senate has passed HOUSE BILL NO. 1043 with the following amendments:

On page 5, line 23, after "year" strike "or when the submitting agency has accumulated ten firearms" and insert "if the submitting agency has accumulated at least ten firearms"

On page 5, line 24, after "sale" strike ", whichever occurs first" and the same is herewith transmitted.

W. D. Naismith, Assistant Secretary.

MOTION

Mr. Appelwick moved that the House do concur in the Senate amendments to House Bill No. 1043.

Mr. Appelwick spoke in favor of the motion, and it was carried.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

The Speaker (Mr. O'Brien presiding) stated the question before the House to be the final passage of House Bill No. 1043 as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1043 as amended by the Senate, and the bill passed the House by the following vote: Yeas, 97; excused, 1.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Baugher, Beck, Belcher, Betzozoff, Bowman, Braddock, Brekke, Bristow, Brooks, Brough, Brumsickle, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Fraser, Fuhrman, Grant, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Inslee, Jacobsen, Jesernig, Jones, King P, King R, Kremen, Leonard, Locke, May, McLean, Meyers R, Miller, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Padden, Patrick, Peery, Phillips, Prentice, Prince, Pruitt, Ratter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith, Sommers D, Sommers H, Spanel, Sprenkle, Tate, Todd, Valle, Van Luvan, Vekich, Walk, Walker, Wang, Wilson K, Wilson S, Wineberry, Winsley, Wolfe, Wood, Youngsman, Zellinsky, and Mr. Speaker - 97.

Excused: Representative Gallagher - 1.

House Bill No. 1043 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SENATE AMENDMENT TO HOUSE BILL

April 13, 1989

Mr. Speaker:

The Senate has passed HOUSE BILL NO. 1157 with the following amendment:

On page 3, line 12, after "(6)" strike all material through ";", on line 18, and insert "A school district board of directors may waive the requirements of this section for a public vocational-technical institute under its jurisdiction for purchases by the vocational-technical institute which are clearly and legitimately limited to a single source of supply and for purchases by the vocational-technical institute involving special facilities, services, or market conditions. The vocational-technical institute shall submit to the school district board a written request for the waiver. A school district board may provide waivers for specified periods of time or particular items, or both."

and the same is herewith transmitted.

W. D. Naismith, Assistant Secretary.

MOTION

Mr. Peery moved that the House do concur in the Senate amendment to House Bill No. 1157. The motion was carried.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

The Speaker (Mr. O'Brien presiding) stated the question before the House to be the final passage of House Bill No. 1157 as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1157 as amended by the Senate, and the bill passed the House by the following vote: Yeas, 97; excused, 1.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Baugher, Beck, Belcher, Betzozoff, Bowman, Braddock, Brekke, Bristow, Brooks, Brough, Brumsickle, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Fraser, Fuhrman, Grant, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Inslee, Jacobsen, Jesernig, Jones, King P, King R, Kremen, Leonard, Locke, May, McLean, Meyers R,

Miller, Morris, Moyer, Myers H. Nealey, Nelson, Nutley, O'Brien, Padden, Patrick, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Saryan, Schmidt, Schoon, Scott, Silver, Smith, Sommers D. Sommers H. Spanel, Sprengle, Tate, Todd, Valle, Van Luvan, Vekich, Walk, Walker, Wang, Wilson K, Wilson S, Wineberry, Winsley, Wolfe, Wood, Youngsman, Zellinsky, and Mr. Speaker - 97.

Excused: Representative Gallagher - 1.

House Bill No. 1157 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SENATE AMENDMENTS TO HOUSE BILL

April 4, 1989

Mr. Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 1221 with the following amendments:

Strike everything after the enacting clause and insert the following:

"Sec. 1. Section 3, chapter 11, Laws of 1979 as last amended by section 1, chapter 287, Laws of 1988 and RCW 46.70.011 are each amended to read as follows:

As used in this chapter:

(1) 'Vehicle' means and includes every device capable of being moved upon a public highway and in, upon, or by which any persons or property is or may be transported or drawn upon a public highway, excepting devices moved by human or animal power or used exclusively upon stationary rails or tracks.

(2) 'Motor vehicle' means every vehicle which is self-propelled and every vehicle which is propelled by electric power obtained from overhead trolley wires, but not operated upon rails, and which is required to be registered and titled under Title 46 RCW, Motor Vehicles.

(3) 'Vehicle dealer' means any person, firm, association, corporation, or trust, not excluded by subsection (4) of this section, engaged in the business of buying, selling, listing, exchanging, offering, brokering, leasing with an option to purchase, auctioning, soliciting, or advertising the sale of new or used vehicles, or arranging or offering or attempting to solicit or negotiate on behalf of others, a sale, purchase, or exchange of an interest in new or used motor vehicles, irrespective of whether the motor vehicles are owned by that person. Vehicle dealers shall be classified as follows:

(a) A 'motor vehicle dealer' is a vehicle dealer that deals in new or used motor vehicles, or both;

(b) A 'mobile home and travel trailer dealer' is a vehicle dealer that deals in mobile homes or travel trailers, or both;

(c) A 'miscellaneous vehicle dealer' is a vehicle dealer that deals in motorcycles or vehicles other than motor vehicles or mobile homes and travel trailers or any combination of such vehicles.

(4) The term 'vehicle dealer' does not include, nor do the licensing requirements of RCW 46.70.021 apply to, the following persons, firms, associations, or corporations:

(a) Receivers, trustees, administrators, executors, guardians, or other persons appointed by, or acting under a judgment or order of, any court; or

(b) Public officers while performing their official duties; or

(c) Employees of vehicle dealers who are engaged in the specific performance of their duties as such employees; or

(d) Any person engaged in an isolated sale of a vehicle in which he is the registered or legal owner, or both, thereof; or

(e) Any person, firm, association, corporation, or trust, engaged in the selling of equipment other than vehicles, subject to registration, used for agricultural or industrial purposes; or

(f) A real estate broker licensed under chapter 18.85 RCW, or his authorized representative, who, on behalf of the legal or registered owner of a used mobile home negotiates the purchase, sale, or exchange of the used mobile home in conjunction with the purchase, sale, exchange, rental, or lease of the land upon which the used mobile home is located and the real estate broker is not acting as an agent, subagent, or representative of a vehicle dealer licensed under this chapter; or

(g) Owners who are also operators of the special highway construction equipment or of the highway construction equipment for which a vehicle license and display vehicle license number plate is required as defined in RCW 46.16.010; or

(h) Any bank, trust company, savings bank, mutual savings bank, savings and loan association, credit union, and any parent, subsidiary, or affiliate thereof, authorized to do business in this state under state or federal law with respect to the sale or other disposition of a motor vehicle owned and used in their business; or with respect to the acquisition and sale or other disposition of a motor vehicle in which the entity has acquired an interest as a lessor, lessee, or secured party.

(5) 'Vehicle salesperson' means any person who for any form of compensation sells, auctions, leases with an option to purchase, or offers to sell or to so lease vehicles on behalf of a vehicle dealer.

(6) 'Department' means the department of licensing, which shall administer and enforce the provisions of this chapter.

(7) 'Director' means the director of licensing.

(8) 'Manufacturer' means any person, firm, association, corporation, or trust, resident or nonresident, who manufactures or assembles new and unused vehicles or remanufactures vehicles in whole or in part and further includes the terms:

(a) 'Distributor,' which means any person, firm, association, corporation, or trust, resident or nonresident, who in whole or in part offers for sale, sells, or distributes any new and unused vehicle to vehicle dealers or who maintains factory representatives.

(b) 'Factory branch,' which means a branch office maintained by a manufacturer for the purpose of selling or offering for sale, vehicles to a distributor, wholesaler, or vehicle dealer, or for directing or supervising in whole or in part factory or distributor representatives, and further includes any sales promotion organization, whether a person, firm, or corporation, which is engaged in promoting the sale of new and unused vehicles in this state of a particular brand or make to vehicle dealers.

(c) 'Factory representative,' which means a representative employed by a manufacturer, distributor, or factory branch for the purpose of making or promoting for the sale of their vehicles or for supervising or contracting with their dealers or prospective dealers.

(9) 'Established place of business' means a location meeting the requirements of RCW 46.70.023(1) at which a vehicle dealer conducts business in this state.

(10) 'Principal place of business' means that dealer firm's business location in the state, which place the dealer designates as their principal place of business.

(11) 'Subagency' means any place of business of a vehicle dealer within the state, which place is physically and geographically separated from the principal place of business of the firm or any place of business of a vehicle dealer within the state, at which place the firm does business using a name other than the principal name of the firm, or both.

(12) 'Temporary subagency' means a location other than the principal place of business or subagency within the state where a licensed vehicle dealer may secure a license to conduct the business and is licensed for a period of time not to exceed ten days for a specific purpose such as auto shows, auctions, shopping center promotions, tent sales, exhibitions, or similar merchandising ventures.

(13) 'Wholesale vehicle dealer' means a vehicle dealer who sells to Washington dealers.

(14) 'Retail vehicle dealer' means a vehicle dealer who sells vehicles to the public.

(15) 'Listing dealer' means a used mobile home dealer who makes contracts with sellers who will compensate the dealer for obtaining a willing purchaser for the seller's mobile home.

(16) 'Auction' means a transaction conducted by means of exchanges between an auctioneer and the members of the audience, constituting a series of oral invitations for offers for the purchase of vehicles made by the auctioneer, offers to purchase by members of the audience, and the acceptance of the highest or most favorable offer to purchase.

(17) 'Auction company' means a sole proprietorship, partnership, corporation, or other legal or commercial entity licensed under chapter 18.11 RCW that only sells or offers to sell vehicles at auction or only arranges or sponsors auctions.

Sec. 2. Section 4, chapter 241, Laws of 1986 and RCW 46.70.023 are each amended to read as follows:

(1) An 'established place of business' requires a permanent, enclosed commercial building located within the state of Washington easily accessible at all reasonable times. An established place of business shall have an improved display area of not less than three thousand square feet in or immediately adjoining the building, or a display area large enough to display six or more vehicles of the type the dealer is licensed to sell, whichever area is larger. The business of a vehicle dealer, including the display and repair of vehicles, may be lawfully carried on at an established place of business in accordance with the terms of all applicable building code, zoning, and other land-use regulatory ordinances. The dealer shall keep the building open to the public so that they may contact the vehicle dealer or the dealer's salespersons at all reasonable times. The books, records, and files necessary to conduct the business shall be kept and maintained at that place. The established place of business shall display an exterior sign with the business name and nature of the business, such as auto sales, permanently affixed to the land or building, with letters clearly visible to the major avenue of traffic. In no event may a room or rooms in a hotel, rooming house, or apartment house building or part of a single or multiple-unit dwelling house be considered an 'established place of business' unless the ground floor of such a dwelling is devoted principally to and occupied for commercial purposes and the dealer offices are located on the ground floor. A mobile office or mobile home may be used as an office if it is connected to utilities and is set up in accordance with state law. This subsection does not apply to auction companies that do not own vehicle inventory or sell vehicles from an auction yard.

(2) An auction company shall have office facilities within the state. The books, records, and files necessary to conduct the business shall be maintained at the office facilities. All storage facilities for inventory shall be listed with the department, and shall meet local zoning and land use ordinances. An auction company shall maintain a telecommunications system.

(3) Auction companies shall post their vehicle dealer license at each auction where vehicles are offered, and shall provide the department with the address of the auction at least three days before the auction.

(4) If a dealer maintains a place of business at more than one location or under more than one name in this state, he or she shall designate one location as the principal place of business of the firm, one name as the principal name of the firm, and all other locations or names as subagencies. A subagency license is required for each and every subagency: PROVIDED, That the department may grant an exception to the subagency requirement in the specific instance where a licensed new motor vehicle dealer is unable to locate their used vehicle sales facilities adjacent to or at the established place of business. This exception shall be granted and defined under the promulgation of rules consistent with the Administrative Procedure Act.

~~((3))~~ (5) All vehicle dealers shall maintain ownership or leasehold throughout the license year of the real property from which they do business. The dealer shall provide the department with evidence of ownership or leasehold whenever the ownership changes or the lease is terminated.

~~((4))~~ (6) A subagency shall comply with all requirements of an established place of business, except that auction companies shall comply with the requirements in subsection (2) of this section.

~~((5))~~ (7) A temporary subagency shall meet all local zoning and building codes for the type of merchandising being conducted. The dealer license certificate shall be posted at the location. No other requirements of an established place of business apply to a temporary subagency. Auction companies are not required to obtain a temporary subagency license.

~~((6))~~ (8) A wholesale vehicle dealer shall have office facilities in a commercial building within this state, and all storage facilities for inventory shall be listed with the department, and shall meet local zoning and land use ordinances. A wholesale vehicle dealer shall maintain a telecommunications system. An exterior sign visible from the nearest street shall identify the business name and the nature of business. A wholesale dealer need not maintain a display area as required in this section. When two or more vehicle dealer businesses share a location, all records, office facilities, and inventory, if any, must be physically segregated and clearly identified.

~~((7))~~ (9) A retail vehicle dealer shall be open during normal business hours, maintain office and display facilities in a commercially zoned location or in a location complying with all applicable building and land use ordinances, and maintain a business telephone listing in the local directory. When two or more vehicle dealer businesses share a location, all records, office facilities, and inventory shall be physically segregated and clearly identified.

~~((8))~~ (10) A listing dealer need not have a display area if the dealer does not physically maintain any vehicles for display.

~~((9))~~ (11) A subagency license is not required for a mobile home dealer to display an on-site display model, a consigned mobile home not relocated from its site, or a repossessed mobile home if sales are handled from a principal place of business or subagency. A mobile home dealer shall identify on-site display models, repossessed mobile homes, and those consigned at their sites with a sign that includes the dealer's name and telephone number.

~~((10))~~ (12) Every vehicle dealer shall advise the department of the location of each and every place of business of the firm and the name or names under which the firm is doing business at such location or locations. If any name or location is changed, the dealer shall notify the department of such change within ten days. The license issued by the department shall reflect the name and location of the firm and shall be posted in a conspicuous place at that location by the dealer.

~~((11))~~ (13) A vehicle dealer's license shall upon the death or incapacity of an individual vehicle dealer authorize the personal representative of such dealer, subject to payment of license fees, to continue the business for a period of six months from the date of the death or incapacity.

Sec. 3, Section 7, chapter 74, Laws of 1967 ex. sess. as last amended by section 6, chapter 132, Laws of 1973 1st ex. sess. and RCW 46.70.051 are each amended to read as follows:

(1) After the application has been filed, the fee paid, and bond posted, if required the department shall, if no denial order is in effect and no proceeding is pending under RCW 46.70.180 or 46.70.200, issue the appropriate license, which license, in the case of a vehicle dealer, shall designate the classification of the dealer(~~(- PROVIDED, That nothing shall)~~). Nothing prohibits a vehicle dealer from obtaining licenses for more than one classification, and(~~(- PROVIDED FURTHER, That nothing shall)~~) nothing prevents any vehicle dealer from dealing in other classes of vehicles on an isolated basis.

(2) An auction company licensed under chapter 18.11 RCW may sell at auction all classifications of vehicles under a motor vehicle dealer's license issued under this chapter including motor vehicles, miscellaneous type vehicles, and mobile homes and travel trailers.

Sec. 4. Section 46.70.070, chapter 12, Laws of 1961 as last amended by section 11, chapter 241, Laws of 1986 and RCW 46.70.070 are each amended to read as follows:

(1) Except as provided in subsections (2) and (3) of this section, before issuing a vehicle dealer's license, the department shall require the applicant to file with the department a surety bond in the amount of:

(a) Fifteen thousand dollars for motor vehicle dealers;

(b) Thirty thousand dollars for mobile home and travel trailer dealers: PROVIDED, That if such dealer does not deal in mobile homes such bond shall be fifteen thousand dollars;

(c) Five thousand dollars for miscellaneous dealers(~~(-running)~~). The bond shall run to the state, and shall be executed by a surety company authorized to do business in the state. Such bond shall be approved by the attorney general as to form and conditioned that the dealer shall conduct his business in conformity with the provisions of this chapter(;;).

~~((1))~~ (2) Wholesale dealers shall not be required to file a surety bond with the department.

(3) Before issuing a motor vehicle dealer's license to an auction company, the department shall require the applicant to file a vehicle dealer's surety bond with the department in the amount of fifteen thousand dollars. The bond shall cover all vehicle sales in the state.

(4) Any retail purchaser who (~~shall have~~) has suffered any loss or damage by reason of breach of warranty or by any act by a dealer which constitutes a violation of this chapter (~~shall have the right to~~) may institute an action for recovery against such dealer and the surety upon such bond. Successive recoveries against said bond shall be permitted, but the aggregate liability of the surety to all persons shall in no event exceed the amount of the bond. Upon exhaustion of the penalty of said bond or cancellation of the bond by the surety the vehicle dealer license shall automatically be deemed canceled.

~~((2))~~ (5) Except as provided in subsection (3) of this section, the bond for any vehicle dealer licensed or to be licensed under more than one classification shall be the highest bond required for any such classification.

~~((3))~~ (6) Vehicle dealers shall maintain a bond for each business location in this state and bond coverage for all temporary subagencies."

On page 1, line 1 of the title, after "vehicles;" strike the remainder of the title and insert "and amending RCW 46.70.011, 46.70.023, 46.70.051, and 46.70.070."

and the same is herewith transmitted.

W. D. Naismith, Assistant Secretary.

MOTION

Mr. Vekich moved that the House do concur in the Senate amendments to Substitute House Bill No. 1221. The motion was carried.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

The Speaker (Mr. O'Brien presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1221 as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1221 as amended by the Senate, and the bill passed the House by the following vote: Yeas, 97; excused, 1.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Baugher, Beck, Belcher, Betrozoff, Bowman, Braddock, Brekke, Bristow, Brooks, Brough, Brumsickle, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Fraser, Fuhrman, Grant, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Inslee, Jacobsen, Jesernig, Jones, King P, King R, Kremen, Leonard, Locke, May, McLean, Meyers R, Miller, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Padden, Patrick, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith, Sommers D, Sommers H, Spanel, Sprenkle, Tate, Todd, Valle, Van Luven, Vekich, Walk, Walker, Wang, Wilson K, Wilson S, Wineberry, Winsley, Wolfe, Wood, Youngsman, Zellinsky, and Mr. Speaker - 97.

Excused: Representative Gallagher - 1.

Substitute House Bill No. 1221 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SENATE AMENDMENTS TO HOUSE BILL

April 4, 1989

Mr. Speaker:

The Senate has passed ENGROSSED SUBSTITUTE HOUSE BILL NO. 1369 with the following amendments:

Strike everything after the enacting clause and insert the following:

NEW SECTION. Sec. 1. A new section is added to chapter 70.118 RCW to read as follows:
The legislature finds that:

(1) Many saltwater-front lots were developed without adequate means of sewage disposal;

(2) Installation of community sewers is not practical in many of these areas;

(3) Many of these homes are being expanded, remodeled, or rebuilt in violation of the building code; and

(4) These sewer systems are polluting the waters of the state.

The legislature further finds that modern technology has developed effective ways to treat the sewage from these residences in order to protect against significant health hazards and water quality degradation.

It is the intent of the legislature to allow the owners of single-family saltwater-front residences to replace inadequate on-site sewage treatment facilities with modern effective systems. It is also the intent of the legislature to provide incentives for these homeowners to upgrade their sewage disposal systems by allowing these homes to be remodeled, rebuilt, or expanded.

NEW SECTION. Sec. 2. A new section is added to chapter 70.118 RCW to read as follows:

The owners of single-family residences that were legally occupied prior to June 9, 1988, and that are on property adjacent to marine waters or discharge untreated sewage directly into marine waters, who repair or replace an existing on-site sewage disposal system so that the system achieves a thirty-day average effluent quality of: (1) Less than 10 mg/l BOD₅, and (2) less than 10 mg/l total suspended solids, and (3) less than 200 MPN/100 ml fecal coliform bacteria may remodel, expand, or replace the single-family residence. This standard must be met prior to discharge of the effluent below the surface of the ground. Residences expanded under this section shall use low-flow plumbing fixtures. Not later than January 1, 1990, the state board of health shall adopt such minimum nutrient loading standards for systems allowed under this section as the board finds necessary to ensure protection of the public health, attainment of state water quality standards, and the protection of shellfish and other public resources.

If the department of social and health services finds that more restrictive standards are necessary to ensure protection of the public health, attainment of state water quality standards, and the protection of shellfish and other public resources, the department may propose rules for adoption by the state board of health identifying the standards necessary for implementing its finding. The department may also identify the geographic areas where it is necessary to implement the more restrictive standards. In addition, the department may propose standards for the design, construction, maintenance, and monitoring of sewage disposal systems.

NEW SECTION. Sec. 3. A new section is added to chapter 70.118 RCW to read as follows:

If the legislative authority of a county or city finds that more restrictive standards than those contained in section 2 of this act or those adopted by the state board of health for systems allowed under section 2 of this act or limitations on expansion of a residence are necessary to ensure protection of the public health, attainment of state water quality standards, and the protection of shellfish and other public resources, the legislative authority may adopt ordinances or resolutions setting standards as they may find necessary for implementing their findings. The legislative authority may identify the geographic areas where it is necessary to implement the more restrictive standards. In addition, the legislative authority may adopt standards for the design, construction, maintenance, and monitoring of sewage disposal systems.

NEW SECTION. Sec. 4. (1) Except as provided in subsection (2) of this section, this act shall take effect November 1, 1989.

(2) Section 2 of this act shall not take effect if the state board of health adopts standards for the replacement and repair of existing on-site sewage disposal systems located on property adjacent to marine waters by October 31, 1989.

NEW SECTION. Sec. 5. The house of representatives committee on environmental affairs and the senate committee on environment and natural resources shall investigate on-site sewage regulation and practices in the state including, but not limited to, ways to ensure long-term maintenance and operation of these systems and report to their respective houses at the 1990 session of the Washington state legislature."

In line 1 of the title, after "systems;" strike the remainder of the title and insert "adding new sections to chapter 70.118 RCW; creating a new section; and providing an effective date."

and the same is herewith transmitted.

W. D. Naismith, Assistant Secretary.

MOTION

Ms. Rust moved that the House do concur in the Senate amendments to Engrossed Substitute House Bill No. 1369.

Ms. Rust spoke in favor of the motion, and it was carried.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

The Speaker (Mr. O'Brien presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 1369 as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1369 as amended by the Senate, and the bill passed the House by the following vote: Yeas, 94; nays, 3; excused, 1.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Baugher, Beck, Belcher, Betzoff, Bowman, Braddock, Brekke, Bristow, Brooks, Brough, Brumsickle, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Fraser, Fuhrman, Grant, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Inslee, Jacobsen, Jesernig, Jones, King P, King R, Kremen, Leonard, Locke, May, McLean, Meyers R, Miller, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Padden, Patrick, Peery, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith, Sommers D, Sommers H, Spanel, Tate, Todd, Valle, Van Luven, Vekich, Walk, Walker, Wang, Wilson S, Wineberry, Winsley, Wolfe, Wood, Youngsman, Zellinsky, and Mr. Speaker - 94.

Voting nay: Representatives Phillips, Sprenkle, Wilson K - 3.

Excused: Representative Gallagher - 1.

Engrossed Substitute House Bill No. 1369 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SENATE AMENDMENTS TO HOUSE BILL

April 14, 1989

Mr. Speaker:

The Senate has passed HOUSE BILL NO. 1385 with the following amendments:

Strike everything after the enacting clause and insert the following:

*Sec. 1. Section .31.02, chapter 79, Laws of 1947 and RCW 48.31.020 are each amended to read as follows:

For the purposes of this chapter, other than as to RCW 48.31.010, and in addition to persons included under RCW 48.31.110, the term "insurer" shall be deemed to include an insurer authorized under chapter 48.05 RCW, a health care service contractor registered under chapter 48.44 RCW, and a health maintenance organization registered under chapter 48.46 RCW, as well as all persons engaged as, or purporting to be engaged as insurers ((in the business of insurance)), health care service contractors, or health maintenance organizations in this state, and to persons in process of organization to become insurers, health care service contractors, or health maintenance organizations.

Sec. 2. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect immediately."

On page 1, line 2 of the title, after "entities;" strike the remainder of the title and insert "amending RCW 48.31.020; and declaring an emergency."

and the same is herewith transmitted.

W. D. Naismith, Assistant Secretary.

MOTION

Mr. Dellwo moved that the House do concur in the Senate amendments to House Bill No. 1385.

Mr. Dellwo spoke in favor of the motion, and it was carried.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

The Speaker (Mr. O'Brien presiding) stated the question before the House to be the final passage of House Bill No. 1385 as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1385 as amended by the Senate, and the bill passed the House by the following vote: Yeas, 97; excused, 1.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Baugher, Beck, Belcher, Betzoff, Bowman, Braddock, Brekke, Bristow, Brooks, Brough, Brumsickle, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R,

Fraser, Fuhrman, Grant, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Inslee, Jacobsen, Jesernig, Jones, King P, King R, Kremen, Leonard, Locke, May, McLean, Meyers R, Miller, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Padden, Patrick, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith, Sommers D, Sommers H, Spanel, Sprenkle, Tate, Todd, Valle, Van Luven, Vekich, Walk, Walker, Wang, Wilson K, Wilson S, Wineberry, Winsley, Wolte, Wood, Youngsman, Zellinsky, and Mr. Speaker - 97.

Excused: Representative Gallagher - 1.

House Bill No. 1385 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Ms. Bowman, Representative Miller was excused.

SENATE AMENDMENTS TO HOUSE BILL

April 6, 1989

Mr. Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 1397 with the following amendments:

Strike everything after the enacting clause and insert the following:

*Sec. 1. Section 2, chapter 225, Laws of 1971 ex. sess. as amended by section 2, chapter 399, Laws of 1987 and RCW 90.54.020 are each amended to read as follows:

Utilization and management of the waters of the state shall be guided by the following general declaration of fundamentals:

(1) Uses of water for domestic, stock watering, industrial, commercial, agricultural, irrigation, hydroelectric power production, mining, fish and wildlife maintenance and enhancement, recreational, and thermal power production purposes, and preservation of environmental and aesthetic values, and all other uses compatible with the enjoyment of the public waters of the state, are declared to be beneficial.

(2) Allocation of waters among potential uses and users shall be based generally on the securing of the maximum net benefits for the people of the state. Maximum net benefits shall constitute total benefits less costs including opportunities lost.

(3) The quality of the natural environment shall be protected and, where possible, enhanced as follows:

(a) Perennial rivers and streams of the state shall be retained with base flows necessary to provide for preservation of wildlife, fish, scenic, aesthetic and other environmental values, and navigational values. Lakes and ponds shall be retained substantially in their natural condition. Withdrawals of water which would conflict therewith shall be authorized only in those situations where it is clear that overriding considerations of the public interest will be served.

(b) Waters of the state shall be of high quality. Regardless of the quality of the waters of the state, all wastes and other materials and substances proposed for entry into said waters shall be provided with all known, available, and reasonable methods of treatment prior to entry. Notwithstanding that standards of quality established for the waters of the state would not be violated, wastes and other materials and substances shall not be allowed to enter such waters which will reduce the existing quality thereof, except in those situations where it is clear that overriding considerations of the public interest will be served. Technology-based effluent limitations or standards for discharges for municipal water treatment plants located on the Chehalis, Columbia, Cowlitz, Lewis, or Skagit river shall be adjusted to reflect credit for substances removed from the plant intake water if:

(i) The municipality demonstrates that the intake water is drawn from the same body of water into which the discharge is made; and

(ii) The municipality demonstrates that no violation of receiving water quality standards or appreciable environmental degradation will result.

(4) Adequate and safe supplies of water shall be preserved and protected in potable condition to satisfy human domestic needs.

(5) Multiple-purpose impoundment structures are to be preferred over single-purpose structures. Due regard shall be given to means and methods for protection of fishery resources in the planning for and construction of water impoundment structures and other artificial obstructions.

(6) Federal, state, and local governments, individuals, corporations, groups and other entities shall be encouraged to carry out practices of conservation as they relate to the use of the waters of the state. In addition to traditional development approaches, improved water use efficiency and conservation shall be emphasized in the management of the state's water resources and in some cases will be a potential new source of water with which to meet future needs throughout the state.

(7) Development of water supply systems, whether publicly or privately owned, which provide water to the public generally in regional areas within the state shall be encouraged. Development of water supply systems for multiple domestic use which will not serve the public generally shall be discouraged where water supplies are available from water systems serving the public.

(8) Full recognition shall be given in the administration of water allocation and use programs to the natural interrelationships of surface and ground waters.

(9) Expressions of the public interest will be sought at all stages of water planning and allocation discussions.

(10) Water management programs, including but not limited to, water quality, flood control, drainage, erosion control and storm runoff are deemed to be in the public interest.

Sec. 2. Section 8, chapter 216, Laws of 1979 ex. sess. and RCW 90.03.005 are each amended to read as follows:

It is the policy of the state to promote the use of the public waters in a fashion which provides for obtaining maximum net benefits arising from both diversionary uses of the state's public waters and the retention of waters within streams and lakes in sufficient quantity and quality to protect instream and natural values and rights. Consistent with this policy, the state supports economically feasible and environmentally sound development of physical facilities through the concerted efforts of the state with the United States, public corporations, Indian tribes, or other public or private entities. Further, based on the tenet of water law which precludes wasteful practices in the exercise of rights to the use of waters, the department of ecology shall reduce these practices to the maximum extent practicable, taking into account sound principles of water management, the benefits and costs of improved water use efficiency, and the most effective use of public and private funds, and, when appropriate, to work to that end in concert with the agencies of the United States and other public and private entities.

NEW SECTION. Sec. 3. (1) Nothing in this act shall affect or operate to impair any existing water rights.

(2) Nothing in this act shall be used to prevent future storage options, recognizing that storage may be necessary as a method of conserving water to meet both instream and out-of-stream needs.

(3) Nothing in this act shall infringe upon the rate-making prerogatives of any public water purveyor.

(4) Nothing in this act shall preclude the joint select committee on water resource policy from reviewing any subject matter contained herein for any future modifications.

Sec. 4. Section 13, chapter 225, Laws of 1971 ex. sess. and RCW 90.54.120 are each amended to read as follows:

For the purposes of this chapter, unless the context is clearly to the contrary, the following definitions shall be used:

(1) 'Department' means department of ecology.

(2) 'Utilize' or 'utilization' shall not only mean use of water for such long recognized consumptive or nonconsumptive beneficial purposes as domestic, stock watering, industrial, commercial, agricultural, irrigation, hydroelectric power production, thermal power production, mining, recreational, maintenance of wildlife and fishlife purposes, but includes the retention of water in lakes and streams for the protection of environmental, scenic, aesthetic and related purposes, upon which economic values have not been placed historically and are difficult to quantify.

(3) 'Water use efficiency' means those measures, projects, practices, or techniques which result in a net water savings that cost less than obtaining an equivalent amount of water from the next least costly source of supply.

(4) 'Greywater' means water collected from the shower, bath, kitchen and bathroom sinks, and washing machine.

NEW SECTION. Sec. 5. A new section is added to chapter 90.54 RCW to read as follows:

Consistent with the fundamentals of water resource policy set forth in this chapter, state and local governments, individuals, corporations, groups and other entities shall be encouraged to carry out water use efficiency and conservation programs and practices consistent with the following:

(1) Water efficiency and conservation programs should utilize an appropriate mix of economic incentives, cost share programs, regulatory programs, and technical and public information efforts. Programs which encourage voluntary participation are preferred.

(2) Increased water use efficiency should receive consideration as a potential source of water in state and local water resource planning processes. In determining the cost-effectiveness of alternative water sources, consideration should be given to the benefits of conservation, waste water recycling, and impoundment of waters.

(3) In determining the cost-effectiveness of alternative water sources, full consideration should be given to the benefits of storage which can reduce the damage to stream banks and property, increase the utilization of land, provide water for municipal, industrial, agricultural, and other beneficial uses, provide for the generation of electric power from renewable resources, and improve stream flow regimes for fishery and other instream uses.

(4) Entities receiving state financial assistance for construction of water source expansion or acquisition of new sources shall develop, and implement if cost-effective, a water use efficiency and conservation element of a water supply plan pursuant to section 12(1) of this act.

(5) State programs to improve water use efficiency should focus on those areas of the state in which water is overappropriated; areas that experience diminished streamflows or aquifer levels; and areas where projected water needs, including those for instream flows, exceed available supplies.

(6) Existing and future generations of citizens of the state of Washington should be made aware of the importance of the state's water resources and the need for wise and efficient use and development of this vital resource. In order to increase this awareness, state agencies should integrate public education on increasing water use efficiency into existing public information efforts. This effort shall be coordinated with other levels of government, including local governments and Indian tribes.

Sec. 6. Section 37, chapter 117, Laws of 1917 as amended by section 92, chapter 109, Laws of 1987 and RCW 90.03.360 are each amended to read as follows:

The owner or owners of any ditch or canal shall maintain, to the satisfaction of the department of ecology, substantial controlling works, and a measuring device at the point where the water is diverted, and these shall be so constructed and maintained as to permit ~~((of))~~ accurate measurement and practical regulation of the flow of water diverted into said ditch or canal. Every owner or manager of a reservoir for the storage of water shall construct and maintain, when required by the department, any measuring device necessary to ascertain the natural flow into and out of said reservoir.

Metering of diversions or measurement by other approved methods may be required as a condition for all new water right permits. The department may also require, as a condition for such permits, reports regarding such metered diversions as to the amount of water being diverted. Such reports shall be in a form prescribed by the department.

NEW SECTION, Sec. 7. A new section is added to chapter 90.44 RCW to read as follows:

The department of ecology may require withdrawals of ground water to be metered, or measured by other approved methods, as a condition for a new water right permit. The department may also require, as a condition for such permits, reports regarding such withdrawals as to the amount of water being withdrawn. These reports shall be in a form prescribed by the department.

NEW SECTION, Sec. 8. A new section is added to chapter 19.27 RCW to read as follows:

(1) The state building code council shall adopt rules under chapter 34.05 RCW that implement and incorporate the water conservation performance standards in subsections (3) and (4) of this section. These standards shall apply to all new construction and all remodeling involving replacement of plumbing fixtures in all residential, hotel, motel, school, industrial, commercial use, or other occupancies determined by the council to use significant quantities of water.

(2) The legislature recognizes that a phasing-in approach to these new standards is appropriate. Therefore, standards in subsection (3) of this section shall take effect on July 1, 1990. The standards in subsection (4) of this section shall take effect July 1, 1993.

(3) Standards for water use efficiency effective July 1, 1990.

(a) Standards for waterclosets. The guideline for maximum water use allowed in gallons per flush (gpf) for any of the following waterclosets is the following:

Tank-type toilets	3.5 gpf.
Flushometer-valve toilets	3.5 gpf.
Flushometer-tank toilets	3.5 gpf.
Electromechanical hydraulic toilets	3.5 gpf.

(b) Standard for urinals. The guideline for maximum water use allowed for any urinal is 3.0 gallons per flush.

(c) Standard for showerheads. The guideline for maximum water use allowed for any showerhead is 3.0 gallons per minute.

(d) Standard for faucets. The guideline for maximum water use allowed in gallons per minute (gpm) for any of the following faucets and replacement aerators is the following:

Bathroom faucets	3.0 gpm.
Lavatory faucets	3.0 gpm.
Kitchen faucets	3.0 gpm.
Replacement aerators	3.0 gpm.

(e) Except where designed and installed for use by the physically handicapped, lavatory faucets located in restrooms intended for use by the general public must be equipped with a metering valve designed to close by spring or water pressure when left unattended (self-closing).

(f) No urinal or water closet that operates on a continuous flow or continuous flush basis shall be permitted.

(4) Standards for water use efficiency effective July 1, 1993.

(a) Standards for waterclosets. The guideline for maximum water use allowed in gallons per flush (gpf) for any of the following waterclosets is the following:

Tank-type toilets	1.6 gpf.
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Flushometer-tank toilets 1.6 gpf.
 Electromechanical hydraulic toilets 1.6 gpf.
 (b) Standards for urinals. The guideline for maximum water use allowed for any urinal is 1.0 gallons per flush.

(c) Standards for showerheads. The guideline for maximum water use allowed for any showerhead is 2.5 gallons per minute.

(d) Standards for faucets. The guideline for maximum water use allowed in gallons per minute for any of the following faucets and replacement aerators is the following:

Bathroom faucets	2.5 gpm.
Lavatory faucets	2.5 gpm.
Kitchen faucets	2.5 gpm.
Replacement aerators	2.5 gpm.

(e) Except where designed and installed for use by the physically handicapped, lavatory faucets located in restrooms intended for use by the general public must be equipped with a metering valve designed to close by water pressure when unattended (self-closing).

(f) No urinal or watercloset that operates on a continuous flow or continuous basis shall be permitted.

(5) The building code council shall make an assessment regarding the low-volume fixtures required under subsection (4) of this section. The assessment shall consider the availability of low-volume fixtures which are technologically feasible, will operate effectively, and are economically justified. The council shall also assess the potential impact on the necessary flow or water required to insure sewerage or septic lines and treatment plants will effectively operate.

The council shall submit a report to the chief clerk of the house of representatives and the secretary of the senate by October 30, 1992, setting forth its conclusions, and any recommendations for legislative action.

(6) The water conservation performance standards shall supersede all local government codes. After July 1, 1990, cities, towns, and counties shall not amend the code revisions and standards established under subsection (3) or (4) of this section.

Sec. 9, Section 5, chapter 360, Laws of 1985 and RCW 19.27.031 are each amended to read as follows:

Except as otherwise provided in this chapter, there shall be in effect in all counties and cities the state building code which shall consist of the following codes which are hereby adopted by reference:

(1) Uniform Building Code and Uniform Building Code Standards, 1982 edition, published by the International Conference of Building Officials;

(2) Uniform Mechanical Code, 1982 edition, including Chapter 22, Fuel Gas Piping, Appendix B, published by the International Conference of Building Officials;

(3) The Uniform Fire Code and Uniform Fire Code Standards, 1982 edition, published by the International Conference of Building Officials and the Western Fire Chiefs Association: PROVIDED, That, notwithstanding any wording in this code, participants in religious ceremonies shall not be precluded from carrying hand-held candles;

(4) Except as provided in section 8 of this act, the Uniform Plumbing Code and Uniform Plumbing Code Standards, 1982 edition, published by the International Association of Plumbing and Mechanical Officials: PROVIDED, That chapters 11 and 12 of such code are not adopted; and

(5) The rules and regulations adopted by the council establishing standards for making buildings and facilities accessible to and usable by the physically handicapped or elderly persons as provided in RCW 70.92.100 through 70.92.160.

In case of conflict among the codes enumerated in subsections (1), (2), (3), and (4) of this section, the first named code shall govern over those following.

The council may issue opinions relating to the codes at the request of a local building official.

NEW SECTION. Sec. 10. A new section is added to chapter 90.48 RCW to read as follows:

The department of ecology shall require sewer plans to include a discussion of water conservation measures considered or underway and their anticipated impact on public sewer service.

NEW SECTION. Sec. 11. A new section is added to chapter 90.54 RCW to read as follows:

(1) The department of ecology may establish a task force to assist in a state-wide evaluation of irrigated areas, not to exceed six months in duration, to determine the associated impacts of efficiency measures, efficiency opportunities, and local interest. The department and the task force shall establish a list of basin and stream efficiency initiatives and select an irrigation area for a voluntary demonstration project.

(2) Prior to conducting conservation assessments and developing conservation plans, the department of ecology shall secure technical and financial assistance from the bureau of reclamation to reduce the costs to the state to the extent possible.

(3) A 'conservation assessment' as described in this section shall be conducted before a demonstration project to increase the efficiency of irrigated agriculture is undertaken for an irrigated area, a basin, subbasin, or stream. The conservation assessment should:

(a) Evaluate existing patterns, including current reuse of return flows, and priorities of water use;

(b) Assess conflicting needs for future water allocations and claims to reserved rights;

(c) Evaluate hydrologic characteristics of surface and ground water including return flow characteristics;

(d) Assess alternative efficiency measures;

(e) Determine the likely net water savings of efficiency improvements including the amount and timing of water that would be saved and potential benefits and impacts to other water uses and resources including effects on artificial recharge of ground water and wetland impacts;

(f) Evaluate the full range of costs and benefits that would accrue from various measures; and

(g) Evaluate the potential for integrating conservation efforts with operation of existing or potential storage facilities.

(4) The conservation assessment shall be used as the basis for development of a demonstration conservation plan to rank conservation elements based on relative costs, benefits, and impacts. It shall also estimate the costs of implementing the plan and propose a specific basis for cost share distributions.

The demonstration conservation plan shall be developed jointly by the department and a conservation plan formulation committee consisting of representatives of a cross-section of affected local water users, members of the public, and tribal governments. Other public agencies with expertise in water resource management may participate as nonvoting committee members. A proposed demonstration conservation plan may be approved by the department and the committee only after public comment has been received.

(5) The department shall reimburse any members of the task force in subsection (2) of this section or of the committee in subsection (4) of this section who are not representing governmental agencies or entities for their travel expenses in accordance with RCW 43.03.050 and 43.03.060.

NEW SECTION. Sec. 12. A new section is added to chapter 43.20 RCW to read as follows:

Consistent with the water resource planning process of the department of ecology, the department of social and health services shall, contingent on the availability of funds:

(1) Develop procedures and guidelines relating to water use efficiency, as defined in section 4(3) of this act, to be included in the development and approval of cost-efficient water system plans required under RCW 43.20.050;

(2) Develop criteria, with input from technical experts, with the objective of encouraging the cost-effective reuse of greywater and other water recycling practices, consistent with protection of public health and water quality; and

(3) Provide advice and technical assistance upon request in the development of water use efficiency plans and model rate-setting formulas.

NEW SECTION. Sec. 13. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected."

On page 1, line 1 of the title, after "conservation," strike the remainder of the title and insert "amending RCW 90.54.020, 90.03.005, 90.54.120, 90.03.360, and 19.27.031; adding new sections to chapter 90.54 RCW; adding new sections to chapter 19.27 RCW; adding a new section to chapter 43.20 RCW; adding a new section to chapter 90.44 RCW; adding a new section to chapter 90.48 RCW; and creating a new section."

and the same is herewith transmitted.

W. D. Naismith, Assistant Secretary.

MOTION

Ms. Rayburn moved that the House do concur in the Senate amendments to Substitute House Bill No. 1397.

Ms. Rayburn spoke in favor of the motion.

POINT OF INQUIRY

Ms. R. Fisher yielded to question by Mr. Nelson.

Mr. Nelson: It is my reading of the definition of "water use efficiency" as amended by the Senate that, in determining the least costly source of supply, we are also to consider the environmental costs and benefits. Is this your understanding of the definition added by the Senate?

Ms. R. Fisher: Yes, it is. During review of this bill by the Joint Select Committee on Water Resource Policy, we were reminded that the term "least-cost" was described by the Water Use Efficiency Study Committee Report as including noneconomic considerations like environmental costs and benefits.

Mr. Nelson: Representative Fisher, it is my understanding that, in applying the "water use efficiency" definition, the total benefits, including but not limited to environmental benefits, must exceed total costs. Is this your understanding?

Ms. Fisher: Yes.

The motion to concur in the Senate amendments to Substitute House Bill No. 1397 was carried.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

The Speaker (Mr. O'Brien presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1397 as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1397 as amended by the Senate, and the bill passed the House by the following vote: Yeas, 96; excused, 2.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Baugher, Beck, Belcher, Betrozoff, Bowman, Braddock, Brekke, Bristow, Brooks, Brough, Brumsickle, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Fraser, Fuhrman, Grant, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Inslee, Jacobsen, Jesernig, Jones, King P, King R, Kremen, Leonard, Locke, May, McLean, Meyers R, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Padden, Patrick, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith, Sommers D, Sommers H, Spanel, Sprengle, Tate, Todd, Valle, Van Luven, Vekich, Walk, Walker, Wang, Wilson K, Wilson S, Wineberry, Winsley, Wolfe, Wood, Youngsman, Zellinsky, and Mr. Speaker - 96.

Excused: Representatives Gallagher, Miller - 2.

Substitute House Bill No. 1397 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

There being no objection, the House advanced to the eighth order of business.

RESOLUTION

HOUSE FLOOR RESOLUTION NO. 89-4676, by Representatives Ballard, Beck, Betrozoff, Bowman, Brooks, Brough, Brumsickle, Chandler, Doty, Ferguson, Fuhrman, Hankins, Holland, Horn, May, McLean, Miller, Moyer, Nealey, Padden, Patrick, Prince, Schmidt, Schoon, Silver, Smith, D. Sommers, Tate, Van Luven, Walker, S. Wilson, Winsley, Wolfe, Wood, Youngsman, Anderson, Appelwick, Basich, Baugher, Belcher, Braddock, Brekke, Bristow, Cantwell, Cole, Cooper, Crane, Day, Dellwo, Dorn, Ebersole, G. Fisher, R. Fisher, Fraser, Gallagher, Grant, Hargrove, Haugen, Heavey, Hine, Inslee, Jacobsen, Jesernig, Jones, J. King, P. King, R. King, Kremen, Leonard, Locke, R. Meyers, Morris, H. Myers, Nelson, Nutley, O'Brien, Peery, Phillips, Prentice, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Scott, H. Sommers, Spanel, Sprengle, Todd, Valle, Vekich, Walk, Wang, K. Wilson, Wineberry and Zellinsky

WHEREAS, KIRO Television has created and implemented a multi-faceted television campaign titled Positively Washington, which is designed to promote in-depth reporting of the unique resources of Washington State; and

WHEREAS, Positively Washington focuses on the people, places, products and services that have made Washington an outstanding place to live and work for the past one hundred years; and

WHEREAS, KIRO Television has enlisted the help of a statewide network of television stations to highlight Positively Washington; and

WHEREAS, KXLY, Channel 4 in Spokane, is a vital part of this television network, which provided outstanding coverage of the Washington State Centennial Winter Games at Wenatchee, Washington; and

WHEREAS, Television broadcast stations KAPP, Channel 35 in Yakima, and KVEW, Channel 42 in Kennewick, have also joined the Positively Washington network and carry Positively Washington programming on a continuing basis; and

WHEREAS, Positively Washington, in conjunction with the Washington State Centennial, highlights our state's leadership in such areas as agriculture, seafood, timber and timber products, aviation and high tech, to name a few; and

WHEREAS, Positively Washington focuses on small and mid-level businesses, as well as large corporations, through a continuing series of Positively Washington segments on KIRO Eyewitness News and also features several half-hour and hour-long special programs on KIRO, KXLY, KAPP and KVEW throughout the centennial year; and

WHEREAS, Positively Washington has received the endorsement of numerous business and community leaders; and

WHEREAS, KIRO, KXLY, KAPP and KVEW have taken the lead in promoting this great region and its many human, geographic and industrial resources through this campaign that has enriched many television viewers throughout Washington;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State House of Representatives commend KIRO Television, KXLY Television, KAPP Television and KVEW Television for bringing the excellent Positively Washington programming to Washington State viewers in the centennial year of our state; and

BE IT FURTHER RESOLVED, That copies of this Resolution be immediately transmitted by the Chief Clerk of the House of Representatives to these outstanding television stations.

Mr. Ballard moved adoption of the resolution.

Representatives Ballard, Basich and Baugher spoke in favor of the resolution.

On motion of Mr. Baugher, the rules were suspended and the names of all members of the House of Representatives were added as sponsors of the resolution.

Representatives Moyer and Doty spoke in favor of the resolution.

House Floor Resolution No. 89-4676 was adopted.

SENATE AMENDMENTS TO HOUSE BILL

April 13, 1989

Mr. Speaker:

The Senate has passed ENGROSSED HOUSE BILL NO. 1520 with the following amendments:

On page 1, line 22, strike "east and"

On page 2, line 4, strike "east and"

On page 4, line 22, strike "east and"

and the same is herewith transmitted.

W. D. Naismith, Assistant Secretary.

MOTION

Ms. R. Fisher moved that the House do concur in the Senate amendments to Engrossed House Bill No. 1520.

Representatives R. Fisher and McLean spoke in favor of the motion, and it was carried.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

The Speaker (Mr. O'Brien presiding) stated the question before the House to be the final passage of Engrossed House Bill No. 1520 as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 1520 as amended by the Senate, and the bill passed the House by the following vote: Yeas, 95; nays, 1; excused, 2.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Baugher, Beck, Belcher, Betzroff, Bowman, Braddock, Brekke, Bristow, Brooks, Brough, Brumsickle, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Fraser, Fuhrman, Grant, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Insee, Jacobsen, Jesernig, Jones, King P, King R, Kremen, Leonard, Locke, May, McLean, Meyers R, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Padden, Patrick, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith, Sommers D, Sommers H, Spanel, Sprengle, Tate, Todd, Valle, Van Luven, Walk, Walker, Wang, Wilson K, Wilson S, Wineberry, Winsley, Wolfe, Wood, Youngsman, Zöllinsky, and Mr. Speaker - 95.

Voting nay: Representative Vekich - 1.

Excused: Representatives Gallagher, Miller - 2.

Engrossed House Bill No. 1520 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

Mr. Heavey moved that the rules be suspended, that Committee on Judiciary be relieved of Second Substitute Senate Bill No. 5960, and that the bill be placed on the second reading calendar. The motion was carried.

There being no objection, the House reverted to the sixth order of business.

SECOND READING

MOTION

Mr. Heavey moved that the House immediately consider the following bills on the second reading calendar in the following order: Substitute House Bill No. 1737, House Concurrent Resolution No. 4411, and Engrossed Second Substitute Senate Bill No. 5658. The motion was carried.

SUBSTITUTE HOUSE BILL NO. 1737, by Committee on Appropriations (originally sponsored by Representatives H. Sommers, Locke and Appelwick; by request of Department of Labor and Industries)

Revising provisions for crime victims' compensation.

The House resumed consideration of Substitute House Bill No. 1737 on second reading. (See Journal, 92nd Day, April 10, 1989, for previous action.)

Mr. Fuhrman moved adoption of the following amendment:

On page 9, after line 15, insert the following:

*Sec. 9. Section 1, chapter 32, Laws of 1985 and RCW 82.08.020 are each amended to read as follows:

(1) Except as provided in subsection (2) of this section, there is levied and there shall be collected a tax on each retail sale in this state equal to six and five-tenths percent of the selling price.

(2) There is levied and there shall be collected a tax on each retail sale of adult entertainment materials and services equal to eighteen percent of the selling price. All of the funds raised under this section shall be dedicated to the crime victims compensation fund established under chapter 7.68 RCW.

(3) The tax imposed under this chapter shall apply to successive retail sales of the same property.

~~((3))~~(4) The rates provided in this section ~~((applies))~~ apply to taxes imposed under chapter 82.12 RCW as provided in RCW 82.12.020.

Sec. 10. Section 82.08.010, chapter 15, Laws of 1961 as last amended by section 3, chapter 38, Laws of 1985 and RCW 82.08.010 are each amended to read as follows:

For the purposes of this chapter:

(1) 'Selling price' means the consideration, whether money, credits, rights, or other property except trade-in property of like kind, expressed in the terms of money paid or delivered by a buyer to a seller without any deduction on account of the cost of tangible property sold, the cost of materials used, labor costs, interest, discount, delivery costs, taxes other than taxes imposed under this chapter if the seller advertises the price as including the tax or that the seller is paying the tax, or any other expenses whatsoever paid or accrued and without any deduction on account of losses; but shall not include the amount of cash discount actually taken by a buyer; and shall be subject to modification to the extent modification is provided for in RCW 82.08.080.

When tangible personal property is rented or leased under circumstances that the consideration paid does not represent a reasonable rental for the use of the articles so rented or leased, the 'selling price' shall be determined as nearly as possible according to the value of such use at the places of use of similar products of like quality and character under such rules as the department of revenue may prescribe~~((;))~~.

(2) 'Seller' means every person, including the state and its departments and institutions, making sales at retail or retail sales to a buyer or consumer, whether as agent, broker, or principal, except 'seller' does not mean the state and its departments and institutions when making sales to the state and its departments and institutions~~((;))~~.

(3) 'Buyer' and 'consumer' include, without limiting the scope hereof, every individual, receiver, assignee, trustee in bankruptcy, trust, estate, firm, copartnership, joint venture, club, company, joint stock company, business trust, corporation, association, society, or any group of individuals acting as a unit, whether mutual, cooperative, fraternal, nonprofit, or otherwise, municipal corporation, quasi municipal corporation, and also the state, its departments and

institutions and all political subdivisions thereof, irrespective of the nature of the activities engaged in or functions performed, and also the United States or any instrumentality thereof((:)).

(4) 'Adult entertainment materials and services' means any material or service, including, but not limited to, any writing, book, magazine, illustration, picture, photograph, film, movie, motion picture, videotape or videodisc, audiotape or audiodisc, cable or broadcast television program, telephone service, computer service or program, paraphernalia, performance, act, or other material or service that contains or describes any conduct which is sexually explicit. For purposes of this section, 'sexually explicit' means any conduct described under RCW 9.68A.011(3); PROVIDED, 'sexually explicit' shall also include the exhibition of the genitals, or unclothed pubic or rectal areas of any person for the purpose of sexual stimulation of the viewer.

(5) The meaning attributed in chapter 82.04 RCW to the terms 'tax year,' 'taxable year,' 'person,' 'company,' 'sale,' 'sale at retail,' 'retail sale,' 'sale at wholesale,' 'wholesale,' 'business,' 'engaging in business,' 'cash discount,' 'successor,' 'consumer,' 'in this state' and 'within this state' shall apply equally to the provisions of this chapter.

Sec. 11. Section 82.12.010, chapter 15, Laws of 1961 as last amended by section 1, chapter 132, Laws of 1985 and by section 1, chapter 222, Laws of 1985 and RCW 82.12.010 are each reenacted and amended to read as follows:

For the purposes of this chapter:

(1) 'Value of the article used' shall mean the consideration, whether money, credit, rights, or other property except trade-in property of like kind, expressed in terms of money, paid or given or contracted to be paid or given by the purchaser to the seller for the article of tangible personal property, the use of which is taxable under this chapter. The term includes, in addition to the consideration paid or given or contracted to be paid or given, the amount of any tariff or duty paid with respect to the importation of the article used. In case the article used is acquired by lease or by gift or is extracted, produced, or manufactured by the person using the same or is sold under conditions wherein the purchase price does not represent the true value thereof, the value of the article used shall be determined as nearly as possible according to the retail selling price at place of use of similar products of like quality and character under such rules and regulations as the department of revenue may prescribe.

In case the articles used are acquired by bailment, the value of the use of the articles so used shall be in an amount representing a reasonable rental for the use of the articles so bailed, determined as nearly as possible according to the value of such use at the places of use of similar products of like quality and character under such rules and regulations as the department of revenue may prescribe: PROVIDED, That in case any such articles of tangible personal property are used in respect to the construction, repairing, decorating, or improving of, and which become or are to become an ingredient or component of, new or existing buildings or other structures under, upon, or above real property of or for the United States, any instrumentality thereof, or a county or city housing authority created pursuant to chapter 35.82 RCW, including the installing or attaching of any such articles therein or thereto, whether or not such personal property becomes a part of the realty by virtue of installation, then the value of the use of such articles so used shall be determined according to the retail selling price of such articles, or in the absence of such a selling price, as nearly as possible according to the retail selling price at place of use of similar products of like quality and character or, in the absence of either of these selling price measures, such value may be determined upon a cost basis, in any event under such rules and regulations as the department of revenue may prescribe.

In the case of articles owned by a user engaged in business outside the state which are brought into the state for no more than ninety days in any period of three hundred sixty-five consecutive days and which are temporarily used for business purposes by the person in this state, the value of the article used shall be an amount representing a reasonable rental for the use of the articles, unless the person has paid tax under this chapter or chapter 82.08 RCW upon the full value of the article used, as defined in the first paragraph of this subsection.

In the case of articles manufactured or produced by the user and used in the manufacture or production of products sold or to be sold to the department of defense of the United States, the value of the articles used shall be determined according to the value of the ingredients of such articles.

In the case of an article manufactured or produced for purposes of serving as a prototype for the development of a new or improved product, the value of the article used shall be determined by: (a) The retail selling price of such new or improved product when first offered for sale; or (b) the value of materials incorporated into the prototype in cases in which the new or improved product is not offered for sale.

(2) 'Value of the service used' shall mean the consideration paid, whether money, credit, rights, or other property, expressed in terms of money, paid or given or contracted to be paid or given by the purchaser to the seller for the service, the use of which is taxable under this chapter. If the service is received by gift or under conditions wherein the purchase price does not represent the true value of the service, the value of the service used shall be determined as

nearly as possible according to the retail selling price at the place of use of similar services of like quality and character under rules prescribed by the department of revenue.

(3) 'Use,' 'used,' 'using,' or 'put to use' shall have their ordinary meaning, and shall mean;

(a) With respect to personal property, the first act within this state by which the taxpayer takes or assumes dominion or control over the article of tangible personal property (as a consumer), and include installation, storage, withdrawal from storage, or any other act preparatory to subsequent actual use or consumption within this state; and

(b) With respect to an adult entertainment service which affords a benefit or is otherwise capable of use within this state, the use within this state of the service, regardless of the place of performance.

((f3)) (4) 'Taxpayer' and 'purchaser' include all persons included within the meaning of the word 'buyer' and the word 'consumer' as defined in chapters 82.04 and 82.08 RCW((:));

((f4)) (5) 'Retailer' means every seller as defined in RCW 82.08.010 and every person engaged in the business of selling tangible personal property or adult entertainment services at retail and every person required to collect from purchasers the tax imposed under this chapter((:));

((f5)) (6) The meaning ascribed to words and phrases in chapters 82.04 and 82.08 RCW, insofar as applicable, shall have full force and effect with respect to taxes imposed under the provisions of this chapter. 'Consumer,' in addition to the meaning ascribed to it in chapters 82.04 and 82.08 RCW insofar as applicable, shall also mean any person who distributes or displays, or causes to be distributed or displayed, any article of tangible personal property, except newspapers, the primary purpose of which is to promote the sale of products or services. In addition, 'consumer' includes any person who purchases, acquires, or uses any adult entertainment service other than for resale in the regular course of business. Resale of a service means a separately stated charge to another person for the service by a person who has paid or is obligated to pay an identical charge to one who has originally rendered the identical service.

Sec. 12. Section 82.12.020, chapter 15, Laws of 1961 as last amended by section 7, chapter 7, Laws of 1983 and RCW 82.12.020 are each amended to read as follows:

There is hereby levied and there shall be collected from every person in this state a tax or excise for the privilege of using within this state as a consumer any article of tangible personal property or adult entertainment service purchased at retail, or acquired by lease, gift, repossession, or bailment, or extracted or produced or manufactured by the person so using the same, or otherwise furnished to a person engaged in any business taxable under RCW 82.04-.280, subsections (2) or (7). This tax will not apply with respect to the use of any article of tangible personal property purchased, extracted, produced or manufactured outside this state until the transportation of such article has finally ended or until such article has become commingled with the general mass of property in this state. This tax shall apply to the use of every article of tangible personal property, including property acquired at a casual or isolated sale, and including byproducts used by the manufacturer thereof, except as hereinafter provided, irrespective of whether the article or similar articles are manufactured or are available for purchase within this state. Except as provided in RCW 82.12.0252, payment by one purchaser or user of tangible personal property or adult entertainment services of the tax imposed by chapter 82.08 or 82.12 RCW shall not have the effect of exempting any other purchaser or user of the same property or services from the taxes imposed by such chapters. The tax shall be levied and collected in an amount equal to the value of the article used or the value of the service used by the taxpayer multiplied by the rate in effect for the retail sales tax under RCW 82.08.020, as now or hereafter amended, in the county in which the article or service is used.

Sec. 13. Section 52, chapter 37, Laws of 1980 and RCW 82.12.0252 are each amended to read as follows:

The provisions of this chapter shall not apply in respect to the use of any article of tangible personal property or adult entertainment service purchased at retail or acquired by lease, gift or bailment if the sale thereof to, or the use thereof by, the present user or his bailor or donor has already been subjected to the tax under chapter 82.08 or 82.12 RCW and such tax has been paid by the present user or by his bailor or donor; or in respect to the use of property acquired by bailment and such tax has once been paid based on reasonable rental as determined by RCW 82.12.060 measured by the value of the article at time of first use multiplied by the tax rate imposed by chapter 82.08 or 82.12 RCW as of the time of first use; or in respect to the use of any article of tangible personal property acquired by bailment, if the property was acquired by a previous bailee from the same bailor for use in the same general activity and such original bailment was prior to June 9, 1961.

Sec. 14. Section 5, chapter 89, Laws of 1967 ex. sess. as amended by section 2, chapter 27, Laws of 1987 and RCW 82.12.035 are each amended to read as follows:

A credit shall be allowed against the taxes imposed by this chapter upon the use of tangible personal property or adult entertainment services in the state of Washington in the amount that the present user thereof or his or her bailor or donor has paid a retail sales or use tax with

respect to such property or service to any other state of the United States, any political subdivision thereof, the District of Columbia, and any foreign country or political subdivision thereof, prior to the use of such property or services in Washington.

Sec. 15. Section 82.12.040, chapter 15, Laws of 1961 as last amended by section 1, chapter 48, Laws of 1986 and RCW 82.12.040 are each amended to read as follows:

(1) Every person who maintains in this state a place of business or a stock of goods, or engages in business activities within this state, shall obtain from the department a certificate of registration, and shall, at the time of making sales, or making transfers of either possession or title or both, of tangible personal property or adult entertainment services for use in this state, collect from the purchasers or transferees the tax imposed under this chapter. For the purposes of this chapter, the phrase 'maintains in this state a place of business' shall include the solicitation of sales and/or taking of orders by sales agents or traveling representatives. For the purposes of this chapter, 'engages in business activity within this state' includes every activity which is sufficient under the Constitution of the United States for this state to require collection of tax under this chapter. The department shall in rules specify activities which constitute engaging in business activity within this state, and shall keep the rules current with future court interpretations of the Constitution of the United States.

(2) Every person who engages in this state in the business of acting as an independent selling agent for persons who do not hold a valid certificate of registration, and who receives compensation by reason of sales of tangible personal property or adult entertainment services of his or her principals (made) for use in this state, shall, at the time such sales are made, collect from the purchasers the tax imposed under this chapter, and for that purpose shall be deemed a retailer as defined in this chapter.

(3) The tax required to be collected by this chapter shall be deemed to be held in trust by the retailer until paid to the department and any retailer who appropriates or converts the tax collected to his or her own use or to any use other than the payment of the tax provided herein to the extent that the money required to be collected is not available for payment on the due date as prescribed shall be guilty of a misdemeanor. In case any seller fails to collect the tax herein imposed or having collected the tax, fails to pay the same to the department in the manner prescribed, whether such failure is the result of his or her own acts or the result of acts or conditions beyond his or her control, he or she shall nevertheless, be personally liable to the state for the amount of such tax.

(4) Any retailer who refunds, remits, or rebates to a purchaser, or transferee, either directly or indirectly, and by whatever means, all or any part of the tax levied by this chapter shall be guilty of a misdemeanor.

Sec. 16. Section 82.12.060, chapter 15, Laws of 1961 as last amended by section 54, chapter 278, Laws of 1975 1st ex. sess. and RCW 82.12.060 are each amended to read as follows:

In the case of installment sales and leases of personal property or adult entertainment services, the department, by regulation, may provide for the collection of taxes upon the installments of the purchase price, or amount of rental, as of the time the same fall due.

In the case of property acquired by bailment, the department, by regulation, may provide for payment of the tax due in installments based on the reasonable rental for the property as determined under RCW 82.12.010(1).

Sec. 34. Section 3, chapter 94, Laws of 1970 ex. sess. as last amended by section 31, chapter 3, Laws of 1983 2nd ex. sess. and RCW 82.14.020 are each amended to read as follows:

For purposes of this chapter:

(1) A retail sale consisting solely of the sale of tangible personal property shall be deemed to have occurred at the retail outlet at or from which delivery is made to the consumer;

(2) Except as provided in subsection (5) of this section, a retail sale consisting essentially of the performance of personal business or professional services or adult entertainment services shall be deemed to have occurred at the place at which such services were primarily performed;

(3) A retail sale consisting of the rental of tangible personal property shall be deemed to have occurred (a) in the case of a rental involving periodic rental payments, at the primary place of use by the lessee during the period covered by each payment, or (b) in all other cases, at the place of first use by the lessee;

(4) A retail sale within the scope of the second paragraph of RCW 82.04.050, and a retail sale of taxable personal property to be installed by the seller shall be deemed to have occurred at the place where the labor and services involved were primarily performed;

(5) A retail sale consisting of the providing to a consumer of telephone service, as defined in RCW 82.04.065, other than a sale of tangible personal property under subsection (1) of this section or a rental of tangible personal property under subsection (3) of this section, shall be deemed to have occurred at the situs of the telephone or other instrument through which the telephone service is rendered;

(6) 'City' means a city or town;

(7) The meaning ascribed to words and phrases in chapters 82.04, 82.08 and 82.12 RCW, as now or hereafter amended, insofar as applicable, shall have full force and effect with respect to taxes imposed under authority of this chapter;

(8) 'Taxable event' shall mean any retail sale, or any use of an article of tangible personal property, upon which a state tax is imposed pursuant to chapter 82.08 or 82.12 RCW, as they now exist or may hereafter be amended; PROVIDED, HOWEVER, That the term shall not include a retail sale taxable pursuant to RCW 82.08.150, as now or hereafter amended;

(9) 'Treasurer or other legal depository' shall mean the treasurer or legal depository of a county or city."

Re-number following sections consecutively, and correct internal references accordingly.

Mr. Fuhrman spoke in favor of adoption of the amendment, and Mr. Wang spoke against it.

Mr. May demanded an electric roll call vote, and the demand was sustained.

Representatives Appelwick and Nelson spoke against adoption of the amendment, and Representatives Hargrove, Brough, Padden and Wolfe spoke in favor of it.

Mr. Sayan asked Mr. Fuhrman to yield to a question, and Mr. Fuhrman would not yield.

Mr. Sayan spoke against adoption of the amendment, and Mr. Moyer spoke in favor of it. Mr. Wang again opposed the amendment, and Mr. Fuhrman again spoke in favor of it.

ROLL CALL

The Clerk called the roll on the adoption of the amendment by Representative Fuhrman to Substitute House Bill No. 1737, and the amendment was adopted by the following vote: Yeas, 73; nays, 23; excused, 2.

Voting yea: Representatives Ballard, Basich, Baugher, Beck, Betrozoff, Bowman, Bristow, Brooks, Brough, Brumsickle, Cantwell, Chandler, Cole, Cooper, Crane, Dellwo, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fraser, Fuhrman, Grant, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Inslee, Jesernig, Jones, King P, Kremen, Leonard, Locke, May, McLean, Meyers R, Morris, Moyer, Myers H, Nealey, O'Brien, Padden, Patrick, Peery, Prentice, Prince, Rasmussen, Rayburn, Rector, Schmidt, Schoon, Scott, Silver, Smith, Sommers D, Sprenkle, Tate, Todd, Van Luven, Walker, Wilson K, Wilson S, Winsley, Wolfe, Wood, Youngsman, Zellinsky, and Mr. Speaker - 73.

Voting nay: Representatives Anderson, Appelwick, Belcher, Braddock, Brekke, Day, Fisher R, Jacobsen, King R, Nelson, Nutley, Phillips, Pruitt, Raiter, Rust, Sayan, Sommers H, Spanel, Valle, Vekich, Walk, Wang, Wineberry - 23.

Excused: Representatives Gallagher, Miller - 2.

On motion of Mr. Fuhrman, the following amendments to the title were adopted:

On page 1, line 2 of the title, after "7.68.070," strike "and 7.68.080" and insert "7.68.080, 82.26.020, 82.08.020, 82.08.010, 82.12.020, 82.12.0252, 82.12.035, 82.12.040, 82.12.060, and 82.14.020"

On page 1, line 4 of the title, after "(uncodified)," insert "reenacting and amending RCW 5.60.060, and 82.12.010;"

The bill was ordered engrossed. With consent of the House, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Ms. H. Sommers spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1737, and the bill passed the House by the following vote: Yeas, 95; nays, 1; excused, 2.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Baugher, Beck, Belcher, Betrozoff, Bowman, Braddock, Brekke, Bristow, Brooks, Brough, Brumsickle, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Fraser, Fuhrman, Grant, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Inslee, Jacobsen, Jesernig, Jones, King P, King R, Kremen, Leonard, Locke, May, McLean, Meyers R, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Padden, Patrick, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith, Sommers D, Sommers H, Spanel, Sprenkle, Tate, Todd, Valle, Van Luven, Vekich, Walk, Walker, Wilson K, Wilson S, Wineberry, Winsley, Wolfe, Wood, Youngsman, Zellinsky, and Mr. Speaker - 95.

Voting nay: Representative Wang - 1.

Excused: Representatives Gallagher, Miller - 2.

Engrossed Substitute House Bill No. 1737, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act:

The Speaker (Mr. O'Brien presiding) declared the House to be at ease until 1:15 p.m.

AFTERNOON SESSION

The Speaker (Mr. O'Brien presiding) called the House to order at 1:15 p.m.

HOUSE CONCURRENT RESOLUTION NO. 4411, by Representatives Ebersole, Ballard, Locke, Silver, Holland, Hine and Bowman

Providing for a joint select committee on legislative fiscal organization.

The resolution was read the second time.

With consent of the House, the rules were suspended, the second reading considered the third, and the resolution was placed on final passage.

Representatives Hine and Walker spoke in favor of adoption of the resolution.

House Concurrent Resolution No. 4411 was adopted.

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5658, by Committee on Ways & Means (originally sponsored by Senators McCaslin, Talmadge, Niemi, Pullen, DeJarnatt, Nelson, Thorsness and von Reichbauer; by request of Department of General Administration and Office of Financial Management)

Creating a risk management program and agency accountability.

The bill was read the second time.

With consent of the House, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Representatives Crane and Bowman spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Second Substitute Senate Bill No. 5658, and the bill passed the House by the following vote: Yeas, 96; excused, 2.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Baugher, Beck, Belcher, Betrozoff, Bowman, Braddock, Brekke, Bristow, Brooks, Brough, Brumsickle, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Fraser, Fuhrman, Grant, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Insee, Jacobsen, Jesernig, Jones, King P, King R, Kremen, Leonard, Locke, May, McLean, Meyers R, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Padden, Patrick, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith, Sommers D, Sommers H, Spanel, Sprengle, Tate, Todd, Valle, Van Luven, Vekich, Walk, Walker, Wang, Wilson K, Wilson S, Wineberry, Winsley, Wolfe, Wood, Youngsman, Zellinsky, and Mr. Speaker - 96.

Excused: Representatives Gallagher, Miller - 2.

Engrossed Second Substitute Senate Bill No. 5658, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Mr. Jesernig, Mr. Wang was excused.

SENATE AMENDMENTS TO HOUSE BILL

April 12, 1989

Mr. Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 1568 with the following amendments:

Strike everything after the enacting clause and insert the following:

*Sec. 1. Section 35.21.120, chapter 7, Laws of 1965 as amended by section 18, chapter 282, Laws of 1986 and RCW 35.21.120 are each amended to read as follows:

((Every)) A city or town may by ordinance provide for the establishment of a system ((of garbage collection and disposal) or systems of solid waste handling for the entire city or town or for portions thereof((-and)). A city or town may provide for solid waste handling by or under the direction of officials and employees of the city or town or may award contracts for ((garbage collection and disposal or provide for it under the direction of officials and employees of the city or town)) any service related to solid waste handling including contracts entered into under RCW 35.21.152. Contracts for solid waste handling may provide that a city or town ((pay)) provide for a minimum periodic fee or other method of compensation in consideration of the operational availability of a solid waste handling system ((or), plant, site, or other facility at a specified minimum level, without regard to the ownership of the system ((or), plant, site, or other facility, or the amount of solid waste actually handled during all or any part of the contract period. ((There shall be included in the contract)) When a minimum level of solid waste is specified in a contract for solid waste handling, there shall be a specific allocation of financial responsibility ((in cases where)) in the event the amount of solid waste handled ((during the contract period)) falls below the minimum level provided in the contract.

As used in this chapter, the terms 'solid waste' and 'solid waste handling' shall be as defined in RCW 70.95.030.

Sec. 2. Section 1, chapter 208, Laws of 1975 1st ex. sess. as amended by section 1, chapter 164, Laws of 1977 ex. sess. and RCW 35.21.152 are each amended to read as follows:

A city or town may construct, lease, condemn, purchase, acquire, add to, alter, and extend systems ((and)), plants, sites, or other facilities for ((the collection and disposal of)) solid waste ((and for its processing and conversion into other valuable or useful products with)) handling, and shall have full jurisdiction and authority to manage, regulate, maintain, utilize, operate ((and)), control ((such)), and establish the rates and charges for those solid waste handling systems ((and)), plants, ((and to)) sites, or other facilities owned or operated by the city or town. A city or town may enter into agreements ((providing for the maintenance and operation of systems and plants for the processing and conversion of solid waste and for the sale of said products under such terms and conditions as may be determined by the legislative authority of said city or town: PROVIDED HOWEVER, That no such solid waste processing and conversion plant now in existence or hereafter constructed may be condemned: PROVIDED FURTHER, That agreements relating to the sale of solid materials recovered during the processing of solid waste shall take place only after the receipt of competitive written bids by such city or town: AND PROVIDED FURTHER, That all documentary material of any nature associated with the negotiation and formulation of agreement terms and conditions shall become matters of public record as it applies to:

(a) The maintenance and operation of systems and plants for the processing and conversion of solid waste;

(b) The sale of products resulting from such processing and conversion; and

(c) Any materials recovered during the processing of solid waste.

Agreements relating to systems and plants for the processing and conversion of solid wastes to useful products and agreements relating to sale of such products shall be in compliance with RCW 35.21.120. Any agreement for the sale of solid materials recovered during the processing of solid waste shall be entered into only after public advertisement and evaluation of competitive written bids)) with public or private parties to: (1) Construct, lease, purchase, acquire, manage, maintain, utilize, or operate publicly or privately owned or operated solid waste handling systems, plants, sites, or other facilities; (2) establish rates and charges for those systems, plants, sites, or other facilities; (3) designate particular publicly or privately owned or operated systems, plants, sites, or other facilities as disposal sites; and (4) sell the materials or products of those systems, plants, or other facilities. Any agreement entered into shall be for such term and under such conditions as may be determined by the legislative authority of the city or town.

Sec. 3. Section 3, chapter 208, Laws of 1975 1st ex. sess. and RCW 35.21.154 are each amended to read as follows:

Nothing in RCW 35.21.152 ((and 35.92.022)) will relieve a city or town of its obligations to comply with the requirements of chapter 70.95 RCW.

Sec. 4. Section 8, chapter 436, Laws of 1987 and RCW 35.22.625 are each amended to read as follows:

RCW 35.22.620 does not apply to ((agreements entered into)) the selection of persons or entities to construct or develop water pollution control facilities or to provide water pollution control services under ((authority of chapter 70.150 RCW if there is compliance with the procurement procedure under)) RCW 70.150.040 or the selection of persons or entities to construct or develop solid waste handling facilities or to provide solid waste handling services under RCW 35.92.024 as recodified by section 12 of this act.

Sec. 5. Section 10, chapter 244, Laws of 1986 and RCW 35.23.351 are each amended to read as follows:

RCW 35.23.352 does not apply to ~~((agreements entered into))~~ the selection of persons or entities to construct or develop water pollution control facilities or to provide water pollution control services under ~~((authority of chapter 70.150 RCW provided there is compliance with the procurement procedure under))~~ RCW 70.150.040 or the selection of persons or entities to construct or develop solid waste handling facilities or to provide solid waste handling services under RCW 35.92.024 as recodified by section 12 of this act.

Sec. 6. Section 35.92.020, chapter 7, Laws of 1965 as amended by section 5, chapter 445, Laws of 1985 and RCW 35.92.020 are each amended to read as follows:

A city or town may ~~((also))~~ construct, condemn and purchase, purchase, acquire, add to, alter, maintain, and operate systems, plants, sites, or other facilities of sewerage, ~~((and systems and plants for garbage and refuse collection and disposal with))~~ or solid waste handling as defined by RCW 70.95.030, and shall have full authority to manage, regulate, operate, ~~((and))~~ control ~~((them))~~, and to fix the price of service ~~((thereof))~~ of those systems, plants, sites, or other facilities within and without the limits of the city or town ~~((PROVIDED, That))~~. The rates charged ~~((must))~~ shall be uniform for the same class of customers or service. In classifying customers served or service furnished by ~~((such))~~ a system or systems of sewerage, the legislative authority of the city or town ~~((governing body))~~ may in its discretion consider any or all of the following factors: The difference in cost of service to ~~((the various))~~ customers; the location of ~~((the various))~~ customers within and without the city or town; the difference in cost of maintenance, operation, repair, and replacement of the ~~((various))~~ parts of the system; the different character of the service furnished ~~((various))~~ customers; the quantity and quality of the sewage delivered and the time of its delivery; capital contributions made to the systems, plants, sites, or other facilities, including but not limited to, assessments; and any other ~~((matters which))~~ factors that present a reasonable difference as a ground for distinction.

Sec. 7. Section 17, chapter 282, Laws of 1986 and RCW 35.92.024 are each amended to read as follows:

(1) Notwithstanding the provisions of any city charter ~~((of any city))~~, or any law to the contrary, and in addition to any other authority provided by law, the legislative authority of a city or town may contract with one or more ~~((private))~~ vendors for one or more of the design, construction, or operation ~~((function))~~ of, or other service related to, the systems ~~((and))~~, plants, sites, or other facilities for solid waste handling ~~((as defined in RCW 70.95.030 and))~~ in accordance with the procedures set forth in ~~((subsections (2) and (3) of))~~ this section. ~~((Contracts shall be for facilities that are in substantial compliance with the solid waste management plans prepared pursuant to chapter 70.95 RCW. Such systems and plants may be owned, leased, and/or operated in whole or in part by the city or town, or owned, leased, and/or operated in whole or in part by the private vendor.))~~ Solid waste handling systems, plants, sites, or other facilities constructed, purchased, acquired, leased, added to, altered, extended, maintained, managed, utilized, or operated pursuant to this section, RCW 35.21.120 and 35.21.152, whether publicly or privately owned, shall be in substantial compliance with the solid waste management plan applicable to the city or town adopted pursuant to chapter 70.95 RCW. Agreements relating to such solid waste handling systems, plants, sites, or other facilities may be for such term and may contain such covenants, conditions, and remedies as the legislative authority of a city or town may deem necessary or appropriate. When a contract for design services is entered into separately from other services permitted under this section, procurement shall be in accordance with chapter 39.80 RCW.

(2) If the legislative authority of the city or town decides to proceed with the consideration of qualifications or proposals for services from vendors, the city or town shall publish notice of its requirements and request submission of qualifications ~~((for the design, construction, and operation of solid waste handling systems and plants))~~ statements or proposals. The notice shall be published in the official newspaper of the city or town at least once a week for two weeks not less than sixty days before the final date for the submission of qualifications statements or proposals. The notice shall ~~((a))~~ state in summary form ~~((:))~~ (a) the general scope and nature of the ~~((system and plant or work for which the services are required))~~ design, construction, operation, or other service, (b) the name and address of a representative of the city or town who can provide further details, ~~((and))~~ (c) the final date for the submission of qualifications statements or proposals, (d) an estimated schedule for the consideration of qualifications, the selection of vendors, and the negotiation of a contract or contracts for services, (e) the location at which a copy of any request for qualifications or request for proposals will be made available, and (f) the criteria established by the legislative authority to select a vendor or vendors, which may include but shall not be limited to the vendor's prior experience, including design, construction, or operation of other similar facilities; respondent's management capability, schedule availability and financial resources; cost of the services, nature of facility design proposed by the vendor; system reliability; performance standards required for the facilities; compatibility with existing service facilities operated by the public body or other providers of service to the public; project performance guarantees; penalty and other enforcement provisions; environmental protection measures to be used; consistency with the applicable comprehensive solid waste management plan; and allocation of project risks.

(3) If the legislative authority of the city or town decides to proceed with the ~~((construction of a resource recovery facility or one or more of the services to be provided for such a facility))~~ consideration of qualifications or proposals, it may designate a representative to evaluate the vendors who submitted qualifications statements or proposals and conduct discussions regarding qualifications or proposals with one or more vendors. The legislative authority or representative may request submission of qualifications statements and may later request more detailed proposals from one or more vendors who have submitted qualifications statements, or may request detailed proposals without having first received and evaluated qualifications statements. The legislative authority or its representative shall evaluate the qualifications or proposals, as applicable. If two or more vendors submit qualifications or proposals that meet the criteria established by the legislative authority of the city or town, discussions and interviews shall be held with at least two vendors. Any revisions to a request for qualifications or request for proposals shall be made available to all vendors then under consideration by the city or town and shall be made available to any other person who has requested receipt of that information.

(4) Based on criteria established by the legislative authority of the city or town, the representative ~~((of the legislative authority))~~ shall recommend to the legislative authority a vendor ~~((based upon criteria established by the city or town, which shall not be determined solely by price but by all terms of the contract, who is))~~ or vendors that are initially determined to be the best qualified to provide one or more of the ~~((services required for))~~ design, construction or operation of, or other service related to, the proposed project or services. ~~((If two or more vendors submit qualifications, at least two vendors shall be interviewed.))~~ The legislative authority may select one or more qualified vendors ~~((may be selected to provide))~~ for one or more of the design, construction, or operation of, or other service related to, the proposed project or services.

(5) The legislative authority or its representative ~~((shall))~~ may attempt to negotiate a contract with the ~~((first))~~ vendor or vendors selected for one or more of the design, construction, ~~((design;))~~ or operation ~~((portions))~~ of, or other service related to, the proposed project ~~((at a price and))~~ or services on ~~((other))~~ terms that the legislative authority determines to be fair and reasonable and in the best interest of the city or town. ~~((Only the legislative authority may approve and sign the contract. PROVIDED, That where a contract for design is entered into separately from other services permitted under this section, procurement shall be in accord with chapter 39.80 RCW.))~~ If the legislative authority or its representative is unable to negotiate such a contract with ~~((the first vendor))~~ any one or more of the vendors first selected on terms that it determines to be fair and reasonable and in the best interest of the city or town, negotiations with ~~((that vendor))~~ any one or more of the vendors shall be ~~((formally))~~ terminated or suspended and ~~((other))~~ another qualified vendor or vendors may be selected in accordance with the procedures set forth in ~~((subsections (2) and (3) of))~~ this section. If the legislative authority decides to continue the process of selection, negotiations shall continue with a qualified vendor or vendors in accordance with this section at the sole discretion of the legislative authority until an agreement is reached with one or more qualified vendors, or the process is terminated by the legislative authority. The process may be repeated until an agreement is reached.

~~((4))~~ (6) Prior to entering into ~~((such))~~ a contract with a vendor, the legislative authority of the city or town ~~((must have made))~~ shall make written findings, after holding a public hearing on the proposal, that it is in the public interest to enter into the contract ~~((and))~~, that the contract is financially sound, and that it is advantageous for the city or town to use this method for awarding contracts compared to other methods.

~~((5))~~ (7) Each contract shall include a project performance bond or bonds or other security by the vendor ~~((which))~~ that in the judgment of the legislative authority of the city or town is sufficient to secure adequate performance by the vendor.

~~((6))~~ (8) The provisions of chapters 39.12, 39.19, and 39.25 RCW shall apply to a contract entered into under this section to the same extent as if the systems and plants were owned by a public body.

(9) The vendor selection process permitted by this section shall be supplemental to and shall not be construed as a repeal or limitation on any other authority granted by law.

The alternative selection process provided by this section may not be used in the selection of a person or entity to construct a publicly owned facility for the storage or transfer of solid waste or solid waste handling equipment unless the facility is either (a) privately operated pursuant to a contract greater than five years, or (b) an integral part of a solid waste processing facility located on the same site. Instead, the applicable provisions of RCW 35.22.620, and 35.23.352, and chapters 39.04 and 39.30 RCW shall be followed.

Sec. 8. Section 9, chapter 436, Laws of 1987 and RCW 36.32.265 are each amended to read as follows:

RCW 36.32.240, 36.32.250, and 36.32.260 do not apply to ~~((agreements entered into))~~ the selection of persons or entities to construct or develop water pollution control facilities or to provide water pollution control services under ~~((the authority of chapter 70.150 RCW if there is~~

~~compliance with the procurement procedure under~~) RCW 70.150.040 or the selection of persons or entities to construct or develop solid waste handling facilities or to provide solid waste handling services under RCW 36.58.090.

Sec. 9. Section 2, chapter 58, Laws of 1975-'76 2nd ex. sess. as amended by section 20, chapter 282, Laws of 1986 and RCW 36.58.040 are each amended to read as follows:

The legislative authority of ~~(each)~~ a county may by ordinance provide for the establishment of a system or systems of solid waste ~~((disposal))~~ handling for all ~~((the))~~ unincorporated areas of the county or for portions thereof. ~~((Each))~~ A county may designate a disposal site or sites for all solid waste collected in the unincorporated areas pursuant to the provisions of a comprehensive solid waste plan adopted pursuant to chapter 70.95 RCW~~((--PROVIDED, That))~~. However for any solid waste collected by a private hauler operating ~~((pursuant to))~~ under a certificate granted by the Washington utilities and transportation commission under the provisions of chapter 81.77 RCW and which certificate is for collection in a geographic area lying in more than one county, such designation of disposal sites shall be pursuant to an interlocal agreement between the involved counties.

~~((Such systems may also provide for the processing and conversion of solid wastes into other valuable or useful products with full jurisdiction and authority to))~~ A county may construct, lease, purchase, acquire, add to, alter, or extend solid waste handling systems, plants, sites, or other facilities and shall have full jurisdiction and authority to manage, regulate, maintain, utilize, operate, ~~((and))~~ control ~~((such system and))~~, and establish the rates and charges for those solid waste handling systems, plants, ~~((and to))~~ sites, or other facilities. A county may enter into agreements with public or private parties ~~((providing for the construction))~~ to: (1) Construct, purchase, ~~((acquisition))~~ acquire, lease, ~~((maintenance, and operation of))~~ add to, alter, extend, maintain, manage, utilize, or operate publicly or privately owned or operated solid waste handling systems ~~((and))~~, plants ~~((for the processing and conversion of))~~, sites, or other facilities; (2) establish rates and charges for those systems, plants, sites, or other facilities; (3) designate particular publicly or privately owned or operated systems, plants, sites, or other facilities as disposal sites; (4) process, treat, or convert solid waste~~((s))~~ into other valuable or useful materials or products; and ~~((for the sale of said))~~ (5) sell the material or products of those systems, plants, or other facilities. ~~((Contracts shall be for facilities that are in substantial compliance with the solid waste management plans prepared pursuant to chapter 70.95 RCW.))~~

The legislative authority of a county may award contracts for solid waste handling~~((--and such contracts may))~~ that provide that a county ~~((pay))~~ provide for a minimum periodic fee or other method of compensation in consideration of the operational availability of ~~((a))~~ those solid waste handling systems ~~((or))~~, plants, sites, or other facilities at a specified minimum level, without regard to the ownership of the systems ~~((or))~~, plants, sites or other facilities, or the amount of solid waste actually handled during all or any part of the ~~((contractual period: There shall be included in the))~~ contract. When a minimum level of solid waste is specified in a contract entered into under this section, there shall be a specific allocation of financial responsibility ~~((in cases where))~~ in the event the amount of solid waste handled ~~((during the contract period))~~ falls below the minimum level provided in the contract. Solid waste handling systems, plants, sites, or other facilities constructed, purchased, acquired, leased, added to, altered, extended, maintained, managed, utilized, or operated pursuant to this section, whether publicly or privately owned, shall be in substantial compliance with the solid waste management plan applicable to the county adopted pursuant to chapter 70.95 RCW. Agreements relating to such solid waste handling systems, plants, sites, or other facilities may be for such term and may contain such covenants, conditions, and remedies as the legislative authority of the county may deem necessary or appropriate.

As used in this chapter, the terms 'solid waste' and 'solid waste handling' shall be as defined in RCW 70.95.030.

Nothing in this section shall be construed to authorize the operation of a solid waste collection system by counties or to authorize counties to affect the authority of the utilities and transportation commission under RCW 81.77.020.

The alternative selection process provided by this section may not be used in the selection of a person or entity to construct a publicly owned facility for the storage or transfer of solid waste or solid waste handling equipment unless the facility is either (a) privately operated pursuant to a contract greater than five years, or (b) an integral part of a solid waste processing facility located on the same site. Instead, the applicable provisions of RCW 36.32.250, and chapters 39.04 and 39.30 RCW shall be followed.

Sec. 10. Section 19, chapter 282, Laws of 1986 and RCW 36.58.090 are each amended to read as follows:

(1) Notwithstanding the provisions of any county charter ~~((of any county))~~ or any law to the contrary, and in addition to any other authority provided by law, the legislative authority of a county may contract with one or more ~~((private))~~ vendors for one or more of the design, construction, or operation ~~((function))~~ of, or other service related to, the solid waste handling systems ~~((and))~~, plants ~~((for solid waste handling, as defined in RCW 70.95.030 and))~~, sites, or other facilities in accordance with the procedures set forth in ~~((subsections (2) and (3) of))~~ this section.

~~((Such systems and plants may be owned, leased, and/or operated in whole or in part by the county, or owned, leased, and/or operated in whole or in part by the private vendor.))~~ When a contract for design services is entered into separately from other services permitted under this section, procurement shall be in accord with chapter 39.80 RCW. For the purpose of this chapter, the term "legislative authority" shall mean the board of county commissioners or, in the case of a home rule charter county, the official, officials, or public body designated by the charter to perform the functions authorized therein.

(2) If the legislative authority of the county decides to proceed with the consideration of qualifications or proposals for services from vendors, the county shall publish notice of its requirements and request submission of qualifications ~~((for the design, construction, and operation of solid waste handling systems and plants))~~ statements or proposals. The notice shall be published in the official newspaper of the county at least once a week for two weeks not less than sixty days before the final date for the submission of qualifications statements or proposals. The notice shall state in summary form (a) the general scope and nature of the ~~((system and plant or work for which the services are required))~~ design, construction, operation, or other service, (b) the name and address of a representative of the county who can provide further details, ~~((and))~~ (c) the final date for the submission of qualifications statements or proposals, (d) ~~an estimated schedule for the consideration of qualifications, the selection of vendors, and the negotiation of a contract or contracts for services,~~ (e) the location at which a copy of any request for qualifications or request for proposals will be made available, and (f) the criteria established by the legislative authority to select a vendor or vendors, which may include but shall not be limited to the vendor's prior experience, including design, construction, or operation of other similar facilities; respondent's management capability, schedule availability and financial resources; cost of the services; nature of facility design proposed by the vendor; system reliability; performance standards required for the facilities; compatibility with existing service facilities operated by the public body or other providers of service to the public; project performance guarantees; penalty and other enforcement provisions; environmental protection measures to be used; consistency with the applicable comprehensive solid waste management plan; and allocation of project risks.

(3) If the legislative authority of the county decides to proceed with the ~~((construction of a resource recovery facility or one or more of the services to be provided for such a facility))~~ consideration of qualifications or proposals, it may designate a representative to evaluate the vendors who submitted qualifications statements or proposals and conduct discussions regarding qualifications or proposals with one or more vendors. ~~The legislative authority or representative may request submission of qualifications statements and may later request more detailed proposals from one or more vendors who have submitted qualifications statements, or the representative may request detailed proposals without having first received and evaluated qualifications statements. The representative shall evaluate the qualifications or proposals, as applicable. If two or more vendors submit qualifications or proposals that meet the criteria established by the legislative authority of the county, discussions and interviews shall be held with at least two vendors. Any revisions to a request for qualifications or request for proposals shall be made available to all vendors then under consideration by the city or town and shall be made available to any other person who has requested receipt of that information.~~

(4) Based on criteria established by the legislative authority of the county, the representative ~~((of the legislative authority))~~ shall recommend to the legislative authority a vendor ~~((based upon criteria established by the county, which shall not be determined solely by price but by all terms of the contract, who is))~~ or vendors that are initially determined to be the best qualified to provide one or more of the ~~((services required for))~~ design, construction, or operation of, or other service related to, the proposed project or services. ~~((If two or more vendors submit qualifications, at least two vendors shall be interviewed.))~~ The legislative authority may select one or more qualified vendors ~~((may be interviewed and selected to provide))~~ for one or more of the design, construction, or operation of, or other service related to, the proposed project or services.

(5) The legislative authority or its representative ~~((shall))~~ may attempt to negotiate a contract with the ~~((first))~~ vendor or vendors selected for one or more of the design, construction, ~~((design,))~~ or operation ~~((portions))~~ of, or other service related to, the proposed project ~~((at a price and))~~ or services on ~~((other))~~ terms that the legislative authority determines to be fair and reasonable and in the best interest of the county. ~~((Only the legislative authority may approve and sign the contract. PROVIDED, That where a contract for design is entered into separately from other services permitted under this section, procurement shall be in accord with chapter 39.80 RCW.))~~ If the legislative authority or its representative is unable to negotiate such a contract with ~~((the first vendor))~~ any one or more of the vendors first selected on terms that it determines to be fair and reasonable and in the best interest of the county, negotiations with ~~((that vendor))~~ any one or more of the vendors shall be ~~((formally))~~ terminated or suspended and ~~((other))~~ another qualified vendor or vendors may be selected in accordance with the procedures set forth ~~((above))~~ in this section. If the legislative authority decides to continue the process of selection, negotiations shall continue with a qualified vendor or vendors in accordance with this section at the sole discretion of the legislative authority until an agreement is

reached with one or more qualified vendors, or the process is terminated by the legislative authority. The process may be repeated until an agreement is reached.

~~((4))~~ (6) Prior to entering into ~~((such))~~ a contract with a vendor, the legislative authority of the county ~~((must have made))~~ shall make written findings, after holding a public hearing on the proposal, that it is in the public interest to enter into the contract ~~((and))~~, that the contract is financially sound, and that it is advantageous for the county to use this method for awarding contracts compared to other methods.

~~((5))~~ (7) Each contract shall include a project performance bond or bonds or other security by the vendor ~~((which))~~ that in the judgment of the legislative authority of the county is sufficient to secure adequate performance by the vendor.

~~((6))~~ (8) The provisions of chapters 39.12, 39.19, and 39.25 RCW shall apply to a contract entered into under this section to the same extent as if the systems and plants were owned by a public body.

(9) The vendor selection process permitted by this section shall be supplemental to and shall not be construed as a repeal of or limitation on any other authority granted by law.

Sec. 11. Section 13, chapter 244, Laws of 1986 and RCW 39.04.175 are each amended to read as follows:

This chapter does not apply to ~~((agreements entered into))~~ the selection of persons or entities to construct or develop water pollution control facilities or to provide water pollution control services under ((authority of chapter 70.150 RCW provided there is compliance with the procurement procedure under)) RCW 70.150.040 or the selection of persons or entities to construct or develop solid waste handling facilities or to provide solid waste handling services under RCW 35.92.024 as recodified by section 12 of this act or under RCW 36.58.090.

NEW SECTION, Sec. 12. RCW 35.92.024 as amended by this act is recodified as a new section in chapter 35.21 RCW.

NEW SECTION, Sec. 13. The following acts or parts of acts are each repealed:

(1) Section 35.23.353, chapter 7, Laws of 1965, section 3, chapter 120, Laws of 1987 and RCW 35.23.353; and

(2) Section 2, chapter 208, Laws of 1975 1st ex. sess., section 2, chapter 164, Laws of 1977 ex. sess., section 7, chapter 445, Laws of 1985 and RCW 35.92.022."

On page 1, line 2 of the title, after "procurement;" strike the remainder of the title and insert "amending RCW 35.21.120, 35.21.152, 35.21.154, 35.22.625, 35.23.351, 35.92.020, 35.92.024, 36.32.265, 36.58.040, 36.58.090, and 39.04.175; recodifying RCW 35.92.024; and repealing RCW 35.23.353 and 35.92.022."

and the same is herewith transmitted.

W. D. Naismith, Assistant Secretary.

MOTION

Ms. Rust moved that the House do concur in the Senate amendments to Substitute House Bill No. 1568.

Ms. Rust spoke in favor of the motion, and it was carried.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

The Speaker (Mr. O'Brien presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1568 as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1568 as amended by the Senate, and the bill passed the House by the following vote: Yeas, 95; excused, 3.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Baugher, Beck, Belcher, Betzoff, Bowman, Braddock, Brekke, Bristow, Brooks, Brough, Brumsickle, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Fraser, Fuhrman, Grant, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Inslee, Jacobsen, Jesernig, Jones, King P, King R, Kremen, Leonard, Locke, Mary, McLean, Meyers R, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Padden, Patrick, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith, Sommers D, Sommers H, Spanel, Sprenkle, Tate, Todd, Valle, Van Luven, Vekich, Walk, Walker, Wilson K, Wilson S, Wineberry, Winsley, Wolfe, Wood, Youngsman, Zellinsky, and Mr. Speaker - 95.

Excused: Representatives Gallagher, Miller, Wang - 3.

Substitute House Bill No. 1568 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

The Speaker (Mr. O'Brien presiding) declared the House to be at ease.

The Speaker (Mr. O'Brien presiding) called the House to order.

Representatives Miller and Wang appeared at the bar of the House.

MESSAGES FROM THE SENATE

April 17, 1989

Mr. Speaker:

The Senate concurred in the House amendment(s) and passed the following bills as amended by the House:

ENGROSSED SUBSTITUTE SENATE BILL NO. 5018,
 SUBSTITUTE SENATE BILL NO. 5035,
 ENGROSSED SUBSTITUTE SENATE BILL NO. 5048,
 ENGROSSED SENATE BILL NO. 5121,
 SUBSTITUTE SENATE BILL NO. 5144,
 SUBSTITUTE SENATE BILL NO. 5173,
 SUBSTITUTE SENATE BILL NO. 5191,
 SUBSTITUTE SENATE BILL NO. 5196,
 ENGROSSED SENATE BILL NO. 5233,
 SUBSTITUTE SENATE BILL NO. 5265,
 SUBSTITUTE SENATE BILL NO. 5305,
 SUBSTITUTE SENATE BILL NO. 5357,
 SUBSTITUTE SENATE BILL NO. 5369,
 SENATE BILL NO. 5466,
 SUBSTITUTE SENATE BILL NO. 5474,
 SENATE BILL NO. 5492,
 ENGROSSED SUBSTITUTE SENATE BILL NO. 5499,
 SUBSTITUTE SENATE BILL NO. 5543,
 SUBSTITUTE SENATE BILL NO. 5560,
 SUBSTITUTE SENATE BILL NO. 5561,
 SUBSTITUTE SENATE BILL NO. 5591,
 ENGROSSED SUBSTITUTE SENATE BILL NO. 5713,
 SENATE BILL NO. 5736,
 SUBSTITUTE SENATE BILL NO. 5776,
 ENGROSSED SUBSTITUTE SENATE BILL NO. 5810,
 ENGROSSED SUBSTITUTE SENATE BILL NO. 5819,
 ENGROSSED SUBSTITUTE SENATE BILL NO. 5850,
 SUBSTITUTE SENATE BILL NO. 5859,
 SUBSTITUTE SENATE BILL NO. 5866,
 SUBSTITUTE SENATE BILL NO. 5889,
 SENATE BILL NO. 5950,
 ENGROSSED SUBSTITUTE SENATE BILL NO. 5984,
 SENATE BILL NO. 5991,
 SENATE BILL NO. 6005,
 ENGROSSED SUBSTITUTE SENATE BILL NO. 6033,
 ENGROSSED SENATE BILL NO. 6076,
 ENGROSSED SUBSTITUTE SENATE JOINT RESOLUTION NO. 8202,
 SENATE CONCURRENT RESOLUTION NO. 8412.

W. D. Naismith, Assistant Secretary.

April 18, 1989

Mr. Speaker:

The Senate grants the request of the House for a conference on ENGROSSED HOUSE BILL NO. 1103. The President has appointed the following members as conferees: Senators Saling, Warnke and Thorsness.

W. D. Naismith, Assistant Secretary.

April 18, 1989

Mr. Speaker:

The Senate grants the request of the House for a conference on SUBSTITUTE HOUSE BILL NO. 1405. The President has appointed the following members as conferees: Senators Saling, Bauer and Cantu.

W. D. Naismith, Assistant Secretary.

April 18, 1989

Mr. Speaker:

The Senate grants the request of the House for a conference on HOUSE BILL NO. 1478. The President has appointed the following members as conferees: Senators West, Wojahn and Amondson.

W. D. Naismith, Assistant Secretary.

April 18, 1989

Mr. Speaker:

The Senate grants the request of the House for a conference on ENGROSSED HOUSE BILL NO. 1917. The President has appointed the following members as conferees: Senators von Reichbauer, Williams and Sellar.

W. D. Naismith, Assistant Secretary.

April 18, 1989

Mr. Speaker:

On motion, the Senate relieved Senator Vognild as conferee and the President has appointed Senator Gaspard as conferee on ENGROSSED SUBSTITUTE SENATE BILL NO. 5352.

W. D. Naismith, Assistant Secretary.

SENATE AMENDMENTS TO HOUSE BILL

April 13, 1989

Mr. Speaker:

The Senate has passed ENGROSSED SUBSTITUTE HOUSE BILL NO. 1574 with the following amendments:

Strike everything after the enacting clause and insert the following:

NEW SECTION, Sec. 1. Due to a change in the federal regulations governing the sale of brokered natural gas, cities have lost significant revenues from the utility tax on natural gas. It is therefore the intent of the legislature to adjust the utility and use tax authority of the state and cities to maintain this revenue source for the municipalities and provide equality of taxation between intrastate and interstate transactions.

NEW SECTION, Sec. 2. A new section is added to chapter 82.14 RCW to read as follows:

(1) The governing body of any city, while not required by legislative mandate to do so, may, by resolution or ordinance for the purposes authorized by this chapter, fix and impose on every person a use tax for the privilege of using natural gas or manufactured gas in the city as a consumer.

(2) The tax shall be imposed in an amount equal to the value of the article used by the taxpayer multiplied by the rate in effect for the tax on natural gas businesses under RCW 35.21.870 in the city in which the article is used. The 'value of the article used,' does not include any amounts that are paid for the hire or use of a natural gas business in transporting the gas subject to tax under this subsection if those amounts are subject to tax under RCW 35.21.870.

(3) The tax imposed under this section shall not apply to the use of natural or manufactured gas if the person who sold the gas to the consumer has paid a tax under RCW 35.21.870 with respect to the gas for which exemption is sought under this subsection.

(4) There shall be a credit against the tax levied under this section in an amount equal to any tax paid by:

(a) The person who sold the gas to the consumer when that tax is a gross receipts tax similar to that imposed pursuant to RCW 35.21.870 by another state with respect to the gas for which a credit is sought under this subsection; or

(b) The person consuming the gas upon which a use tax similar to the tax imposed by this section was paid to another state with respect to the gas for which a credit is sought under this subsection.

(5) The use tax hereby imposed shall be paid by the consumer. The administration and collection of the tax hereby imposed shall be pursuant to RCW 82.14.050.

NEW SECTION, Sec. 3. A new section is added to chapter 82.12 RCW to read as follows:

(1) There is hereby levied and there shall be collected from every person in this state a use tax for the privilege of using natural gas or manufactured gas within this state as a consumer.

(2) The tax shall be levied and collected in an amount equal to the value of the article used by the taxpayer multiplied by the rate in effect for the public utility tax on gas distribution businesses under RCW 82.16.020(1)(b). The 'value of the article used' does not include any amounts that are paid for the hire or use of a gas distribution business as defined in RCW 82.16.010(7) in transporting the gas subject to tax under this subsection if those amounts are subject to tax under that chapter.

(3) The tax levied in this section shall not apply to the use of natural or manufactured gas if the person who sold the gas to the consumer has paid a tax under RCW 82.16.020(1)(b) with respect to the gas for which exemption is sought under this subsection.

(4) There shall be a credit against the tax levied under this section in an amount equal to any tax paid by:

(a) The person who sold the gas to the consumer when that tax is a gross receipts tax similar to that imposed pursuant to RCW 82.16.020(1)(b) by another state with respect to the gas for which a credit is sought under this subsection; or

(b) The person consuming the gas upon which a use tax similar to the tax imposed by this section was paid to another state with respect to the gas for which a credit is sought under this subsection.

(5) The use tax hereby imposed shall be paid by the consumer to the department.

(6) There is imposed a reporting requirement on the person who delivered the gas to the consumer to make a quarterly report to the department. Such report shall contain the volume of gas delivered, name of the consumer to whom delivered, and such other information as the department shall require by rule.

(7) The department may adopt rules under chapter 34.05 RCW for the administration and enforcement of sections 1 through 6 of this act.

NEW SECTION. Sec. 4. A new section is added to chapter 82.08 RCW to read as follows:

The tax levied by RCW 82.08.020 shall not apply to sales of natural or manufactured gas.

NEW SECTION. Sec. 5. A new section is added to chapter 82.12 RCW to read as follows:

The tax levied by RCW 82.12.020 shall not apply in respect to the use of natural or manufactured gas.

Sec. 6. Section 4, chapter 94, Laws of 1970 ex. sess. as amended by section 17, chapter 49, Laws of 1982 1st ex. sess. and RCW 82.14.030 are each amended to read as follows:

(1) The governing body of any county or city while not required by legislative mandate to do so, may, by resolution or ordinance for the purposes authorized by this chapter, fix and impose a sales and use tax in accordance with the terms of this chapter. Such tax shall be collected from those persons who are taxable by the state pursuant to chapters 82.08 and 82.12 RCW, upon the occurrence of any taxable event within the county or city as the case may be; PROVIDED, That except as provided in section 2 of this act, this sales and use tax shall not apply to natural or manufactured gas. The rate of such tax imposed by a county shall be five-tenths of one percent of the selling price (in the case of a sales tax) or value of the article used (in the case of a use tax). The rate of such tax imposed by a city shall not exceed five-tenths of one percent of the selling price (in the case of a sales tax) or value of the article used (in the case of a use tax); PROVIDED, HOWEVER, That in the event a county shall impose a sales and use tax under this subsection, the rate of such tax imposed under this subsection by any city therein shall not exceed four hundred and twenty-five one-thousandths of one percent.

(2) Subject to the enactment into law of the 1982 amendment to RCW 82.02.020 by section 5, chapter 49, Laws of 1982 1st ex. sess., in addition to the tax authorized in subsection (1) of this section, the governing body of any county or city may by resolution or ordinance impose an additional sales and use tax in accordance with the terms of this chapter. Such additional tax shall be collected upon the same taxable events upon which the tax imposed under subsection (1) of this section is levied. The rate of such additional tax imposed by a county shall be up to five-tenths of one percent of the selling price (in the case of a sales tax) or value of the article used (in the case of a use tax). The rate of such additional tax imposed by a city shall be up to five-tenths of one percent of the selling price (in the case of a sales tax) or value of the article used (in the case of a use tax); PROVIDED HOWEVER, That in the event a county shall impose a sales and use tax under this subsection at a rate equal to or greater than the rate imposed under this subsection by a city within the county, the county shall receive fifteen percent of the city tax; PROVIDED FURTHER, That in the event that the county shall impose a sales and use tax under this subsection at a rate which is less than the rate imposed under this subsection by a city within the county, the county shall receive that amount of revenues from the city tax equal to fifteen percent of the rate of tax imposed by the county under this subsection. The authority to impose a tax under this subsection is intended in part to compensate local government for any losses from the phase-out of the property tax on business inventories.

NEW SECTION. Sec. 7. This act shall take effect July 1, 1990."

On page 1, line 1 of the title, after "gas;" strike the remainder of the title and insert "amending RCW 82.14.030; adding a new section to chapter 82.14 RCW; adding new sections to chapter 82.12 RCW; adding a new section to chapter 82.08 RCW; creating a new section; and providing an effective date."

and the same is herewith transmitted.

W. D. Naismith, Assistant Secretary.

MOTION

Mr. Wang moved that the House do concur in the Senate amendments to Engrossed Substitute House Bill No. 1574.

Mr. Wang spoke in favor of the motion, and it was carried.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

The Speaker (Mr. O'Brien presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 1574 as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1574 as amended by the Senate, and the bill passed the House by the following vote: Yeas, 92; nays, 5; excused, 1.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Baugher, Belcher, Betrozoff, Bowman, Braddock, Brekke, Bristow, Brooks, Brough, Brumsickle, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Fraser, Fuhrman, Grant, Hankins, Hargrove, Haugen, Hine, Holland, Horn, Jacobsen, Jones, King P, King R, Kremen, Leonard, Locke, May, McLean, Miller, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Padden, Patrick, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith, Sommers D, Sommers H, Spanel, Sprenkle, Tate, Todd, Valle, Van Luven, Vekich, Waik, Walker, Wang, Wilson K, Wilson S, Wineberry, Winsley, Wolfe, Wood, Youngsman, Zellinsky, and Mr. Speaker - 92.

Voting nay: Representatives Beck, Heavey, Insee, Jesernig, Meyers R - 5.

Excused: Representative Gallagher - 1.

Engrossed Substitute House Bill No. 1574 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SENATE AMENDMENTS TO HOUSE BILL

April 11, 1989

Mr. Speaker:

The Senate has passed ENGROSSED SUBSTITUTE HOUSE BILL NO. 1133 with the following amendments:

Strike everything after the enacting clause and insert the following:

NEW SECTION, Sec. 1. The legislature finds that the increasing difficulty of balancing work life and family needs for parents in the workforce has made the availability of quality, affordable child care a critical concern for the state and its citizens. The prospect for labor shortages resulting from the aging of the population and the importance of the quality of the workforce to the competitiveness of Washington businesses make the availability of quality child care an important concern for the state and its businesses.

The legislature further finds that making information on child care options available to businesses can help the market for child care adjust to the needs of businesses and working families. The legislature further finds that investments are necessary to promote partnerships between the public and private sectors, educational institutions, and local governments to increase the supply, affordability, and quality of child care in the state.

Sec. 2. Section 1, chapter 213, Laws of 1988 and RCW 74.13.085 are each amended to read as follows:

It shall be the policy of the state of Washington to:

(1) Recognize the family as the most important social and economic unit of society and support the central role parents play in child rearing. All parents are encouraged to care for and nurture their children through the traditional methods of parental care at home. However, ~~((to the extent child care services are used:))~~ there has been a dramatic increase in participation of women in the workforce which has made the availability of quality, affordable child care a critical concern for the state and its citizens. There are not enough child care services and facilities to meet the needs of working parents, the costs of care are often beyond the resources of working parents, and child care facilities are not located conveniently to work places and neighborhoods. Parents are encouraged to participate fully in the effort to improve the quality of child care services.

(2) Promote a variety of culturally and developmentally appropriate child care settings and services of the highest possible quality in accordance with the basic principle of continuity of care. These settings shall include, but not be limited to, family day care homes, mini-centers, centers and schools.

(3) Promote the growth, development and safety of children by working with community groups including providers and parents to establish standards for quality service, training of child care providers, fair and equitable monitoring, and salary levels commensurate with provider responsibilities and support services.

(4) Promote equal access to quality, affordable, socio-economically integrated child care for all children and families.

(5) Facilitate broad community and private sector involvement in the provision of quality child care services to foster economic development and assist industry.

Sec. 3. Section 2, chapter 213, Laws of 1988 and RCW 74.13.090 are each amended to read as follows:

(1) There is established a child care coordinating committee to provide coordination and communication between state agencies responsible for child care and early childhood education services. The child care coordinating committee shall be composed of not less than seventeen nor more than thirty members who shall include:

(a) One representative each from the department of social and health services, the department of community development, the office of the superintendent of public instruction, and any other agency having responsibility for regulation, provision, or funding of child care services in the state;

(b) One representative from the ~~((governor's commission on children))~~ department of labor and industries;

(c) One representative from the department of trade and economic development;

(d) ~~One representative from the department of revenue~~;

~~e) One representative from the employment security department~~;

~~f) At least one representative of family home child care providers and one representative of center care providers~~;

~~(((e))) g) At least one representative of early childhood development experts~~;

~~(((f))) h) At least one representative of school districts and teachers involved in the provision of child care and preschool programs~~;

~~(((g))) i) At least one parent education specialist~~;

~~(((h))) j) At least one representative of resource and referral programs~~;

~~(((i))) k) One pediatric or other health professional~~;

~~(((j))) l) At least one representative of college or university child care providers~~;

~~(((k))) m) At least one representative of a citizen group concerned with child care~~;

~~(((l))) n) At least one representative of a labor organization~~;

~~(((m))) o) At least one representative of a head start - early childhood education assistance program agency~~;

~~(((n))) p) At least one employer who provides child care assistance to employees~~;

~~(((o))) q) Parents of children receiving, or in need of, child care, half of whom shall be parents needing or receiving subsidized child care and half of whom shall be parents who are able to pay for child care.~~

The named state agencies shall select their representative to the child care coordinating committee. The department of social and health services shall select the remaining members, considering recommendations from lists submitted by professional associations and other interest groups until such time as the committee adopts a member selection process. ~~((Staff support for the child care coordinating committee shall be provided within available resources by the department of social and health services on an ongoing basis.))~~ The department shall use any federal funds which may become available to accomplish the purposes of RCW 74.13.085 through 74.13.095.

The committee shall elect officers from among its membership and shall adopt policies and procedures specifying the lengths of terms, methods for filling vacancies, and other matters necessary to the ongoing functioning of the committee. The secretary of social and health services shall appoint a temporary chair until the committee has adopted policies and elected a chair accordingly. Child care coordinating committee members shall be reimbursed for travel expenses as provided in RCW 43.03.050 and 43.03.060.

(2) To the extent possible within available funds, the child care coordinating committee shall:

(a) Serve as an advisory coordinator for all state agencies responsible for early childhood or child care programs for the purpose of improving communication and interagency coordination ~~((- but not to review the substance of programs. The committee shall))~~;

(b) Annually review state programs and make recommendations to the agencies and the legislature which will maximize funding and promote furtherance of the policies set forth in RCW 74.13.085 ~~((:))~~. Reports shall be provided to all appropriate committees of the legislature by December 1 of each year. At a minimum the committee shall:

~~(((b))) i) Review and propose changes to the child care subsidy system ((by December 1, 1989)) in its December 1989 report~~;

~~ii) Review alternative models for child care service systems, in the context of the policies set forth in RCW 74.13.085, and recommend to the legislature a new child care service structure; and~~

~~iii) Review options and make recommendations on the feasibility of establishing an allocation for day care facilities when constructing state buildings~~;

(c) Review ~~((agency))~~ department of social and health services administration of the child care expansion grant program described in RCW 74.13.095;

~~(d) ((Review alternative models for child care service systems, in the context of the policies set forth in RCW 74.13.085, and recommend to the legislature a new child care service structure;~~

~~(e) Review options and make recommendations on the feasibility of establishing an allocation for day care facilities when constructing state buildings; and~~

~~(f)) Review rules regarding child care facilities and services for the purpose of identifying those which unnecessarily obstruct the availability and affordability of child care in the state;~~

~~(e) Advise and assist the child care resource coordinator in implementing his or her duties under section 5 of this act; and~~

(f) Perform other functions to improve the quantity and quality of child care in the state, including compliance with existing and future prerequisites for federal funding.

NEW SECTION. Sec. 4. A new section is added to chapter 74.13 RCW to read as follows:

The child care partnership is established as a subcommittee of the child care coordinating committee to increase employer assistance and involvement in child care, and to foster cooperation between business and government to improve the availability, quality, and affordability of child care services in the state.

(1) The partnership shall have nine members who may be drawn from the membership of the child care coordinating committee. The secretary of the department of social and health services shall appoint the partnership members, who shall include:

(a) At least two members representing labor organizations;

(b) At least one member representing each of the following: Businesses with one through fifty employees, businesses with fifty-one through two hundred employees, and businesses with more than two hundred employees; and

(c) At least one representative of local child care resource and referral organizations.

(2) The partnership shall follow the same policies and procedures adopted by the child care coordinating committee, and members shall be reimbursed for travel expenses as provided in RCW 43.03.050 and 43.03.060.

(3) To the extent possible within available funds, the partnership shall:

(a) Review and propose statutory and administrative changes to encourage employer involvement in child care and partnerships between employers and the public sector to increase the quantity, quality, and affordability of child care services and facilities in this state;

(b) Review public and private child care programs with the purpose of enhancing communications and coordination among business, labor, public agencies, and child care providers in order to encourage employers to develop and implement child care services for their employees;

(c) Evaluate alternative employer-assisted child care service systems, in the context of the policies set forth in RCW 74.13.085, and recommend to the legislature and local governments ways to encourage and enhance employer-assisted child care services in the state, including statutory and administrative changes;

(d) Evaluate the impact of workplace personnel practices and policies, including flexible work schedules, on the ability of parents to access or provide care for their children, and make recommendations to employers and the legislature in this regard;

(e) Study the liability insurance issues related to the provision of employer-assisted child care and report the findings and recommendations to the legislature; and

(f) Advise and assist the employer liaison in the implementation of its duties under section 6 of this act.

All findings and recommendations of the partnership to the legislature shall be incorporated into the annual report of the child care coordinating committee required under RCW 74.13.090.

NEW SECTION. Sec. 5. A new section is added to chapter 74.13 RCW to read as follows:

The office of the child care resources coordinator is established to operate under the authority of the department of social and health services. The office shall, within appropriated funds:

(1) Staff and assist the child care coordinating committee in the implementation of its duties under RCW 74.13.090;

(2) Work with local governments, nonprofit organizations, businesses, and community child care advocates to create local child care resource and referral organizations. These organizations may carry out needs assessments, resource development, provider training, technical assistance, and parent information and training;

(3) Actively seek public and private money for distribution as grants to potential or existing local child care resource and referral organizations. No grant shall be distributed that is greater than twenty-five thousand dollars;

(4) Adopt rules regarding the application for and distribution of grants to local child care resource and referral organizations. The rules shall, at a minimum, require an applicant to submit a plan for achieving the following objectives:

(a) Provide parents with information about child care resources, including location of services and subsidies;

(b) Carry out child care provider recruitment and training programs;

(c) Offer support services, such as parent and provider seminars, toy-lending libraries, and substitute banks;

(d) Provide information for businesses regarding child care supply and demand;

(e) Advocate for increased public and private sector resources devoted to child care; and
 (f) Provide technical assistance to employers regarding employee child care services;
 (5) Provide staff support and technical assistance to local child care resource and referral organizations;

(6) Organize the local child care resource and referral organizations into a state-wide system;

(7) Maintain a state-wide child care referral data bank and work with department of social and health services licensors to provide information to local child care resource and referral organizations about licensed child care providers in the state;

(8) Through local resource and referral organizations, compile data about local child care needs and availability for future planning and development;

(9) Coordinate the provision of training and technical assistance to child care providers; and

(10) Collect and assemble information regarding the availability of insurance and of federal and other child care funding to assist state and local agencies, businesses, and other child care providers in offering child care services.

NEW SECTION, Sec. 6. A new section is added to chapter 74.13 RCW to read as follows:

An employer liaison position is established in the department of social and health services to be assigned to and located at the business assistance center established under RCW 43.31-.083. The employer liaison shall, within appropriated funds:

(1) Staff and assist the child care partnership in the implementation of its duties under section 4 of this act;

(2) Provide technical assistance to employers regarding child care services, working with and through local resource and referral organizations whenever possible. Such technical assistance shall include at a minimum:

(a) Assessing the child care needs of employees and prospective employees;

(b) Reviewing options available to employers interested in increasing access to child care for their employees;

(c) Developing techniques to permit small businesses to increase access to child care for their employees;

(d) Reviewing methods of evaluating the impact of child care activities on employers; and
 (e) Preparing, collecting, and distributing current information for employers on options for increasing involvement in child care;

(3) Provide assistance to local child care resource and referral organizations to increase their capacity to provide quality technical assistance to employers in their community; and

(4) Locate at least one full-time staff person at the business assistance center responsible for carrying out the provisions of this section.

NEW SECTION, Sec. 7. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION, Sec. 8. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect immediately."

On page 1, line 2 of the title, after "services;" strike the remainder of the title and insert "amending RCW 74.13.085 and 74.13.090; adding new sections to chapter 74.13 RCW; creating a new section; and declaring an emergency."

and the same is herewith transmitted.

W. D. Naismith, Assistant Secretary.

MOTION

Ms. Cantwell moved that the House refuse to concur in the Senate amendments to Engrossed Substitute House Bill No. 1133 and ask the Senate for a conference thereon. The motion was carried.

APPOINTMENT OF CONFEREES

The Speaker (Mr. O'Brien presiding) appointed Representatives Cantwell, Wineberry and Moyer as conferees on Engrossed Substitute House Bill No. 1133.

SENATE AMENDMENTS TO HOUSE BILL

April 14, 1989

Mr. Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 1251 with the following amendments:

On page 1, line 12, after "number to" strike "~~((twenty)) ten~~" and insert "twenty"

On page 2, line 34, after "under the" strike "~~((twenty)) ten~~" and insert "twenty"

On page 4, beginning on line 1, strike all of section 4 and renumber the remaining sections accordingly

On page 1, line 2 of the title, after "35.13.125," strike "35.13.130," and the same is herewith transmitted.

W. D. Naismith, Assistant Secretary.

MOTION

Ms. Haugen moved that the House refuse to concur in the Senate amendments to Substitute House Bill No. 1251 and ask the Senate for a conference thereon.

Mr. Padden spoke against the motion, and Ms. Haugen spoke in favor of it. The motion was carried.

APPOINTMENT OF CONFEREES

The Speaker (Mr. O'Brien presiding) appointed Representatives Haugen, Nutley and Ferguson as conferees on Substitute House Bill No. 1251.

SENATE AMENDMENTS TO HOUSE BILL

April 6, 1989

Mr. Speaker:

The Senate has passed ENGROSSED HOUSE BILL NO. 1412 with the following amendments:

On page 1, line 8, after "flag," strike "Nothing" through "plates." on line 11

On page 2, following line 12, insert a new section as follows:

"NEW SECTION. Sec. 2. Section 1 of this act shall become effective January 1, 1990."

and the same is herewith transmitted.

W. D. Naismith, Assistant Secretary.

MOTION

Mr. Walk moved that the House refuse to concur in the Senate amendments to Engrossed House Bill No. 1412 and ask the Senate for a conference thereon.

MOTION

Mr. Kremen moved that the House do concur in the Senate amendments to Engrossed House Bill No. 1412.

Representatives Kremen, Anderson, Basich and Jones spoke in favor of the motion to concur in the Senate amendments to Engrossed House Bill No. 1412, and Representatives Walk and Schmidt spoke against it. Mr. Kremen again spoke in favor of the motion.

Mr. Kremen demanded an electric roll call vote, and the demand was sustained.

ROLL CALL

The Clerk called the roll on the motion by Representative Kremen to concur in the Senate amendments to Engrossed House Bill No. 1412, and the motion was carried by the following vote: Yeas, 54; nays, 43; excused, 1.

Voting yea: Representatives Anderson, Basich, Baugher, Beck, Braddock, Bristow, Brooks, Cantwell, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Ferguson, Fraser, Grant, Hargrove, Heavey, Hine, Insee, Jesernig, Jones, King P, Kremen, Leonard, Locke, Meyers R, O'Brien, Padden, Patrick, Peery, Prentice, Pruitt, Rasmussen, Rayburn, Sayan, Schoon, Scott, Smith, Spanel, Sprengle, Tate, Todd, Valle, Van Luven, Vekich, Walker, Wilson K, Wineberry, Winsley, Wolfe, Youngsman, Zellinsky - 54.

Voting nay: Representatives Appelwick, Ballard, Belcher, Betzoff, Bowman, Brekke, Brough, Brumsickle, Chandler, Cole, Cooper, Fisher G, Fisher R, Fuhrman, Hankins, Haugen, Holland, Horn, Jacobsen, King R, May, McLean, Miller, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, Phillips, Prince, Raiter, Rector, Rust, Schmidt, Silver, Sommers D, Sommers H, Walk, Wang, Wilson S, Wood, and Mr. Speaker - 43.

Excused: Representative Gallagher - 1.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

The Speaker (Mr. O'Brien presiding) stated the question before the House to be the final passage of Engrossed House Bill No. 1412 as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 1412 as amended by the Senate, and the bill passed the House by the following vote: Yeas, 95; nays, 2; excused, 1.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Baugher, Beck, Belcher, Betzoff, Bowman, Braddock, Brekke, Bristow, Brooks, Brough, Brumsickle, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fraser, Fuhrman, Grant, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Inslee, Jacobsen, Jesernig, Jones, King P, King R, Kremen, Leonard, Locke, May, McLean, Meyers R, Miller, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Padden, Patrick, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schoon, Scott, Silver, Smith, Sommers D, Sommers H, Spanel, Sprengle, Tate, Todd, Valle, Van Luven, Vekich, Walk, Walker, Wang, Wilson K, Wilson S, Wineberry, Winsley, Wolfe, Wood, Youngsman, Zellinsky, and Mr. Speaker - 95.

Voting nay: Representatives Fisher R, Schmidt - 2.

Excused: Representative Gallagher - 1.

Engrossed House Bill No. 1412 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE SENATE

April 17, 1989

Mr. Speaker:

The Senate concurred in the House amendments to ENGROSSED SUBSTITUTE SENATE BILL NO. 5186, returned the bill to second reading under suspension of rules, and passed the bill with the following Senate amendment to the House Committee on Judiciary amendments:

On page 7, after line 22, insert a new section to read as follows:

NEW SECTION, Sec. 10. A new section is added to chapter 2.64 RCW to read as follows:

Whenever the commission determines that there is probable cause to believe that a judge or justice has violated a rule of judicial conduct or that the judge or justice suffers from a disability which is permanent or likely to become permanent and which seriously interferes with the performance of judicial duties, the commission shall disclose to the judge or justice any material or information within the commission's knowledge which tends to negate the determination of the commission, except as otherwise provided by a protective order."

Renumber the remaining sections accordingly

and the same is herewith transmitted.

W. D. Naismith, Assistant Secretary.

MOTION

Mr. Appelwick moved that the House insist on its position regarding the House amendments to Engrossed Substitute Senate Bill No. 5186 and once again ask the Senate to concur therein.

Representatives Appelwick and Padden spoke in favor of the motion, and it was carried.

SENATE AMENDMENTS TO HOUSE BILL

April 13, 1989

Mr. Speaker:

The Senate has passed ENGROSSED SUBSTITUTE HOUSE BILL NO. 2020 with the following amendments:

Strike everything after the enacting clause and insert the following:

NEW SECTION, Sec. 1. The legislature finds that the ratio of women to men in intercollegiate athletics in Washington's higher education system is inequitable. It is the intent of the legislature, through additional tuition and fee waivers, to achieve gender equity in intercollegiate athletics.

Sec. 2. Section 1, chapter 262, Laws of 1979 ex. sess. as last amended by section 3, chapter 232, Laws of 1986 and RCW 28B.15.740 are each amended to read as follows:

(1) The boards of trustees or regents of each of the state's regional universities, The Evergreen State College, or state universities, and the various community colleges, consistent with regulations and procedures established by the state board for community college education, may waive, in whole or in part, tuition and services and activities fees subject to the limitations set forth in subsections (2) and (3).

(2) Except as provided in subsection (3) of this section, the total dollar amount of tuition and fee waivers awarded by any state university, regional university, or state college, shall not exceed four percent, and for the community colleges considered as a whole, such amount shall not exceed three percent of an amount determined by estimating the total collections from tuition and services and activities fees had no such waivers been made and deducting the portion of that total amount which is attributable to the difference between resident and nonresident fees: PROVIDED, That at least three-fourths of the dollars waived shall be for needy students who are eligible for resident tuition and fee rates pursuant to RCW 28B.15.012 through 28B.15.015: PROVIDED FURTHER, That the remainder of the dollars waived, not to exceed one-fourth of the total, may be applied to other students at the discretion of the board of trustees or regents, except on the basis of participation in intercollegiate athletic programs: PROVIDED FURTHER, That the waivers for undergraduate and graduate students of foreign nations under RCW 28B.15.556 are not subject to the limitation under this section.

(3) In addition to the tuition and fee waivers provided in subsection (2) of this section, a total dollar amount of tuition and fee waivers awarded by any state university, regional university, or state college, not to exceed one percent, as calculated in subsection (2) of this section, may be used for the purpose of achieving or maintaining gender equity in intercollegiate athletic programs. At any institution that has an underrepresented gender class in intercollegiate athletics, any such waivers shall be awarded:

(a) First, to members of the underrepresented gender class who participate in intercollegiate athletics, where such waivers result in saved or displaced money that can be used for athletic programs for the underrepresented gender class. Such saved or displaced money shall be used for programs for the underrepresented gender class; and

(b) Second, (i) to nonmembers of the underrepresented gender class who participate in intercollegiate athletics, where such waivers result in saved or displaced money that can be used for athletic programs for members of the underrepresented gender class. Such saved or displaced money shall be used for programs for the underrepresented gender class; or (ii) to members of the underrepresented gender class who participate in intercollegiate athletics, where such waivers do not result in any saved or displaced money that can be used for athletic programs for members of the underrepresented gender class.

NEW SECTION. Sec. 3. Institutions of higher education shall strive to accomplish the following goals:

(1) Provide the following benefits and services equitably to male and female athletes participating in intercollegiate athletic programs: Equipment and supplies; medical services; services and insurance; transportation and per diem allowances; opportunities to receive coaching and instruction; scholarships and other forms of financial aid; conditioning programs; laundry services; assignment of game officials; opportunities for competition, publicity, and awards; and scheduling of games and practice times, including use of courts, gyms, and pools. Each institution which provides showers, toilets, lockers, or training room facilities for athletic purposes shall provide access to comparable facilities for both males and females.

(2) Provide equitable intercollegiate athletic opportunities for male and female students including opportunities to participate and to receive the benefits of the services listed in subsection (1) of this section.

(3) Provide participants with female and male coaches and administrators to act as role models.

NEW SECTION. Sec. 4. (1) An institution of higher education may grant waivers for the purpose of achieving gender equity in intercollegiate athletic programs as authorized in section 2 of this act for the 1990-1991 academic year only if the institution is a state institution that is required by court order to achieve gender equity in athletic programs.

(2) An institution of higher education may grant waivers for the purpose of achieving gender equity in intercollegiate athletic programs as authorized in section 2 of this act, for the 1991-92 academic year only if the institution's governing board has adopted a plan for complying with the provisions of section 3 of this act and submitted the plan to the higher education coordinating board.

(3) Beginning in the 1992-93 academic year, an institution of higher education shall not grant any waiver for the purpose of achieving gender equity in intercollegiate athletic programs as authorized in section 2 of this act unless the institution's plan has been approved by the higher education coordinating board.

(4) The plan shall include, but not be limited to:

(a) For any institution with an underrepresented gender class, provisions that ensure that by July 1, 1994, the institution shall provide athletic opportunities for the underrepresented gender class at a rate that meets or exceeds the rate at which that class participates in high school interscholastic athletics in Washington state not to exceed the point at which the underrepresented gender class is no longer underrepresented;

(b) Activities to be undertaken by the institution to increase participation rates of any underrepresented gender class in interscholastic and intercollegiate athletics. These activities may include, but are not limited to: Sponsoring equity conferences, coaches clinics and sports

clinics; and taking a leadership role in working with athletic conferences to reduce barriers to participation by those gender classes in interscholastic and intercollegiate athletics;

(c) An identification of barriers to achieving and maintaining equitable intercollegiate athletic opportunities for men and women; and

(d) Measures to achieve institutional compliance with the provisions of section 3 of this act.

NEW SECTION. Sec. 5. (1) The higher education coordinating board shall report biennially, beginning December 1990, to the governor and the house of representatives and senate committees on higher education, on institutional efforts to comply with the requirements of sections 2 through 4 of this act. Each report shall include recommendations on measures to assist institutions with compliance. The first report shall also include a recommendation on whether to grant this waiver authority to community college governing boards.

(2) Before the board makes its report in December 1994, the board shall assess the extent of institutional compliance with the requirements of sections 2 through 4 of this act. The 1994 report shall include a recommendation on whether to continue this waiver authority.

NEW SECTION. Sec. 6. (1) As used in and for the limited purposes of sections 1 and 3 through 5 of this act and RCW 28B.15.740, 'underrepresented gender class' means female students or male students, where the ratio of participation of female or male students, respectively, in intercollegiate athletics is less than approximately the ratio of female to male students or male to female students, respectively, enrolled as undergraduates at an institution.

(2) As used in and for the limited purpose of subsection 4(b) of this act, an 'underrepresented gender class' in interscholastic athletics means female students or male students, where the ratio of participation of female or male students, respectively, in K-12 interscholastic athletics is less than approximately the ratio of female to male students or male to female students, respectively, enrolled in K-12 public schools in Washington.

NEW SECTION. Sec. 7. Nothing in this act shall be construed to excuse any institution from any more stringent requirement to achieve gender equity imposed by law, nor to permit any institution to decrease participation of any underrepresented gender class.

NEW SECTION. Sec. 8. Sections 1 and 3 through 6 of this act are each added to chapter 28B.15 RCW.

NEW SECTION. Sec. 9. This act shall expire on June 30, 1997.*

On page 1, line 2 of the title, after "equity," strike the remainder of the title and insert "amending RCW 28B.15.740; adding new sections to chapter 28B.15 RCW; creating a new section; and providing an expiration date."

and the same is herewith transmitted.

W. D. Naismith, Assistant Secretary.

MOTION

Mr. Jacobsen moved that the House refuse to concur in the Senate amendments to Engrossed Substitute House Bill No. 2020 and ask the Senate for a conference thereon.

Mr. Jacobsen spoke in favor of the motion, and it was carried.

APPOINTMENT OF CONFEREES

The Speaker (Mr. O'Brien presiding) appointed Representatives Jacobsen, Bristow and Miller as conferees on Engrossed Substitute House Bill No. 2020.

SENATE AMENDMENTS TO HOUSE BILL

April 13, 1989

Mr. Speaker:

The Senate has passed ENGROSSED SUBSTITUTE HOUSE BILL NO. 1671 with the following amendments:

Strike everything after the enacting clause and insert the following:

"1.

LEGISLATIVE FINDINGS AND DEFINITIONS

Sec. 1. Section 1, chapter 134, Laws of 1969 ex. sess. as last amended by section 1, chapter 345, Laws of 1985 and RCW 70.95.010 are each amended to read as follows:

FINDINGS. The legislature finds:

(1) Continuing technological changes in methods of manufacture, packaging, and marketing of consumer products, together with the economic and population growth of this state, the rising affluence of its citizens, and its expanding industrial activity have created new and ever-mounting problems involving disposal of garbage, refuse, and solid waste materials resulting from domestic, agricultural, and industrial activities.

(2) Traditional methods of disposing of solid wastes in this state are no longer adequate to meet the ever-increasing problem. Improper methods and practices of handling and disposal of solid wastes pollute our land, air and water resources, blight our countryside, adversely affect land values, and damage the overall quality of our environment.

(3) Considerations of natural resource limitations, energy shortages, economics and the environment make necessary the development and implementation of solid waste recovery and/or recycling plans and programs.

(4) (The following priorities in the management of solid waste are necessary and should be followed in order of descending priority as applicable:

(a) Waste reduction;

(b) Waste recycling;

(c) Energy recovery or incineration; and

(d) Landfill;

(5)) Waste reduction must become a fundamental strategy of solid waste management. It is therefore necessary to change manufacturing and purchasing practices and waste generation behaviors to reduce the amount of waste that becomes a governmental responsibility.

(5) Source separation of waste must become a fundamental strategy of solid waste management. Collection and handling strategies should have, as an ultimate goal, the source separation of all materials with resource value or environmental hazard.

(6)(a) It is the responsibility of every person to minimize his or her production of wastes and to separate recyclable or hazardous materials from mixed waste.

(b) It is the responsibility of state, county, and city governments to provide for a waste management infrastructure to fully implement waste reduction and source separation strategies and to process and dispose of remaining wastes in a manner that is environmentally safe and economically sound. It is further the responsibility of state, county, and city governments to monitor the cost-effectiveness and environmental safety of combusting separated waste, processing mixed waste, and recycling programs.

(c) It is the responsibility of county and city governments to assume primary responsibility for solid waste management and to develop and implement aggressive and effective waste reduction and source separation strategies.

(d) It is the responsibility of state government to ensure that local governments are providing adequate source reduction and separation opportunities and incentives to all, including persons in both rural and urban areas, and nonresidential waste generators such as commercial, industrial, and institutional entities, recognizing the need to provide flexibility to accommodate differing population densities, distances to and availability of recycling markets, and collection and disposal costs in each community; and to provide county and city governments with adequate technical resources to accomplish this responsibility.

(7) Environmental and economic considerations in solving the state's solid waste management problems requires strong consideration by local governments of regional solutions and intergovernmental cooperation.

(8) The following priorities for the collection, handling, and management of solid waste are necessary and should be followed in descending order as applicable:

(a) Waste reduction;

(b) Recycling, with source separation of recyclable materials as the preferred method;

(c) Energy recovery, incineration, or landfill of separated waste;

(d) Energy recovery, incineration, or landfilling of mixed wastes.

(9) It is the state's goal to achieve a fifty percent recycling rate by 1995.

(10) Steps should be taken to make recycling at least as affordable and convenient to the ratepayer as mixed waste disposal.

(11) It is necessary to compile and maintain adequate data on the types and quantities of solid waste that are being generated and to monitor how the various types of solid waste are being managed.

(12) Vehicle batteries should be recycled and the disposal of vehicle batteries into landfills or incinerators should be discontinued.

(13) Excessive and nonrecyclable packaging of products should be avoided.

(14) Comprehensive education should be conducted throughout the state so that people are informed of the need to reduce, source separate, and recycle solid waste.

(15) All governmental entities in the state should set an example by implementing aggressive waste reduction and recycling programs at their workplaces and by purchasing products that are made from recycled materials and are recyclable.

(16) To ensure the safe and efficient operations of solid waste disposal facilities, it is necessary for operators and regulators of landfills and incinerators to receive training and certification.

(17) It is necessary to provide adequate funding to all levels of government so that successful waste reduction and recycling programs can be implemented.

(18) The development of stable and expanding markets for recyclable materials is critical to the long-term success of the state's recycling goals. Market development must be encouraged on a state, regional, and national basis to maximize its effectiveness. The state shall assume primary responsibility for the development of a multifaceted market development program to carry out the purposes of this act.

(19) There is an imperative need to anticipate, plan for, and accomplish effective storage, control, recovery, and recycling of discarded ~~((vehicle))~~ tires and other problem wastes with the subsequent conservation of resources and energy.

II.

RECYCLING SERVICE LEVELS, LOCAL COMPREHENSIVE SOLID WASTE MANAGEMENT PLANS,
AND FINANCIAL AND TECHNICAL ASSISTANCE

Sec. 2. Section 3, chapter 134, Laws of 1969 ex. sess. as last amended by section 3, chapter 345, Laws of 1985 and RCW 70.95.030 are each amended to read as follows:

DEFINITIONS. As used in this chapter, unless the context indicates otherwise:

- (1) 'City' means every incorporated city and town.
- (2) 'Commission' means the utilities and transportation commission.
- (3) 'Committee' means the state solid waste advisory committee.
- ~~((3))~~ (4) 'Department' means the department of ecology.
- ~~((4))~~ (5) 'Director' means the director of the department of ecology.
- ~~((5))~~ (6) 'Disposal site' means the location where any final treatment, utilization, processing, or ~~((depository))~~ deposit of solid waste occurs.
- ~~((6))~~ (7) 'Energy recovery' means a process operating under federal and state environmental laws and regulations for converting solid waste into usable energy and for reducing the volume of solid waste.
- (8) 'Functional standards' means criteria for solid waste handling expressed in terms of expected performance or solid waste handling functions.
- ~~((7))~~ (9) 'Incineration' means a process of reducing the volume of solid waste operating under federal and state environmental laws and regulations by use of an enclosed device using controlled flame combustion.
- (10) 'Jurisdictional health department' means city, county, city-county, or district public health department.
- ~~((8))~~ (11) 'Landfill' means a disposal facility or part of a facility at which solid waste is placed in or on land and which is not a land treatment facility.
- (12) 'Local government' means a city, town, or county.
- (13) 'Person' means individual, firm, association, copartnership, political subdivision, government agency, municipality, industry, public or private corporation, or any other entity whatsoever.
- ~~((9))~~ (14) 'Recyclable materials' means those solid wastes that are separated for recycling or reuse, such as papers, metals, and glass, that are identified as recyclable material pursuant to a local comprehensive solid waste plan. Prior to the adoption of the local comprehensive solid waste plan, adopted pursuant to section 5(2) of this act, local governments may identify recyclable materials by ordinance from the effective date of this act.
- (15) 'Recycling' means transforming or remanufacturing waste materials into usable or marketable materials for use other than landfill disposal or incineration.
- (16) 'Solid waste' or 'wastes' means all putrescible and nonputrescible solid and semisolid wastes including, but not limited to, garbage, rubbish, ashes, industrial wastes, swill, demolition and construction wastes, abandoned vehicles or parts thereof, and ~~((discarded commodities))~~ recyclable materials.
- ~~((10))~~ (17) 'Solid waste handling' means the management, storage, collection, transportation, treatment, utilization, processing, and final disposal of solid wastes, including the recovery and recycling of materials from solid wastes, the recovery of energy resources from ~~((such))~~ solid wastes or the conversion of the energy in ((such)) solid wastes to more useful forms or combinations thereof.
- ~~((11))~~ (18) 'Source separation' means the separation of different kinds of solid waste at the place where the waste originates.
- (19) 'Vehicle' includes every device physically capable of being moved upon a public or private highway, road, street, or watercourse and in, upon, or by which any person or property is or may be transported or drawn upon a public or private highway, road, street, or watercourse, except devices moved by human or animal power or used exclusively upon stationary rails or tracks.
- (20) 'Waste reduction' means reducing the amount or ~~((type))~~ toxicity of waste generated or reusing materials.
- ~~((12))~~ 'Waste recycling' means reusing waste materials and extracting valuable materials from a waste stream.
- (13) 'Energy recovery or incineration' means reducing the volume of wastes by use of an enclosed device using controlled flame combustion.
- (14) 'Landfill' means a disposal facility or part of a facility at which waste is placed in or on land and which is not a land treatment facility.
- (15) 'Vehicle' includes every device capable of being moved upon a public highway and in, upon, or by which any person or property is or may be transported or drawn upon a public highway, except devices moved by human or animal power or used exclusively upon stationary rails or tracks.

Sec. 3, Section 9, chapter 134, Laws of 1969 ex. sess. as last amended by section 5, chapter 123, Laws of 1984 and RCW 70.95.090 are each amended to read as follows:

LOCAL WASTE MANAGEMENT PLANS. Each county and city comprehensive solid waste management plan shall include the following:

(1) A detailed inventory and description of all existing solid waste handling facilities including an inventory of any deficiencies in meeting current solid waste handling needs.

(2) The estimated long-range needs for solid waste handling facilities projected twenty years into the future.

(3) A program for the orderly development of solid waste handling facilities in a manner consistent with the plans for the entire county which shall:

(a) Meet the minimum functional standards for solid waste handling adopted by the department and all laws and regulations relating to air and water pollution, fire prevention, flood control, and protection of public health;

(b) Take into account the comprehensive land use plan of each jurisdiction;

(c) Contain a six year construction and capital acquisition program for solid waste handling facilities; and

(d) Contain a plan for financing both capital costs and operational expenditures of the proposed solid waste management system.

(4) A program for surveillance and control.

(5) A current inventory and description of solid waste collection needs and operations within each respective jurisdiction which shall include:

(a) Any franchise for solid waste collection granted by the utilities and transportation commission in the respective jurisdictions including the name of the holder of the franchise and the address of his or her place of business and the area covered by ~~(his operation)~~ the franchise;

(b) Any city solid waste operation within the county and the boundaries of such operation;

(c) The population density of each area serviced by a city operation or by a franchised operation within the respective jurisdictions;

(d) The projected solid waste collection needs for the respective jurisdictions for the next six years.

(6) A comprehensive waste reduction and recycling element that, in accordance with the priorities established in RCW 70.95.010, provides programs that (a) reduce the amount of waste generated, (b) provide incentives and mechanisms for source separation, and (c) establish recycling opportunities for the source separated waste.

(7) The waste reduction and recycling element shall include the following:

(a) Waste reduction strategies;

(b) Source separation strategies, including:

(i) Programs for the collection of source separated materials from residences in urban and rural areas. In urban areas, these programs shall include collection of source separated recyclable materials from residential dwellings, unless the department approves an alternative program, according to the criteria in the planning guidelines. Such criteria shall include: Anticipated recovery rates and levels of public participation, availability of environmentally sound disposal capacity, access to markets for recyclable materials, unreasonable cost impacts on the rate payer over the six-year planning period, utilization of environmentally sound waste reduction and recycling technologies, and other factors as appropriate. In rural areas, these programs shall include but not be limited to drop-off boxes, buy-back centers, or a combination of both, at each solid waste transfer, processing, or disposal site, or at locations convenient to the residents of the county. The drop-off boxes and buy-back centers may be owned or operated by public, nonprofit, or private persons;

(ii) Programs to monitor the collection of source separated waste at nonresidential sites where there is sufficient density to sustain a program;

(iii) Programs to collect yard waste, if the county or city submitting the plan finds that there are adequate markets or capacity for composted yard waste within or near the service area to consume the majority of the material collected; and

(iv) Programs to educate and promote the concepts of waste reduction and recycling.

(c) Recycling strategies, including a description of markets for recyclables, a review of waste generation trends, a description of waste composition, a discussion and description of existing programs and any additional programs needed to assist public and private sector recycling, and an implementation schedule for the designation of specific materials to be collected for recycling, and for the provision of recycling collection services.

(d) Other information the county or city submitting the plan determines is necessary.

(8) An assessment of the plan's impact on the costs of solid waste collection. The assessment shall be prepared in conformance with guidelines established by the utilities and transportation commission. The commission shall cooperate with the Washington state association of counties and the association of Washington cities in establishing such guidelines.

(9) A review of potential areas that meet the criteria as outlined in RCW 70.95.165.

NEW SECTION. Sec. 4. A new section is added to chapter 70.95 RCW to read as follows:

SERVICE LEVELS IN PLANS. Levels of service shall be defined in the waste reduction and recycling element of each local comprehensive solid waste management plan and shall include the services set forth in RCW 70.95.090. In determining which service level is provided to residential and nonresidential waste generators in each community, counties and cities shall develop clear criteria for designating areas as urban or rural. In designating urban areas, local governments shall consider the planning guidelines adopted by the department, total population, population density, and any applicable land use or utility service plans.

Sec. 5. Section 11, chapter 134, Laws of 1969 ex. sess. as amended by section 7, chapter 123, Laws of 1984 and RCW 70.95.110 are each amended to read as follows:

PLANNING DEADLINES. (1) The comprehensive county solid waste management plans and any comprehensive city solid waste management plans prepared in accordance with RCW 70.95.080 shall be maintained in a current condition and reviewed and revised periodically by counties and cities as may be required by the department. Upon each review such plans shall be extended to show long-range needs for solid waste handling facilities for twenty years in the future, and a revised construction and capital acquisition program for six years in the future. Each revised solid waste management plan shall be submitted to the department.

Each plan shall be reviewed and revised within five years of (~~June 7~~) July 1, 1984, and thereafter shall be reviewed, and revised if necessary (~~at least once every five years~~) according to the schedule provided in subsection (2) of this section.

(2) Cities and counties preparing solid waste management plans shall submit the waste reduction and recycling element required in RCW 70.95.090 and any revisions to other elements of its comprehensive solid waste management plan to the department no later than:

- (a) July 1, 1991, for class one areas;
- (b) July 1, 1992, for class two areas; and
- (c) July 1, 1994, for class three areas.

Thereafter, each plan shall be reviewed and revised, if necessary, at least every five years. Nothing in this act shall prohibit local governments from submitting a plan prior to the dates listed in this subsection.

(3) The classes of areas are defined as follows:

(a) Class one areas are the counties of Spokane, Shoshomish, King, Pierce, and Kitsap and all the cities therein.

(b) Class two areas are all other counties located west of the crest of the Cascade mountains and all the cities therein.

(c) Class three areas are the counties east of the crest of the Cascade mountains and all the cities therein, except for Spokane county.

(4) Cities and counties shall begin implementing the programs to collect source separated materials no later than one year following the adoption and approval of the waste reduction and recycling element and these programs shall be fully implemented within two years of approval.

Sec. 6. Section 10, chapter 134, Laws of 1969 ex. sess. as amended by section 6, chapter 123, Laws of 1984 and RCW 70.95.100 are each amended to read as follows:

TECHNICAL ASSISTANCE. (1) The department or the commission, as appropriate, shall provide to counties and cities technical assistance including, but not limited to, planning guidelines, in the preparation, review, and revision of solid waste management plans required by this chapter. ((Each comprehensive county solid waste management plan shall be submitted to the department for technical review and approval. The department may recommend revisions essential to the achievement of effective solid waste management and the purposes of this chapter.)) Guidelines prepared under this section shall be consistent with the provisions of this chapter. Guidelines for the preparation of the waste reduction and recycling element of the comprehensive solid waste management plan shall be completed by the department by March 15, 1990. These guidelines shall provide recommendations to local government on materials to be considered for designation as recyclable materials. The state solid waste management plan prepared pursuant to RCW 70.95.260 shall be consistent with these guidelines.

(2) The department shall be responsible for development and implementation of a comprehensive state-wide public information program designed to encourage waste reduction, source separation, and recycling by the public. The department shall operate a toll free hotline to provide the public information on waste reduction and recycling.

(3) The department shall provide technical assistance to local governments in the development and dissemination of informational materials and related activities to assure recognition of unique local waste reduction and recycling programs.

(4) Local governments shall make all materials and information developed with the assistance grants provided under RCW 70.95.130 available to the department for potential use in other areas of the state.

Sec. 7. Section 13, chapter 134, Laws of 1969 ex. sess. and RCW 70.95.130 are each amended to read as follows:

FINANCIAL ASSISTANCE. Any county may apply to the department on a form prescribed thereby for financial aid for the preparation of the comprehensive county plan for solid waste management required by RCW 70.95.080. Any city electing to prepare an independent city

plan, a joint city plan, or a joint county-city plan for solid waste management for inclusion in the county comprehensive plan may apply for financial aid for such purpose through the county. Every city application for financial aid for planning shall be filed with the county auditor and shall be included as a part of the county's application for financial aid. ((Any city preparing an independent plan shall provide for disposal sites wholly within its jurisdiction.))

Any city or county may also apply directly to the department for financial aid to prepare public informational materials promoting waste reduction and recycling and for related programs pursuant to the comprehensive plan.

The department shall allocate to the counties and cities applying for financial aid for planning, such funds as may be available pursuant to legislative appropriations or from any federal grants for such purpose.

The department shall determine priorities and allocate available funds among the counties and cities applying for aid according to criteria established by regulations of the department considering population, urban development, environmental effects of waste disposal, existing waste handling practices, proposed programs for waste reduction and recycling, and the local justification of their proposed expenditures.

NEW SECTION. Sec. 8. A new section is added to chapter 70.95 RCW to read as follows:

ECOLOGICAL REVIEW OF LOCAL PLANS. (1) The department and local governments preparing plans are encouraged to work cooperatively during plan development. Each county and city preparing a comprehensive solid waste management plan shall submit a preliminary draft plan to the department for technical review. The department shall review and comment on the draft plan within one hundred twenty days of receipt. The department's comments shall state specific actions or revisions that must be completed for plan approval.

(2) Each final draft solid waste management plan shall be submitted to the department for approval. The department will limit its comments on the final draft plans to those issues identified during its review of the draft plan and any other changes made between submittal of the preliminary draft and final draft plans. Disapproval of the local comprehensive solid waste management plan shall be supported by specific findings. A final draft plan shall be deemed approved if the department does not disapprove it within forty-five days of receipt.

(3) If the department disapproves a plan or any plan amendments, the submitting entity may appeal the decision under the procedures of Part IV of chapter 34.05 RCW. An administrative law judge shall preside over the appeal. The appeal shall be limited to review of the specific findings which supported the disapproval under subsection (2) of this section.

Sec. 9. Section 26, chapter 134, Laws of 1969 ex. sess. as amended by section 23, chapter 6, Laws of 1985 and by section 8, chapter 345, Laws of 1985 and RCW 70.95.260 are each re-enacted and amended to read as follows:

STATE PLAN. The department shall in addition to its other powers and duties:

(1) Cooperate with the appropriate federal, state, interstate and local units of government and with appropriate private organizations in carrying out the provisions of this chapter.

(2) Coordinate the development of a solid waste management plan for all areas of the state in cooperation with local government, the department of community development, and other appropriate state and regional agencies. The plan shall relate to solid waste management for twenty years in the future and shall be reviewed biennially, revised as necessary, and extended so that perpetually the plan shall look to the future for twenty years as a guide in carrying out a state coordinated solid waste management program. The plan shall be developed into a single integrated document and shall be adopted no later than October 1990. The plan shall be revised regularly after its initial completion so that local governments revising local comprehensive solid waste management plans can take advantage of the data and analysis in the state plan.

(3) Provide technical assistance to any person as well as to cities, counties, and industries.

(4) Initiate, conduct, and support research, demonstration projects, and investigations, and coordinate research programs pertaining to solid waste management systems.

(5) Develop state-wide programs to increase public awareness of and participation in tire recycling, and to stimulate and encourage local private tire recycling centers and public participation in tire recycling.

(6) May, under the provisions of the Administrative Procedure Act, chapter ~~((34.04))~~ 34.05 RCW, as now or hereafter amended, from time to time promulgate such rules and regulations as are necessary to carry out the purposes of this chapter.

Sec. 10. Section 16, chapter 134, Laws of 1969 ex. sess. as amended by section 29, chapter 127, Laws of 1988 and RCW 70.95.160 are each amended to read as follows:

IMPLEMENTING SERVICE LEVELS. Each county, or any city, or jurisdictional board of health shall adopt regulations or ordinances governing solid waste handling implementing the comprehensive solid waste management plan covering storage, collection, transportation, treatment, utilization, processing and final disposal including but not limited to the issuance of permits and the establishment of minimum levels and types of service for any aspect of solid waste handling. County regulations or ordinances adopted regarding levels and types of service shall not apply within the limits of any city where the city has by local ordinance determined that the county shall not exercise such powers within the corporate limits of the city.

Such regulations or ordinances shall assure that solid waste storage and disposal facilities are located, maintained, and operated in a manner so as properly to protect the public health, prevent air and water pollution, are consistent with the priorities established in RCW 70.95.010, and avoid the creation of nuisances. Such regulations or ordinances may be more stringent than the minimum functional standards adopted by the department. Regulations or ordinances adopted by counties, cities, or jurisdictional boards of health shall be filed with the department.

Nothing in this section shall be construed to authorize the operation of a solid waste collection system by counties.

Sec. 11. Section 4, chapter 123, Laws of 1984 and RCW 70.95.165 are each amended to read as follows:

(1) Each county or city siting a solid waste disposal facility shall review each potential site for conformance with the standards as set by the department for:

- (a) Geology;
- (b) Ground water;
- (c) Soil;
- (d) Flooding;
- (e) Surface water;
- (f) Slope;
- (g) Cover material;
- (h) Capacity;
- (i) Climatic factors;
- (j) Land use;
- (k) Toxic air emissions; and

(l) Other factors as determined by the department.

(2) The standards in subsection (1) of this section shall be designed to use the best available technology to protect the environment and human health, and shall be revised periodically to reflect new technology and information.

(3) Each county shall establish a local solid waste advisory committee to assist in the development of programs and policies concerning solid waste handling and disposal and to review and comment upon proposed rules, policies, or ordinances prior to their adoption. Such committees shall consist of ~~((up to))~~ a minimum of nine members and shall represent a balance of interests including, but not limited to, citizens, public interest groups, business, the waste management industry, and local elected public officials. The members shall be appointed by the county legislative authority. A county or city shall not apply for funds from the state and local improvements revolving account, Waste Disposal Facilities, 1980, under chapter 43.99F RCW, for the preparation, update, or major amendment of a comprehensive solid waste management plan unless the plan or revision has been prepared with the active assistance and participation of a local solid waste advisory committee.

NEW SECTION. Sec. 12. A new section is added to chapter 70.95 RCW to read as follows:

UTILITIES AND TRANSPORTATION COMMISSION COST ASSESSMENT. Upon receipt, the department shall immediately provide the utilities and transportation commission with a copy of each preliminary draft local comprehensive solid waste management plan. Within forty-five days after receiving a plan, the commission shall have reviewed the plan's assessment of solid waste collection cost impacts on rates charged by solid waste collection companies regulated under chapter 81.77 RCW and shall advise the county or city submitting the plan and the department of the probable effect of the plan's recommendations on those rates.

Sec. 13. Section 1, chapter 184, Laws of 1988 and RCW 70.95.280 are each amended to read as follows:

WASTE STREAM MONITORING. The department of ecology shall determine the best management practices for categories of solid waste in accordance with the priority solid waste management methods established in RCW 70.95.010. In order to make this determination, the department shall conduct a comprehensive solid waste stream analysis and evaluation. Following establishment of baseline data resulting from an initial in-depth analysis of the waste stream, the department shall develop a less intensive method of monitoring the disposed waste stream including, but not limited to, changes in the amount of waste generated and waste type. The department shall monitor curbside collection programs and other waste segregation and disposal technologies to determine, to the extent possible, the effectiveness of these programs in terms of cost and participation, their applicability to other locations, and their implications regarding rules adopted under this chapter. Persons who collect solid waste shall annually report to the department the types and quantities of solid waste that are collected and where it is delivered. The department shall adopt guidelines for reporting and for keeping proprietary information confidential.

III.

RECYCLING SERVICES

Sec. 14. Section 35.21.120, chapter 7, Laws of 1965 as amended by section 18, chapter 282, Laws of 1986 and RCW 35.21.120 are each amended to read as follows:

Every city or town may by ordinance provide for the establishment of a system of ~~((garbage))~~ solid waste collection and disposal or recyclable materials collection and disposal, or

both, for the entire city or town or for portions thereof, and award contracts for ((garbage)) solid waste collection and disposal and recyclable materials collection and disposal, or provide for it under the direction of officials and employees of the city or town. Contracts for solid waste handling may provide that a city or town pay a minimum periodic fee in consideration of the operational availability of a solid waste or recyclable materials handling system or plant, without regard to the ownership of the system or plant or the amount of solid waste or recyclable materials actually handled during all or any part of the contract period. There shall be included in the contract specific allocation of financial responsibility in cases where the amount of solid waste or recyclable materials handled during the contract period falls below the minimum level provided in the contract.

NEW SECTION. Sec. 15. A new section is added to chapter 36.58 RCW to read as follows:

COUNTY SURCHARGE. (1) The legislative authority of any county may impose a fee upon the solid waste collection services of a solid waste collection company operating within the unincorporated areas of the county, to fund the administration and planning expenses that may be incurred by the county in complying with the requirements in RCW 70.95.090. The fee may be in addition to any other solid waste services fees and charges a county may legally impose.

(2) Each county imposing the fee authorized by this section shall notify the Washington utilities and transportation commission and the affected solid waste collection companies of the amount of the fee ninety days prior to its implementation.

NEW SECTION. Sec. 16. A new section is added to chapter 70.95 RCW to read as follows:

ECOLOGY/LOCAL HEALTH DEPARTMENT AGREEMENTS. Any jurisdictional health department and the department of ecology may enter into an agreement providing for the exercise by the department of ecology of any power that is specified in the contract and that is granted to the jurisdictional health department under this chapter. However, the jurisdictional health department shall have the approval of the legislative authority or authorities it serves before entering into any such agreement with the department of ecology.

IV.

COLLECTION OF RECYCLABLES

Sec. 17. Section 2, chapter 295, Laws of 1961 and RCW 81.77.010 are each amended to read as follows:

As used in this chapter:

(1) 'Motor vehicle' means any truck, trailer, semitrailer, tractor or any self-propelled or motor driven vehicle used upon any public highway of this state for the purpose of transporting ((garbage and refuse)) solid waste, for the collection and/or disposal thereof;

(2) 'Public highway' means every street, road, or highway in this state;

(3) 'Common carrier' means any person who undertakes to transport ((garbage and refuse)) solid waste, for the collection and/or disposal thereof, by motor vehicle for compensation, whether over regular or irregular routes, or regular or irregular schedules;

(4) 'Contract carrier' means all garbage and refuse transporters not included under the terms 'common carrier' and 'private carrier,' as herein defined, and further, shall include any person who under special and individual contracts or agreements transports ((garbage and refuse)) solid waste by motor vehicle for compensation;

(5) 'Private carrier' means a person who, in his own vehicle, transports ((garbage or refuse)) solid waste purely as an incidental adjunct to some other established private business owned or operated by him in good faith; PROVIDED, That a person who transports solid waste from residential sources in a vehicle designed or used primarily for the transport of solid waste shall not constitute a private carrier;

(6) 'Vehicle' means every device capable of being moved upon a public highway and in, upon, or by which any ((garbage or refuse)) solid waste is or may be transported or drawn upon a public highway, excepting devices moved by human or animal power or used exclusively upon stationary rail or tracks;

(7) ((Garbage and refuse)) Solid waste collection company' means every person or his lessees, receivers, or trustees, owning, controlling, operating or managing vehicles used in the business of transporting ((garbage and refuse)) solid waste for collection and/or disposal for compensation, except septic tank pumpers, over any public highway in this state whether as a 'common carrier' thereof or as a 'contract carrier' thereof;

(8) Solid waste collection does not include collecting or transporting recyclable materials from a drop-box or recycling buy-back center, nor collecting or transporting recyclable materials by or on behalf of a commercial or industrial generator of recyclable materials to a recycler for use or reclamation. Transportation of these materials is regulated under chapter 81.80 RCW; and

(9) 'Solid waste' means the same as defined under RCW 70.95.030, except for the purposes of this chapter solid waste does not include recyclable materials except for source separated recyclable materials collected from residences.

Sec. 18. Section 3, chapter 295, Laws of 1961 and RCW 81.77.020 are each amended to read as follows:

No person, his lessees, receivers, or trustees, shall engage in the business of operating as a ~~((garbage and refuse))~~ solid waste collection company in this state, except in accordance with the provisions of this chapter: PROVIDED, That the provisions of this chapter shall not apply to the operations of any ~~((garbage and refuse))~~ solid waste collection company under a contract of ~~((garbage or refuse))~~ solid waste disposal with any city or town, nor to any city or town which itself undertakes the disposal of ~~((garbage or refuse))~~ solid waste.

NEW SECTION, Sec. 19. A new section is added to chapter 81.77 RCW to read as follows:

The provisions of chapter 81.77 RCW shall not apply to the collection or transportation of source separated recyclable materials from residences under a contract with any county, city, or town, nor to any city or town which itself undertakes the collection and transportation of source separated recyclable materials from residences.

Sec. 20. Section 4, chapter 295, Laws of 1961 as last amended by section 1, chapter 239, Laws of 1987 and RCW 81.77.030 are each amended to read as follows:

The commission shall supervise and regulate every ~~((garbage and refuse))~~ solid waste collection company in this state,

- (1) By fixing and altering its rates, charges, classifications, rules and regulations;
- (2) By regulating the accounts, service, and safety of operations;
- (3) By requiring the filing of annual and other reports and data;
- (4) By supervising and regulating such persons or companies in all other matters affecting the relationship between them and the public which they serve;

(5) By ~~((reviewing))~~ requiring compliance with local solid waste management plans ((through letters of compliance submitted by the county legislative authority. The compliance letters shall become part of the record in any rate, compliance, or any hearing held by the commission on the issuance, revocation, or reissuance of a certificate as provided for in RCW 81.77.070)) and related implementation ordinances;

(6) By requiring certificate holders under chapter 81.77 RCW to use rate structures and billing systems consistent with the solid waste management priorities set forth under RCW 70.95.010 and the minimum levels of solid waste collection and recycling services pursuant to local comprehensive solid waste management plans. The commission may order consolidated billing and provide for reasonable and necessary expenses to be paid to the administering company if more than one certificate is granted in an area.

The commission, on complaint made on its own motion or by an aggrieved party, at any time, after the holding of a hearing of which the holder of any certificate has had notice and an opportunity to be heard, and at which it shall be proven that the holder has willfully violated or refused to observe any of the commission's orders, rules, or regulations, or has failed to operate as a ~~((garbage and refuse))~~ solid waste collection company for a period of at least one year preceding the filing of the complaint, may suspend, revoke, alter, or amend any certificate issued under the provisions of this chapter.

Sec. 21. Section 5, chapter 295, Laws of 1961 as amended by section 2, chapter 239, Laws of 1987 and RCW 81.77.040 are each amended to read as follows:

No ~~((garbage and refuse))~~ solid waste collection company shall hereafter operate for the hauling of ~~((garbage and refuse))~~ solid waste for compensation without first having obtained from the commission a certificate declaring that public convenience and necessity require such operation. A condition of operating a ~~((garbage and refuse))~~ solid waste company in the unincorporated areas of a county shall be complying with the solid waste management plan prepared under chapter 70.95 RCW applicable in the company's franchise area.

Issuance of the certificate of necessity shall be determined upon, but not limited to, the following factors: The present service and the cost thereof for the contemplated area to be served; an estimate of the cost of the facilities to be utilized in the plant for ~~((garbage and refuse))~~ solid waste collection and disposal, sworn to before a notary public; a statement of the assets on hand of the person, firm, association or corporation which will be expended on the purported plant for ~~((garbage and refuse))~~ solid waste collection and disposal, sworn to before a notary public; a statement of prior experience, if any, in such field by the petitioner, sworn to before a notary public; and sentiment in the community contemplated to be served as to the necessity for such a service.

Except as provided in section 29 of this act, when an applicant requests a certificate to operate in a territory already served by a certificate holder under this chapter, the commission may, after hearing, issue the certificate only if the existing ~~((garbage and refuse))~~ solid waste collection company or companies serving the territory will not provide service to the satisfaction of the commission.

In all other cases, the commission may, with or without hearing, issue certificates, or for good cause shown refuse to issue them, or issue them for the partial exercise only of the privilege sought, and may attach to the exercise of the rights granted such terms and conditions as, in its judgment, the public convenience and necessity may require.

Any right, privilege, certificate held, owned, or obtained by a ~~((garbage and refuse))~~ solid waste collection company may be sold, assigned, leased, transferred, or inherited as other property, but only upon authorization by the commission.

Any (~~garbage and refuse~~) solid waste collection company, which upon July 1, 1961 is operating under authority of a common carrier or contract carrier permit issued under the provisions of chapter 81.80 RCW shall be granted a certificate of necessity without hearing upon compliance with the provisions of this chapter. Such (~~garbage and refuse~~) solid waste collection company which has paid the plate fee and gross weight fees required by chapter 81.80 RCW for the year 1961 shall not be required to pay additional like fees under the provisions of this chapter for the remainder of such year.

For purposes of issuing certificates under this chapter, the commission may adopt categories of solid wastes as follows: Garbage, refuse, recyclable materials, and demolition debris. A certificate may be issued for one or more categories of solid waste. Certificates issued on or before the effective date of this act shall not be expanded or restricted by operation of this chapter.

Sec. 22. Section 6, chapter 295, Laws of 1961 as amended by section 9, chapter 115, Laws of 1973 and RCW 81.77.050 are each amended to read as follows:

Any application for a certificate (~~of public convenience and necessity~~) issued under this chapter or amendment thereof, or application to sell, lease, mortgage, or transfer a certificate (~~of public convenience and necessity~~) issued under this chapter or any interest therein, shall be accompanied by such filing fee as the commission may prescribe by rule: PROVIDED, That such fee shall not exceed two hundred dollars.

Sec. 23. Section 7, chapter 295, Laws of 1961 and RCW 81.77.060 are each amended to read as follows:

The commission, in granting certificates to operate a (~~garbage and refuse~~) solid waste collection company, shall require the owner or operator to first procure liability and property damage insurance from a company licensed to make liability insurance in the state or a surety bond of a company licensed to write surety bonds in the state, on each motor propelled vehicle used or to be used in transporting (~~garbage or refuse~~) solid waste for compensation in the amount of not less than twenty-five thousand dollars for any recovery for personal injury by one person, and not less than ten thousand dollars and in such additional amount as the commission shall determine, for all persons receiving personal injury by reason of one act of negligence, and not less than ten thousand dollars for damage to property of any person other than the assured, and to maintain such liability and property damage insurance or surety bond in force on each motor propelled vehicle while so used. Each policy for liability or property damage insurance or surety bond required herein shall be filed with the commission and kept in full force and effect and failure so to do shall be cause for revocation of the delinquent's certificate.

Sec. 24. Section 9, chapter 295, Laws of 1961 as last amended by section 3, chapter 143, Laws of 1971 ex. sess. and RCW 81.77.080 are each amended to read as follows:

Every (~~garbage and refuse~~) solid waste collection company shall, on or before the 1st day of April of each year, file with the commission a statement on oath showing its gross operating revenue from intrastate operations for the preceding calendar year, or portion thereof, and pay to the commission a fee equal to (~~eight-tenths of~~) one percent of the amount of gross operating revenue: PROVIDED, That the fee shall in no case be less than one dollar.

It is the intent of the legislature that the fees collected under the provisions of this chapter shall reasonably approximate the cost of supervising and regulating motor carriers subject thereto, and to that end the utilities and transportation commission is authorized to decrease the schedule of fees provided in this section by general order entered before March 1st of any year in which it determines that the moneys then in the (~~garbage and refuse~~) solid waste collection companies account of the public service revolving fund and the fees currently to be paid will exceed the reasonable cost of supervising and regulating such carriers.

All fees collected under this section or under any other provision of this chapter shall be paid to the commission and shall be by it transmitted to the state treasurer within thirty days to be deposited to the credit of the public service revolving fund.

Sec. 25. Section 11, chapter 295, Laws of 1961 as amended by section 2, chapter 436, Laws of 1985 and RCW 81.77.100 are each amended to read as follows:

Neither this chapter nor any provision thereof shall apply, or be construed to apply, to commerce with foreign nations or commerce among the several states except insofar as the same may be permitted under the provisions of the Constitution of the United States and the acts of congress.

However, in order to protect public health and safety and to ensure (~~garbage and refuse~~) solid waste collection services are provided to all areas of the state, the commission, in accordance with this chapter, shall regulate all (~~garbage or refuse~~) solid waste collection companies conducting business in the state.

Sec. 26. Section 2, chapter 105, Laws of 1965 ex. sess. and RCW 81.77.110 are each amended to read as follows:

The commission may with or without a hearing issue temporary certificates to engage in the business of operating a (~~garbage and refuse~~) solid waste collection company, but only after it finds that the issuance of such temporary certificate is consistent with the public interest. Such temporary certificate may be issued for a period up to one hundred eighty days where

the area or territory covered thereby is not contained in the certificate of any other ((garbage and refuse)) solid waste collection company. In all other cases such temporary certificate may be issued for a period not to exceed one hundred twenty days. The commission may prescribe such special rules and regulations and impose such special terms and conditions with reference thereto as in its judgment are reasonable and necessary in carrying out the provisions of this chapter. The commission shall collect a fee of twenty-five dollars for an application for such temporary certificate.

Sec. 27. Section 1, chapter 58, Laws of 1975-'76 2nd ex. sess. and RCW 36.58.030 are each amended to read as follows:

As used in RCW 36.58.030 through 36.58.060, the term 'transfer station' means a staffed, fixed supplemental facility used by persons and route collection vehicles to deposit solid wastes into transfer trailers for transportation to a disposal site. This does not include detachable containers, except in third class or smaller counties, and in any first class county located east of the crest of the Cascade mountain range, where detachable containers shall be securely fenced, staffed by an attendant during all hours when the detachable container is open to the public, charge a tipping fee that shall cover the cost of providing and for use of the service, and shall be operated as a transfer station.

Sec. 28. Section 2, chapter 58, Laws of 1975-'76 2nd ex. sess. as amended by section 20, chapter 282, Laws of 1986 and RCW 36.58.040 are each amended to read as follows:

The legislative authority of each county may by ordinance provide for the establishment of a system of solid waste disposal for all the unincorporated areas of the county or for portions thereof. Each county may designate disposal sites for all solid waste collected in the unincorporated areas pursuant to the provisions of a comprehensive solid waste plan adopted pursuant to chapter 70.95 RCW: PROVIDED, That for any solid waste collected by a private hauler operating pursuant to a certificate granted by the Washington utilities and transportation commission under the provisions of chapter 81.77 RCW and which certificate is for collection in a geographic area lying in more than one county, such designation of disposal sites shall be pursuant to an interlocal agreement between the involved counties.

Such systems may also provide for the processing and conversion of solid wastes into other valuable or useful products with full jurisdiction and authority to construct, lease, purchase, acquire, manage, regulate, maintain, operate, and control such system and plants, and to enter into agreements with public or private parties providing for the construction, purchase, acquisition, lease, maintenance, and operation of systems and plants for the processing and conversion of solid wastes and for the sale of said products. Contracts shall be for facilities that are in substantial compliance with the solid waste management plans prepared pursuant to chapter 70.95 RCW.

The legislative authority of a county may award contracts for solid waste handling, and such contracts may provide that a county pay a minimum periodic fee in consideration of the operational availability of a solid waste handling system or plant, without regard to the ownership of the system or plant or the amount of solid waste actually handled during all or any part of the contractual period. There shall be included in the contract specific allocation of financial responsibility in cases where the amount of solid waste handled during the contract period falls below the minimum level provided in the contract.

The legislative authority of a county may:

(1) By ordinance award a contract to collect source separated recyclable materials from residences within unincorporated areas. The legislative authority has complete authority to manage, regulate, and fix the price of the source separated recyclable collection service. The contracts may provide that the county pay minimum periodic fees to a municipal entity or permit holder; or

(2) Notify the commission in writing to carry out and implement the provisions of the waste reduction and recycling element of the comprehensive solid waste management plan.

This election may be made by counties at any time after the effective date of this act. An initial election must be made no later than ninety days following approval of the local comprehensive waste management plan required by section 3 of this act.

Nothing in this section shall be construed to authorize the operation of a solid waste collection system by counties.

NEW SECTION. Sec. 29. A new section is added to chapter 81.77 RCW to read as follows:

(1) Beginning July 1, 1991, on its own motion, or upon petition by any person, the commission shall determine the competitiveness of a market for the collection of source separated recyclable materials from residences, except for markets served by cities or towns, or under contract with cities, towns, or counties. If the commission finds that the market is effectively competitive it shall award authority to collect such recyclable materials using a competitive bidding process. For purposes of this section 'effective competition' means that:

(a) Sufficient competition exists to ensure that no single competitor can exercise undue market power in the bidding process; and

(b) Use of competitive bidding will result in cost-effective recycling.

(2) Authority awarded using competitive bidding shall last no longer than five years.

(3) The competitive bidding process shall be conducted according to commission rules. The selection of the winning bid shall be made by the local government with solid waste planning authority for the market area. The local government may reject all bids. After the local government has selected a winning bidder, that bidder shall be subject to commission jurisdiction for purposes of enforcing compliance with the terms of the bid. If the commission awards authority using competitive bidding, a local government may not use its option under section 18 of this act until the expiration of the authority.

The commission shall adopt rules to implement this section no later than October 1, 1990.

If the commission approves a program to collect source separated recyclables from residences from the effective date of this act through June 30, 1991, the approval shall not be for more than three years.

This section expires June 30, 1991.

NEW SECTION, Sec. 30. A new section is added to chapter 81.77 RCW to read as follows:

PASS-THROUGH RATES. The commission, in fixing and altering collection rates charged by every solid waste collection company under this section, shall include in the base for the collection rates:

(1) All charges for the disposal of solid waste at the facility or facilities that the solid waste collection company is required to use under a local comprehensive solid waste management plan or ordinance designating disposal sites; and

(2) All known and measurable costs related to implementation of the approved county or city comprehensive solid waste management plan.

If a solid waste collection company files a tariff to recover the costs specified under this section, and the commission suspends the tariff, the portion of the tariff covering costs specified in this section shall be placed in effect by the commission at the request of the company on an interim basis as of the originally filed effective date, subject to refund, pending the commission's final order. The commission may adopt rules to implement this section.

NEW SECTION, Sec. 31. A new section is added to chapter 81.77 RCW to read as follows:

Nothing in this chapter shall prevent a recycling company or nonprofit entity from collecting and transporting recyclable materials from a buy-back center, drop-box, or from a commercial or industrial generator of recyclable materials, or upon agreement with a solid waste collection company.

Nothing in this chapter shall be construed as prohibiting a commercial or industrial generator of commercial recyclable materials from selling, conveying, or arranging for transportation of such material to a recycler for reuse or reclamation.

NEW SECTION, Sec. 32. A new section is added to chapter 70.95 RCW to read as follows:

Nothing in this chapter shall prevent a recycling company or nonprofit entity from collecting and transporting recyclable materials from a buy-back center, drop-box, or from a commercial or industrial generator of recyclable materials, or upon agreement with a solid waste collection company.

Nothing in this chapter shall be construed as prohibiting a commercial or industrial generator of commercial recyclable materials from selling, conveying, or arranging for transportation of such material to a recycler for reuse or reclamation.

NEW SECTION, Sec. 33. A new section is added to chapter 35.21 RCW to read as follows:

Nothing in this chapter shall prevent a recycling company or nonprofit entity from collecting and transporting recyclable materials from a buy-back center, drop-box, or from a commercial or industrial generator of recyclable materials, or upon agreement with a solid waste collection company.

Nothing in this chapter shall be construed as prohibiting a commercial or industrial generator of commercial recyclable materials from selling, conveying, or arranging for transportation of such material to a recycler for reuse or reclamation.

NEW SECTION, Sec. 34. A new section is added to chapter 36.58 RCW to read as follows:

Nothing in this chapter shall prevent a recycling company or nonprofit entity from collecting and transporting recyclable materials from a buy-back center, drop-box, or from a commercial or industrial generator of recyclable materials, or upon agreement with a solid waste collection company.

Nothing in this chapter shall be construed as prohibiting a commercial or industrial generator of commercial recyclable materials from selling, conveying, or arranging for transportation of such material to a recycler for reuse or reclamation.

NEW SECTION, Sec. 35. A new section is added to chapter 35A.21 RCW to read as follows:

Nothing in this chapter shall prevent a recycling company or nonprofit entity from collecting and transporting recyclable materials from a buy-back center, drop-box, or from a commercial or industrial generator of recyclable materials, or upon agreement with a solid waste collection company.

Nothing in this chapter shall be construed as prohibiting a commercial or industrial generator of commercial recyclable materials from selling, conveying, or arranging for transportation of such material to a recycler for reuse or reclamation.

NEW SECTION, Sec. 36. A new section is added to chapter 81.77 RCW to read as follows:

DISPOSAL FEES IN RATES. For rate-making purposes, a fee, charge, or tax on the disposal of solid waste shall be considered a normal operating expense of the solid waste collection company.

V.

VEHICLE BATTERIES

NEW SECTION, Sec. 37. A new section is added to chapter 70.95 RCW to read as follows:

BATTERY DISPOSAL. (1) No person may knowingly dispose of a vehicle battery except by delivery to: A person or entity selling lead acid batteries, a person or entity authorized by the department to accept the battery, or to a secondary lead smelter.

(2) No owner or operator of a solid waste disposal site shall knowingly accept for disposal used vehicle batteries except when authorized to do so by the department or by the federal government.

(3) Any person who violates this section shall be subject to a fine of up to one thousand dollars. Each battery will constitute a separate violation. Nothing in this section and sections 38 through 42 of this act shall supersede the provisions under chapter 70.105 RCW.

(4) For purposes of this section and sections 38 through 42 of this act, 'vehicle battery' means batteries capable for use in any vehicle, having a core consisting of elemental lead, and a capacity of six or more volts.

NEW SECTION, Sec. 38. A new section is added to chapter 70.95 RCW to read as follows:

IDENTIFICATION OF PERSONS ACCEPTING BATTERIES. The department shall establish a procedure to identify, on an annual basis, those persons accepting used vehicle batteries from retail establishments.

NEW SECTION, Sec. 39. A new section is added to chapter 70.95 RCW to read as follows:

ACCEPTING USED BATTERIES. A person selling vehicle batteries at retail in the state shall:

(1) Accept, at the time of purchase of a replacement battery, in the place where the new batteries are physically transferred to the purchasers, and in a quantity at least equal to the number of new batteries purchased, used vehicle batteries from the purchasers, if offered by the purchasers. When a purchaser fails to provide an equivalent used battery or batteries, the purchaser may reclaim the core charge paid under section 40 of this act by returning, to the point of purchase within thirty days, a used battery or batteries and a receipt showing proof of purchase from the establishment where the replacement battery or batteries were purchased; and

(2) Post written notice which must be at least eight and one-half inches by eleven inches in size and must contain the universal recycling symbol and the following language:

(a) 'It is illegal to put a motor vehicle battery or other vehicle battery in your garbage.'

(b) 'State law requires us to accept used motor vehicle batteries or other vehicle batteries for recycling, in exchange for new batteries purchased.'

(c) 'When you buy a battery, state law also requires us to include a core charge of five dollars or more if you do not return your old battery for exchange.'

NEW SECTION, Sec. 40. A new section is added to chapter 70.95 RCW to read as follows:

RETAIL CORE CHARGE. Each retail sale of a vehicle battery shall include, in the price of the battery for sale, a core charge of not less than five dollars. When a purchaser offers the seller a used battery of equivalent size, the seller shall omit the core charge from the price of the battery.

NEW SECTION, Sec. 41. A new section is added to chapter 70.95 RCW to read as follows:

WHOLESALE CORE CHARGE. (1) A person selling vehicle batteries at wholesale to a retail establishment in this state shall accept, at the time and place of transfer, used vehicle batteries in a quantity at least equal to the number of new batteries purchased, if offered by the purchaser.

(2) When a battery wholesaler, or agent of the wholesaler, fails to accept used vehicle batteries as provided in this section, a retailer may file a complaint with the department and the department shall investigate any such complaint.

(3)(a) The department shall issue an order suspending any of the provisions of sections 39 through 42 of this act whenever it finds that the market price of lead has fallen to the extent that new battery wholesalers' estimated state-wide average cost of transporting used batteries to a smelter or other person or entity in the business of purchasing used batteries is clearly greater than the market price paid for used lead batteries by such smelter or person or entity.

(b) The order of suspension shall only apply to batteries that are sold at retail during the period in which the suspension order is effective.

(c) The department shall limit its suspension order to a definite period not exceeding six months, but shall revoke the order prior to its expiration date should it find that the reasons for its issuance are no longer valid.

NEW SECTION, Sec. 42. A new section is added to chapter 70.95 RCW to read as follows:

NOTICES—WARNINGS—CITATIONS. The department shall produce, print, and distribute the notices required by section 39 of this act to all places where vehicle batteries are offered for sale at retail and in performing its duties under this section the department may inspect any place, building, or premise governed by section 40 of this act. Authorized employees of the agency may issue warnings and citations to persons who fail to comply with the

requirements of sections 37 through 43 of this act. Failure to conform to the notice requirements of section 39 of this act shall subject the violator to a fine imposed by the department not to exceed one thousand dollars. However, no such fine shall be imposed unless the department has issued a warning of infraction for the first offense. Each day that a violator does not comply with the requirements of this act following the issuance of an initial warning of infraction shall constitute a separate offense.

NEW SECTION. Sec. 43. A new section is added to chapter 70.95 RCW to read as follows:

RULES. The department shall adopt rules providing for the implementation and enforcement of sections 37 through 42 of this act.

Sec. 44. Section 82.04.070, chapter 15, Laws of 1961 and RCW 82.04.070 are each amended to read as follows:

BUSINESS AND OCCUPATION TAX EXEMPTION. 'Gross proceeds of sales' means the value proceeding or accruing from the sale of tangible personal property and/or for services rendered, without any deduction on account of the cost of property sold, the cost of materials used, labor costs, interest, discount paid, delivery costs, taxes, or any other expense whatsoever paid or accrued and without any deduction on account of losses; PROVIDED, That 'gross proceeds of sales' shall not include: (1) The value of core deposits or credits when received or transferred as consideration in a retail or wholesale sale. For purposes of this section, the term 'core deposits or credits' means the amount representing the value of returnable products such as batteries, starters, brakes, and other products with returnable value added for the purpose of recycling or remanufacturing; or (2) the new tire fee imposed under section 92 of this act, upon the sale of a new replacement tire.

NEW SECTION. Sec. 45. A new section is added to chapter 82.08 RCW to read as follows:

SALES TAX EXEMPTION. The tax levied by RCW 82.08.020 shall not apply to consideration: (1) Received as core deposits or credits in a retail or wholesale sale; or (2) received or collected upon the sale of a new replacement vehicle tire as a fee imposed under section 92 of this act. For purposes of this section, the term 'core deposits or credits' means the amount representing the value of returnable products such as batteries, starters, brakes, and other products with returnable value added for the purpose of recycling or remanufacturing.

NEW SECTION. Sec. 46. A new section is added to chapter 82.12 RCW to read as follows:

USE TAX EXEMPTION. The provisions of this chapter shall not apply: (1) To the value of core deposits or credits in a retail or wholesale sale; or (2) to the fees imposed under section 92 of this act upon the sale of a new replacement vehicle tire. For purposes of this section, the term 'core deposits or credits' means the amount representing the value of returnable products such as batteries, starters, brakes, and other products with returnable value added for the purpose of recycling or remanufacturing.

VI.

PRODUCT PACKAGING

Sec. 47. Section 1, chapter 67, Laws of 1987 and RCW 43.21A.520 are each amended to read as follows:

PRODUCT AWARDS. (1) The department of ecology shall develop and implement an environmental excellence awards program that recognizes products that are produced, labeled, or packaged in a manner that helps ensure environmental protection. The award shall be in recognition of products that are made from recycled materials, easy to recycle, substitute for more hazardous products, or otherwise help protect the environment. Application for the award shall be voluntary. The awards may be made in ((the following)) a variety of product categories including, but not limited to:

- (a) Paint products;
- (b) Cleaning ((agents)) products;
- (c) ((Pesticides)) Pest control products;
- (d) Automotive, marine, and related maintenance products: ((and))
- (e) Hobby and recreation products; and
- (f) Any other product available for retail or wholesale sale.

(2) The state solid waste advisory committee shall establish an environmental excellence product award subcommittee to develop and recommend criteria for awarding environmental excellence awards for products. The subcommittee shall also review award applications and make recommendations to the department.

The subcommittee shall consist of equal representation of: (a) Product manufacturing or other business representatives; (b) environmental representatives; (c) labor or consumer representatives; and (d) independent technical experts. Members of the subcommittee need not necessarily be regular members of the state solid waste advisory committee.

(3) Products receiving an environmental excellence award pursuant to this section ((would)) shall be entitled to display a logo or other symbol developed by the department to signify the award. Awards shall be given each year to as many products as qualify. The award logo may be displayed for a period to be determined by the department.

NEW SECTION. Sec. 48. A new section is added to chapter 70.95C RCW to read as follows:

TASK FORCE. (1) The office shall establish a product packaging task force. The purpose of the task force shall be to investigate and evaluate methods to:

- (a) Reduce the volume or weight, or both, of product packaging entering the waste stream;
- (b) Reduce the toxicity of product packaging entering the waste stream;
- (c) Reduce the reliance on single use, disposable packaging;
- (d) Increase product packaging recycling; and
- (e) Increase public awareness of the contribution of packaging to the solid waste problem.

In fulfilling the purpose of this subsection, the task force shall consider all applicable federal and state packaging standards and requirements. The task force shall coordinate with regional or national groups, or both, engaged in evaluating packaging issues. Any standards recommended by this task force must consider available packaging materials, packaging weight or volume, or both, and educational package labeling.

The task force shall involve representatives from the department of trade and economic development, the department of ecology, the public, local governments, environmental associations, and industry, including but not limited to, product and packaging manufacturers, retail businesses, solid waste collection companies, and recycling businesses. However, fifty percent of the task force appointees shall be representative of industry.

The task force shall submit an action plan, including short and long-range recommendations, to achieve the purposes of this subsection to the legislature by January 2, 1991. The task force shall be terminated upon submittal of the plan to the legislature.

(2) The task force shall submit guidelines on product packaging to the environmental excellence product award subcommittee for purposes of the environmental excellence product award program by January 2, 1990.

NEW SECTION, Sec. 49. A new section is added to chapter 82.02 RCW to read as follows:

PRODUCTS AND PRODUCT PACKAGING—STATE PREEMPTION. (1) After April 1, 1989, the state preempts the field of imposing deposits or taxes upon a limited class of products and product packaging for the purpose of affecting the disposal of the product or the product packaging. The state shall have the exclusive authority to impose such deposits or taxes. No local or regional subdivision of the state shall have any authority to impose such a deposit or tax unless specifically granted authority by the state legislature. This section shall not apply to an ordinance or resolution adopted prior to April 1, 1989.

(2) This section shall expire July 1, 1993.

NEW SECTION, Sec. 50. A new section is added to chapter 70.95C RCW to read as follows:

PRODUCTS AND PRODUCT PACKAGING—STATE PREEMPTION. (1) After April 1, 1989, the state preempts the field of imposing prohibitions on the sale or distribution of products and product packaging for the purpose of affecting the disposal of the product or product packaging. The state shall have exclusive authority to impose such prohibitions or bans. No local or regional subdivision of the state shall have any authority to impose such a prohibition or ban on products or product packaging unless specifically granted such authority by the state legislature. This section shall not apply to an ordinance or resolution adopted prior to April 1, 1989. This section shall expire July 1, 1993.

Sec. 51. Section 35.21.130, chapter 7, Laws of 1965 and RCW 35.21.130 are each amended to read as follows:

A ((garbage)) solid waste or recyclable materials collection ordinance may:

(1) Require property owners and occupants of premises to use the ((garbage)) solid waste collection and disposal system or recyclable materials collection and disposal system, and to dispose of their ((garbage)) solid waste and recyclable materials as provided in the ordinance; PROVIDED, That a solid waste or recycling ordinance shall not require any retail enterprise engaged in the sale of consumer-packaged products to locate or place a public recycling collection site or buy-back center upon or within a certain distance of the retail establishment as a condition of engaging in the sale of consumer-packaged products; and

(2) Fix charges for ((garbage)) solid waste collection and disposal, recyclable materials collection and disposal, or both, and the manner and time of payment therefor including therein a provision that upon failure to pay the charges, the amount thereof shall become a lien against the property for which the ((garbage)) solid waste or recyclable materials collection service is rendered. The ordinance may also provide penalties for its violation.

Sec. 52. Section 36.58.010, chapter 4, Laws of 1963 and RCW 36.58.010 are each amended to read as follows:

Any ((board of county commissioners)) county legislative authority may acquire by purchase or by gift, dedication, or donation, ((garbage)) sites for the use of the public in disposing of ((garbage and refuse)) solid waste or recyclable materials. However, no county legislative authority shall be authorized to require any retail enterprise engaged in the sale of consumer-packaged products to locate or place a public solid waste collection site or buy-back center upon or within a certain distance of the retail establishment as a condition of engaging in the sale of consumer-packaged products.

VII.

STATE GOVERNMENT WASTE REDUCTION AND RECYCLING

NEW SECTION. Sec. 53. A new section is added to chapter 70.95C RCW to read as follows:

WASTE REDUCTION AND RECYCLING PLAN. The legislature finds and declares that the buildings and facilities owned and leased by state government produce significant amounts of solid and hazardous wastes, and actions must be taken to reduce and recycle these wastes and thus reduce the costs associated with their disposal. In order for the operations of state government to provide the citizens of the state an example of positive waste management, the legislature further finds and declares that state government should undertake an aggressive program designed to reduce and recycle solid and hazardous wastes produced in the operations of state buildings and facilities to the maximum extent possible.

The office of waste reduction, in cooperation with the department of general administration, shall establish an intensive waste reduction and recycling program to promote the reduction of waste produced by state agencies and to promote the source separation and recovery of recyclable and reusable materials.

All state agencies, including but not limited to, colleges, community colleges, universities, offices of elected and appointed officers, the supreme court, court of appeals, and administrative departments of state government shall fully cooperate with the office of waste reduction and recycling in all phases of implementing the provisions of this section. The office shall establish a coordinated state plan identifying each agency's participation in waste reduction and recycling. The office shall develop the plan in cooperation with a multi-agency committee on waste reduction and recycling. Appointments to the committee shall be made by the director of the department of general administration. The director shall notify each agency of the committee, which shall implement the applicable waste reduction and recycling plan elements. All state agencies are to use maximum efforts to achieve a goal of increasing the use of recycled paper by fifty percent by July 1, 1993.

NEW SECTION. Sec. 54. A new section is added to chapter 70.95C RCW to read as follows:

WASTE REDUCTION AND RECYCLING AWARDS PROGRAM. The office of waste reduction shall develop, in consultation with the superintendent of public instruction, an awards program to achieve waste reduction and recycling in the public schools, grades kindergarten through high school. The office shall develop guidelines for program development and implementation. Each public school shall implement a waste reduction and recycling program conforming to guidelines developed by the office.

For the purpose of granting awards, the office may group schools into not more than three classes, based upon student population, distance to markets for recyclable materials, and other criteria, as deemed appropriate by the office. Awards shall be granted each year to the schools that achieve the greatest levels of waste reduction and recycling. Each award shall be of a sum not less than ten thousand dollars. The office shall also develop recommendations for an awards program for waste reduction in the public schools. The office shall submit these recommendations to the appropriate standing committees in the house of representatives and senate on or before November 30, 1989.

The superintendent of public instruction shall distribute guidelines and other materials developed by the office to implement programs to reduce and recycle waste generated in administrative offices, classrooms, laboratories, cafeterias, and maintenance operations.

NEW SECTION. Sec. 55. A new section is added to chapter 70.95 RCW to read as follows:

No solid waste incineration or energy recovery facility shall be operated prior to the completion of an environmental impact statement containing the considerations required under RCW 43.21C.030(2)(c) and prepared pursuant to the procedures of chapter 43.21C RCW. This section does not apply to a facility operated prior to January 1, 1989, as a solid waste incineration facility or energy recovery facility burning solid waste.

VIII.

PREFERENTIAL RECYCLING PRODUCT PURCHASES

Sec. 56. Section 2, chapter 120, Laws of 1987 as amended by section 3, chapter 168, Laws of 1988 and RCW 35.23.352 are each amended to read as follows:

(1) Any second or third class city or any town may construct any public works, as defined in RCW 39.04.010, by contract or day labor without calling for bids therefor whenever the estimated cost of the work or improvement, including cost of materials, supplies and equipment will not exceed the sum of thirty thousand dollars if more than one craft or trade is involved with the public works, or twenty thousand dollars if a single craft or trade is involved with the public works or the public works project is street signalization or street lighting. A public works project means a complete project. The restrictions in this subsection do not permit the division of the project into units of work or classes of work to avoid the restriction on work that may be performed by day labor on a single project.

Whenever the cost of the public work or improvement, including materials, supplies and equipment, will exceed these figures, the same shall be done by contract. All such contracts shall be let at public bidding upon posting notice calling for sealed bids upon the work. The notice thereof shall be posted in a public place in the city or town and by publication in the official newspaper, or a newspaper of general circulation most likely to bring responsive bids,

once each week for two consecutive weeks before the date fixed for opening the bids. The notice shall generally state the nature of the work to be done that plans and specifications therefor shall then be on file in the city or town hall for public inspections, and require that bids be sealed and filed with the council or commission within the time specified therein. Each bid shall be accompanied by a bid proposal deposit in the form of a cashier's check, postal money order, or surety bond to the council or commission for a sum of not less than five percent of the amount of the bid, and no bid shall be considered unless accompanied by such bid proposal deposit. The council or commission of the city or town shall let the contract to the lowest responsible bidder or shall have power by resolution to reject any or all bids and to make further calls for bids in the same manner as the original call.

When the contract is let then all bid proposal deposits shall be returned to the bidders except that of the successful bidder which shall be retained until a contract is entered into and a bond to perform the work furnished, with surety satisfactory to the council or commission, in the full amount of the contract price. If the bidder fails to enter into the contract in accordance with his bid and furnish a bond within ten days from the date at which he is notified that he is the successful bidder, the check or postal money order and the amount thereof shall be forfeited to the council or commission or the council or commission shall recover the amount of the surety bond.

If no bid is received on the first call the council or commission may readvertise and make a second call, or may enter into a contract without any further call or may purchase the supplies, material or equipment and perform the work or improvement by day labor.

(2) The allocation of public works projects to be performed by city or town employees shall not be subject to a collective bargaining agreement.

(3) In lieu of the procedures of subsection (1) of this section, a second or third class city or a town may use a small works roster and award contracts under this subsection for contracts of one hundred thousand dollars or less.

(a) The city or town may maintain a small works roster comprised of all contractors who have requested to be on the roster and are, where required by law, properly licensed or registered to perform such work in this state.

(b) Whenever work is done by contract, the estimated cost of which is one hundred thousand dollars or less, and the city uses the small works roster, the city or town shall invite proposals from all appropriate contractors on the small works roster: PROVIDED, That whenever possible, the city or town shall invite at least one proposal from a minority or woman contractor who shall otherwise qualify under this section. The invitation shall include an estimate of the scope and nature of the work to be performed, and materials and equipment to be furnished.

(c) When awarding such a contract for work, the estimated cost of which is one hundred thousand dollars or less, the city or town shall award the contract to the contractor submitting the lowest responsible bid.

(4) After September 1, 1987, each second class city, third class city, and town shall use the form required by RCW 43.09.205 to account and record costs of public works in excess of five thousand dollars that are not let by contract.

(5) The cost of a separate public works project shall be the costs of the materials, equipment, supplies, and labor on that construction project.

(6) Any purchase of supplies, material, equipment or services other than professional services, except for public work or improvement, where the cost thereof exceeds seven thousand five hundred dollars shall be made upon call for bids: PROVIDED, That the limitations herein shall not apply to any purchases of materials at auctions conducted by the government of the United States, any agency thereof or by the state of Washington or a political subdivision thereof.

(7) Bids shall be called annually and at a time and in the manner prescribed by ordinance for the publication in a newspaper published or of general circulation in the city or town of all notices or newspaper publications required by law. The contract shall be awarded to the lowest responsible bidder.

(8) For advertisement and competitive bidding to be dispensed with as to purchases between seven thousand five hundred and fifteen thousand dollars, the city legislative authority must authorize by resolution a procedure for securing telephone and/or written quotations from enough vendors to assure establishment of a competitive price and for awarding the contracts for purchase of materials, equipment, or services to the lowest responsible bidder. Immediately after the award is made, the bid quotations obtained shall be recorded and open to public inspection and shall be available by telephone inquiry.

(9) These requirements for purchasing may be waived by resolution of the city or town council which declared that the purchase is clearly and legitimately limited to a single source or supply within the near vicinity, or the materials, supplies, equipment, or services are subject to special market conditions, and recites why this situation exists. Such actions are subject to RCW 39.30.020.

(10) This section does not apply to performance-based contracts, as defined in RCW 39.35A.020(3), that are negotiated under chapter 39.35A RCW.

(1) Nothing in this section shall prohibit any second or third class city or any town from allowing for preferential purchase of products made from recycled materials or products that may be recycled or reused.

Sec. 57. Section 36.32.250, chapter 4, Laws of 1963 as last amended by section 9, chapter 169, Laws of 1985 and by section 1, chapter 369, Laws of 1985 and RCW 36.32.250 are each reenacted and amended to read as follows:

No contract, lease, or purchase may be entered into by the county legislative authority or by any elected or appointed officer of such county until after bids have been submitted to the county upon specifications therefor. Such specifications shall be in writing and shall be filed with the clerk of the county legislative authority for public inspection, and an advertisement thereof stating the time and place where bids will be opened, the time after which bids will not be received, the character of the work to be done, or material, equipment, or service to be purchased, and that specifications therefor may be seen at the office of the clerk of the county legislative authority, shall be published in the county official newspaper: PROVIDED, That advertisements for public works contracts for construction, alteration, repair, or improvement of public facilities shall be additionally published in a legal newspaper of general circulation in or as near as possible to that part of the county in which such work is to be done: AND PROVIDED FURTHER, That if the county official newspaper is a newspaper of general circulation covering at least forty percent of the residences in that part of the county in which such public works are to be done publication of an advertisement of the applicable specifications in the county official newspaper only shall be sufficient. Such advertisements shall be published at least once in each week for two consecutive weeks prior to the last date upon which bids will be received and as many additional publications as shall be determined by the county legislative authority. The bids shall be in writing, shall be filed with the clerk, shall be opened and read in public at the time and place named therefor in said advertisements, and after being opened, shall be filed for public inspection. No bid may be considered for public work unless it is accompanied by a bid deposit in the form of a surety bond, postal money order, cash, cashier's check, or certified check in an amount equal to five percent of the amount of the bid proposed. The contract for the public work, lease, or purchase shall be awarded to the lowest responsible bidder, taking into consideration the quality of the articles or equipment to be purchased or leased. Any or all bids may be rejected for good cause. The county legislative authority shall require from the successful bidder for such public work a contractor's bond in the amount and with the conditions imposed by law. If the bidder to whom the contract is awarded fails to enter into the contract and furnish the contractor's bond as required within ten days after notice of the award, exclusive of the day of notice, the amount of the bid deposit shall be forfeited to the county and the contract awarded to the next lowest and best bidder. The bid deposit of all unsuccessful bidders shall be returned after the contract is awarded and the required contractor's bond given by the successful bidder is accepted by the county legislative authority. In the letting of any contract, lease, or purchase involving less than three thousand five hundred dollars, advertisement and competitive bidding may be dispensed with on order of the county legislative authority. Notice of intention to let contracts or to enter into lease agreements involving amounts exceeding one thousand dollars but less than three thousand five hundred dollars, shall be posted by the county legislative authority on a bulletin board in its office not less than three days prior to making such lease or contract. For advertisement and competitive bidding to be dispensed with as to purchases between one thousand and three thousand five hundred dollars, the county legislative authority must authorize by resolution a county procedure for securing telephone or written quotations, or both, from enough vendors to assure establishment of a competitive price and for awarding such contracts for purchase of materials, equipment, or services to the lowest responsible bidder. Immediately after the award is made, the bid quotations obtained shall be recorded and open to public inspection and shall be available by telephone inquiry. Wherever possible, supplies shall be purchased in quantities for a period of at least three months, and not to exceed one year. Supplies generally used throughout the various departments shall be standardized insofar as possible, and may be purchased and stored for general use by all of the various departments which shall be charged for the supplies when withdrawn from the purchasing department.

This section does not apply to performance-based contracts, as defined in RCW 39.35A.020(3), that are negotiated under chapter 39.35A RCW.

Nothing in this section shall prohibit the legislative authority of any county from allowing for preferential purchase of products made from recycled materials or products that may be recycled or reused.

Sec. 58. Section 1, chapter 72, Laws of 1985 and RCW 39.30.040 are each amended to read as follows:

(1) Whenever a unit of local government is required to make purchases from the lowest bidder or from the supplier offering the lowest price for the items desired to be purchased, the unit of local government may, at its option when awarding a purchase contract, take into consideration tax revenue it would receive from purchasing the supplies, materials, or equipment from a supplier located within its boundaries. The unit of local government must award the

purchase contract to the lowest bidder after such tax revenue has been considered. However, any local government may allow for preferential purchase of products made from recycled materials or products that may be recycled or reused. The tax revenues which units of local government may consider include sales taxes that the unit of local government imposes upon the sale of such supplies, materials, or equipment from the supplier to the unit of local government, and business and occupation taxes that the unit of local government imposes upon the supplier that are measured by the gross receipts of the supplier from such sale. Any unit of local government which considers tax revenues it would receive from the imposition of taxes upon a supplier located within its boundaries, shall also consider tax revenues it would receive from taxes it imposes upon a supplier located outside its boundaries.

(2) As used in this section, the term 'unit of local government' means any county, city, town, metropolitan municipal corporation, public transit benefit area, county transportation authority, or other municipal or quasi-municipal corporation authorized to impose sales and use taxes or business and occupation taxes.

Sec. 59. Section 1, chapter 120, Laws of 1987 and RCW 35.22.620 are each amended to read as follows:

(1) As used in this section, the term 'public works' means as defined in RCW 39.04.010.

(2) A first class city may have public works performed by contract pursuant to public notice and call for competitive bids. As limited by subsection (3) of this section, a first class city may have public works performed by city employees in any annual or biennial budget period equal to a dollar value not exceeding ten percent of the public works construction budget, including any amount in a supplemental public works construction budget, over the budget period. The amount of public works that a first class city has a county perform for it under RCW 35.77.020 shall be included within this ten percent limitation.

If a first class city has public works performed by public employees in any budget period that are in excess of this ten percent limitation, the amount in excess of the permitted amount shall be reduced from the otherwise permitted amount of public works that may be performed by public employees for that city in its next budget period. Twenty percent of the motor vehicle fuel tax distributions to that city shall be withheld if two years after the year in which the excess amount of work occurred, the city has failed to so reduce the amount of public works that it has performed by public employees. The amount so withheld shall be distributed to the city when it has demonstrated in its reports to the state auditor that the amount of public works it has performed by public employees has been so reduced.

Whenever a first class city has had public works performed in any budget period up to the maximum permitted amount for that budget period, all remaining public works within that budget period shall be done by contract pursuant to public notice and call for competitive bids.

The state auditor shall report to the state treasurer any first class city that exceeds this amount and the extent to which the city has or has not reduced the amount of public works it has performed by public employees in subsequent years.

(3) In addition to the percentage limitation provided in subsection (2) of this section, a first class city with a population in excess of one hundred fifty thousand shall not have public employees perform a public works project in excess of fifty thousand dollars if more than a single craft or trade is involved with the public works project, or a public works project in excess of twenty-five thousand dollars if only a single craft or trade is involved with the public works project or the public works project is street signalization or street lighting. In addition to the percentage limitation provided in subsection (2) of this section, a first class city with a population of one hundred fifty thousand or less shall not have public employees perform a public works project in excess of thirty-five thousand dollars if more than one craft or trade is involved with the public works project, or a public works project in excess of twenty thousand dollars if only a single craft or trade is involved with the public works project or the public works project is street signalization or street lighting. A public works project means a complete project. The restrictions in this subsection do not permit the division of the project into units of work or classes of work to avoid the restriction on work that may be performed by day labor on a single project.

(4) In addition to the accounting and record-keeping requirements contained in RCW 39.04.070, every first class city annually shall prepare a report for the state auditor indicating the total public works construction budget and supplemental public works construction budget for that year, the total construction costs of public works performed by public employees for that year, and the amount of public works that is performed by public employees above or below ten percent of the total construction budget. However, if a city budgets on a biennial basis, this annual report shall indicate the amount of public works that is performed by public employees within the current biennial period that is above or below ten percent of the total biennial construction budget.

After September 1, 1987, each first class city with a population of one hundred fifty thousand or less shall use the form required by RCW 43.09.205 to account and record costs of public works in excess of five thousand dollars that are not let by contract.

(5) The cost of a separate public works project shall be the costs of materials, supplies, equipment, and labor on the construction of that project. The value of the public works budget shall be the value of all the separate public works projects within the budget.

(6) When any emergency shall require the immediate execution of such public work, upon the finding of the existence of such emergency by the authority having power to direct such public work to be done and duly entered of record, publication of description and estimate may be made within seven days after the commencement of the work. Within two weeks of the finding that such an emergency existed, the city council shall adopt a resolution certifying the existence of this emergency situation.

(7) In lieu of the procedures of subsections (2) and (6) of this section, a first class city may use a small works roster and award contracts under this subsection for contracts of one hundred thousand dollars or less.

(a) The city may maintain a small works roster comprised of all contractors who have requested to be on the roster and are, where required by law, properly licensed or registered to perform such work in this state.

(b) Whenever work is done by contract, the estimated cost of which is one hundred thousand dollars or less, and the city uses the small works roster, the city shall invite proposals from all appropriate contractors on the small works roster: PROVIDED, That not less than five separate appropriate contractors, if available, shall be invited to submit bids on any one contract: PROVIDED FURTHER, That whenever possible, the city shall invite at least one proposal from a minority or woman contractor who shall otherwise qualify under this section. Once a bidder on the small works roster has been offered an opportunity to bid, that bidder shall not be offered another opportunity until all other appropriate contractors on the small works roster have been afforded an opportunity to submit a bid. Invitations shall include an estimate of the scope and nature of the work to be performed, and materials and equipment to be furnished.

(c) When awarding such a contract for work, the estimated cost of which is one hundred thousand dollars or less, the city shall award the contract to the contractor submitting the lowest responsible bid.

(8) The allocation of public works projects to be performed by city employees shall not be subject to a collective bargaining agreement.

(9) This section does not apply to performance-based contracts, as defined in RCW 39.35A.020(3), that are negotiated under chapter 39.35A RCW.

(10) Nothing in this section shall prohibit any first class city from allowing for preferential purchase of products made from recycled materials or products that may be recycled or reused.

Sec. 60. Section 43.19.1911, chapter 8, Laws of 1965 as last amended by section 4, chapter 183, Laws of 1983 and RCW 43.19.1911 are each amended to read as follows:

When purchases are made through competitive bidding, the contract shall be let to the lowest responsible bidder, subject to any preferences provided by law to Washington products and vendors and to RCW 43.19.704, taking into consideration the quality of the articles proposed to be supplied, their conformity with specifications, the purposes for which required, and the times of delivery: PROVIDED, That whenever there is reason to believe that the lowest acceptable bid is not the best price obtainable, all bids may be rejected and the division of purchasing may call for new bids or enter into direct negotiations to achieve the best possible price. Each bid with the name of the bidder shall be entered of record and each record, with the successful bid indicated, shall, after letting of the contract, be open to public inspection. In determining 'lowest responsible bidder', in addition to price, the following elements shall be given consideration:

(1) The ability, capacity, and skill of the bidder to perform the contract or provide the service required;

(2) The character, integrity, reputation, judgment, experience, and efficiency of the bidder;

(3) Whether the bidder can perform the contract within the time specified;

(4) The quality of performance of previous contracts or services;

(5) The previous and existing compliance by the bidder with laws relating to the contract or services;

(6) Such other information as may be secured having a bearing on the decision to award the contract: PROVIDED, That in considering bids for purchase, manufacture, or lease, and in determining the 'lowest responsible bidder,' whenever there is reason to believe that applying the 'life cycle costing' technique to bid evaluation would result in lowest total cost to the state, first consideration shall be given by state purchasing activities to the bid with the lowest life cycle cost which complies with specifications. 'Life cycle cost' means the total cost of an item to the state over its estimated useful life, including costs of selection, acquisition, operation, maintenance, and where applicable, disposal, as far as these costs can reasonably be determined, minus the salvage value at the end of its estimated useful life. The 'estimated useful life' of an item means the estimated time from the date of acquisition to the date of replacement or disposal, determined in any reasonable manner. Nothing in this section shall prohibit any state agency, department, board, commission, committee, or other state-level entity from allowing

for preferential purchase of products made from recycled materials or products that may be recycled or reused.

IX.

MARKETING OF RECYCLABLE MATERIALS

Sec. 61. Section 1, chapter 40, Laws of 1982 1st ex. sess. as last amended by section 1, chapter 422, Laws of 1987 and RCW 43.160.010 are each amended to read as follows:

FINDINGS REGARDING RECYCLING MARKETS. (1) The legislature finds that it is the public policy of the state of Washington to direct financial resources toward the fostering of economic development through the stimulation of investment and job opportunities and the retention of sustainable existing employment for the general welfare of the inhabitants of the state. Reducing unemployment and reducing the time citizens remain jobless is important for the economic welfare of the state. A valuable means of fostering economic development is the construction of public facilities which contribute to the stability and growth of the state's economic base. Strengthening the economic base through issuance of industrial development bonds, whether single or umbrella, further serves to reduce unemployment. Consolidating issues of industrial development bonds when feasible to reduce costs additionally advances the state's purpose to improve economic vitality. Expenditures made for these purposes as authorized in this chapter are declared to be in the public interest, and constitute a proper use of public funds. A community economic revitalization board is needed which shall aid the development of economic opportunities. The general objectives of the board should include:

(a) Strengthening the economies of areas of the state which have experienced or are expected to experience chronically high unemployment rates or below average growth in their economies;

(b) Encouraging the diversification of the economies of the state and regions within the state in order to provide greater seasonal and cyclical stability of income and employment;

(c) Encouraging wider access to financial resources for both large and small industrial development projects;

(d) Encouraging new economic development or expansions to maximize employment;

(e) Encouraging the retention of viable existing firms and employment; and

(f) Providing incentives for expansion of employment opportunities for groups of state residents that have been less successful relative to other groups in efforts to gain permanent employment.

(2) The legislature also finds that the state's economic development efforts can be enhanced by, in certain instances, providing funds to improve state highways in the vicinity of new industries considering locating in this state or existing industries that are considering significant expansion.

(a) The legislature finds it desirable to provide a process whereby the need for diverse public works improvements necessitated by planned economic development can be addressed in a timely fashion and with coordination among all responsible governmental entities.

(b) It is the intent of the legislature to create an economic development account within the motor vehicle fund from which expenditures can be made by the department of transportation for state highway improvements necessitated by planned economic development. All such improvements must first be approved by the state transportation commission and the community economic revitalization board in accordance with the procedures established by RCW 43.160.074 and 47.01.280. It is further the intent of the legislature that such improvements not jeopardize any other planned highway construction projects. The improvements are intended to be of limited size and cost, and to include such items as additional turn lanes, signalization, illumination, and safety improvements.

(3) The legislature also finds that the state's economic development efforts can be enhanced by providing funds to improve markets for those recyclable materials representing a large fraction of the waste stream. The legislature finds that public facilities which result in private construction of processing or remanufacturing facilities for recyclable materials are eligible for consideration from the board.

Sec. 62. Section 6, chapter 40, Laws of 1982 1st ex. sess. as last amended by section 5, chapter 422, Laws of 1987 and RCW 43.160.060 are each amended to read as follows:

COMMUNITY ECONOMIC REVITALIZATION BOARD LOANS AND GRANTS. The board is authorized to make direct loans to political subdivisions of the state for the purposes of assisting the political subdivisions in financing the cost of public facilities, including development of land and improvements for public facilities, as well as the acquisition, construction, rehabilitation, alteration, expansion, or improvement of the facilities. A grant may also be authorized for purposes designated in this chapter, but only when, and to the extent that, a loan is not reasonably possible, given the limited resources of the political subdivision.

Application for funds shall be made in the form and manner as the board may prescribe. In making grants or loans the board shall conform to the following requirements:

(1) The board shall not make a grant or loan:

(a) For a project the primary purpose of which is to facilitate or promote a retail shopping development or expansion.

(b) For any project that probably would result in a development or expansion that would displace existing jobs in any other community in the state.

(c) For the acquisition of real property, including buildings and other fixtures which are a part of real property.

(2) The board shall only make grants or loans:

(a) For those projects which would result in specific private developments or expansions (i) in manufacturing, production, food processing, assembly, warehousing, and industrial distribution((;)); (ii) for processing recyclable materials or for facilities that support recycling, including processes not currently provided in the state, including but not limited to, de-inking facilities, mixed waste paper, plastics, yard waste, and problem-waste processing; (iii) for manufacturing facilities that rely significantly on recyclable materials, including but not limited to waste tires and mixed waste paper; or ((#)) (iv) which substantially support the trading of goods or services outside of the state's borders.

(b) For projects which it finds will improve the opportunities for the successful maintenance, establishment, or expansion of industrial or commercial plants or will otherwise assist in the creation or retention of long-term economic opportunities.

(c) When the application includes convincing evidence that a specific private development or expansion is ready to occur and will occur only if the grant or loan is made.

(3) The board shall prioritize each proposed project according to the number of jobs it would create after the project is completed and according to the unemployment rate in the area in which the jobs would be located. As long as there is more demand for loans or grants than there are funds available for loans or grants, the board is instructed to fund projects in order of their priority.

(4) A responsible official of the political subdivision shall be present during board deliberations and provide information that the board requests.

Before any loan or grant application is approved, the political subdivision seeking the loan or grant must demonstrate to the community economic revitalization board that no other timely source of funding is available to it at costs reasonably similar to financing available from the community economic revitalization board.

NEW SECTION. Sec. 63. A new section is added to chapter 43.160 RCW to read as follows:

ECOLOGY REVIEW. (1) Before board consideration of an application from a political subdivision that includes a request for assistance in financing the cost of public facilities to encourage the development of a private facility to process recyclable materials, the application shall be forwarded by the board to the department of ecology.

(2) The department of ecology shall submit a recommendation on all applications related to processing recyclable materials to the board for their consideration.

(3) Upon receiving an application for assistance in financing the cost of public facilities to encourage the development of a private facility to process recyclable materials from the board, the department of ecology shall, within thirty days, determine whether or not the proposed assistance:

(a) Has a significant impact on the residential and commercial waste stream;

(b) Results in a product that has a ready market;

(c) Does not jeopardize any other planned market development projects; and

(d) Results in a product that would otherwise be purchased out-of-state.

(4) Upon completion of its determination of the factors contained in subsection (3) of this section and any other factors it deems pertinent, the department of ecology shall forward its recommended approval, as submitted or amended, or recommended disapproval of the proposed improvements to the board, along with any recommendation it may wish to make concerning the desirability and feasibility of the proposed market development. If the department of ecology recommends disapproval of any proposed project, it shall specify its reasons for recommending disapproval.

(5) The board shall notify the department of ecology of its decision regarding any application made under this section.

NEW SECTION. Sec. 64. A new section is added to chapter 43.31 RCW to read as follows:

DEPARTMENT OF TRADE AND ECONOMIC DEVELOPMENT. (1) The department is the lead state agency to assist in establishing and improving markets for recyclable materials generated in the state. This priority on creating and expanding a recyclables market should be fully integrated into the current targeted sector marketing programs of the department. In carrying out these marketing responsibilities, the department shall work closely with the office of waste reduction in the department of ecology.

(2) The department of trade and economic development, with the assistance of the department of ecology and the committee for recycling markets created by section 100 of this act, shall develop programs to accomplish the following:

(a) Develop new markets inside and outside this state for recycled materials;

(b) Attract new businesses to this state whose purpose is to use recycled materials;

(c) Educate businesses and consumers about the high quality of Washington recycled materials;

(d) Promote business and consumer use of products made from recycled materials;

- (e) Provide technical market assistance to businesses and local governments;
- (f) Cooperate with and secure the cooperation of any department, agency, commission, or instrumentality in state or local government affected by or concerned with market development; and
- (g) Create and maintain a list of recyclers, collectors, and other persons or entities interested in the development of markets for recycling and solicit the opinions of those persons with respect to market development.

X.

CERTIFICATION OF LANDFILL AND INCINERATOR OPERATORS

NEW SECTION, Sec. 65. DEFINITIONS. Unless the context clearly requires otherwise the definitions in this section apply throughout this chapter.

(1) 'Board' means the board of advisors for solid waste incinerator and landfill operator certification established by section 69 of this act.

(2) 'Certificate' means a certificate of competency issued by the director stating that the operator has met the requirements for the specified operator classification of the certification program.

(3) 'Department' means the department of ecology.

(4) 'Director' means the director of ecology.

(5) 'Incinerator' means a facility which has the primary purpose of burning or which is designed with the primary purpose of burning solid waste or solid waste derived fuel, but excludes facilities that have the primary purpose of burning hog fuel.

(6) 'Landfill' means a landfill as defined under RCW 70.95.030.

(7) 'Owner' means, in the case of a town or city, the city or town acting through its chief executive officer or the lessee if operated pursuant to a lease or contract; in the case of a county, the chief elected official of the county legislative authority or the chief elected official's designee; in the case of a board of public utilities, association, municipality, or other public body, the president or chief elected official of the body or the president's or chief elected official's designee; in the case of a privately owned landfill or incinerator, the legal owner.

(8) 'Solid waste' means solid waste as defined under RCW 70.95.030.

NEW SECTION, Sec. 66. CERTIFIED INCINERATION FACILITY OPERATORS. (1) By January 1, 1992, the owner or operator of a solid waste incineration facility shall employ a certified operator. At a minimum, the individual on-site at a solid waste incineration facility who is designated by the owner as the operator in responsible charge of the operation and maintenance of the facility on a routine basis shall be certified by the department.

(2) If a solid waste incinerator is operated on more than one daily shift, the operator in charge of each shift shall be certified.

(3) Operators not required to be certified are encouraged to become certified on a voluntary basis.

(4) The department shall adopt and enforce such rules as may be necessary for the administration of this section.

NEW SECTION, Sec. 67. CERTIFIED LANDFILL OPERATORS. (1) By January 1, 1992, the owner or operator of a landfill shall employ a certified landfill operator.

(2) For each of the following types of landfills defined in existing regulations: Inert, demolition waste, problem waste, and municipal solid waste, the department shall adopt rules classifying all landfills in each class. The factors to be considered in the classification shall include, but not be limited to, the type and amount of waste in place and projected to be disposed of at the site, whether the landfill currently meets state and federal operating criteria, the location of the landfill, and such other factors as may be determined to affect the skill, knowledge, and experience required of an operator to operate the landfill in a manner protective of human health and the environment.

(3) The rules shall identify the landfills in each class in which the owner or operator will be required to employ a certified landfill operator who is on-site at all times the landfill is operating. At a minimum, the rule shall require that owners and operators of landfills are required to employ a certified landfill operator who is on call at all times the landfill is operating.

NEW SECTION, Sec. 68. CERTIFICATION PROCESS. (1) The department shall establish a process to certify incinerator and landfill operators. To the greatest extent possible, the department shall rely on the certification standards and procedures developed by national organizations and the federal government.

(2) Operators shall be certified if they:

(a) Attend the required training sessions;

(b) Successfully complete required examinations; and

(c) Pay the prescribed fee.

(3) By January 1, 1991, the department shall adopt rules to require incinerator and appropriate landfill operators to:

(a) Attend a training session concerning the operation of the relevant type of landfill or incinerator;

(b) Demonstrate sufficient skill and competency for proper operation of the incinerator or landfill by successfully completing an examination prepared by the department; and

(c) Renew the certificate of competency at reasonable intervals established by the department.

(4) The department shall provide for the collection of fees for the issuance and renewal of certificates. These fees shall be sufficient to recover the costs of the certification program.

(5) The department shall establish an appeals process for the denial or revocation of a certificate.

(6) The department shall establish a process to automatically certify operators who have received comparable certification from another state, the federal government, a local government, or a professional association.

(7) Upon the effective date of this act and prior to January 1, 1992, the owner or operator of an incinerator or landfill may apply to the department for interim certification. Operators shall receive interim certification if they:

(a) Have received training provided by a recognized national organization, educational institution, or the federal government that is acceptable to the department; or

(b) Have received individualized training in a manner approved by the department; and

(c) Have successfully completed any required examinations.

(8) No interim certification shall be valid after January 1, 1992, and interim certification shall not automatically qualify operators for certification pursuant to subsections (2) through (4) of this section.

NEW SECTION. Sec. 69. BOARD OF ADVISORS. (1) A board of advisors for solid waste incinerator and landfill operator certification shall be established. The board shall be a subcommittee of the solid waste advisory committee created under RCW 70.95.040 and shall be comprised of five members appointed by the director. The members shall be knowledgeable about solid waste handling technologies including but not limited to combustion boiler and pollution control technologies and their potential environmental impacts such as air emissions and ash residues. Collectively, the committee shall include at least two members who are knowledgeable about the operation and management of landfills and are certified by a national organization or the federal government as landfill operators.

(2) This board shall act as an advisory committee to the department and shall review and comment on the rules adopted under this chapter.

NEW SECTION. Sec. 70. REVOCATION OF CERTIFICATION. (1) The director may, with the recommendation of the board and after a hearing before the board, revoke a certificate:

(a) If it were found to have been obtained by fraud or deceit;

(b) For gross negligence in the operation of a solid waste incinerator or landfill;

(c) For violating the requirements of this chapter or any lawful rule or order of the department; or

(d) If the facility operated by the certified employee is operated in violation of state or federal environmental laws.

(2) A person whose certificate is revoked under this section shall not be eligible to apply for a certificate for one year from the effective date of the final order or revocation.

NEW SECTION. Sec. 71. CERTIFICATION OF INSPECTORS. Any person who is employed by a public agency to inspect the operation of a landfill or a solid waste incinerator to determine the compliance of the facility with state or local laws or rules shall be required to be certified in the same manner as an operator under this chapter.

NEW SECTION. Sec. 72. AUTHORITY OF DIRECTOR. To carry out the provisions and purposes of this chapter, the director may:

(1) Enter into agreements, contracts, or cooperative arrangements, under such terms and conditions as the director deems appropriate, with other state, federal, or interstate agencies, municipalities, educational institutions, or other organizations or individuals.

(2) Receive financial and technical assistance from the federal government, other public agencies, and private agencies.

(3) Participate in related programs of the federal government, other states, interstate agencies, other public agencies, or private agencies or organizations.

(4) Upon request, furnish reports, information, and materials relating to the certification program authorized by this chapter to federal, state, or interstate agencies, municipalities, educational institutions, and other organizations and individuals.

(5) Establish adequate fiscal controls and accounting procedures to assure proper disbursement of and accounting for funds appropriated or otherwise provided for the purpose of carrying out this chapter.

(6) Adopt rules under chapter 34.05 RCW.

NEW SECTION. Sec. 73. UNLAWFUL ACTS. After January 1, 1992, it is unlawful for any person, firm, corporation, municipal corporation, or other governmental subdivision or agency to operate a solid waste incineration or landfill facility unless the operators are duly certified by the director under this chapter or any lawful rule or order of the department. It is unlawful for any person to perform the duties of an operator without being duly certified under this chapter. The department shall adopt rules that allow the owner or operator of a landfill or solid waste incineration facility to request a variance from this requirement under emergency conditions.

The department may impose such conditions as may be necessary to protect human health and the environment during the term of the variance.

NEW SECTION, Sec. 74. PENALTIES. Any person, including any firm, corporation, municipal corporation, or other governmental subdivision or agency, with the exception of incinerator operators, violating any provision of this chapter or the rules adopted under this chapter, is guilty of a misdemeanor. Incinerator operators who violate any provision of this chapter shall be guilty of a gross misdemeanor. Each day of operation in violation of this chapter or any rules adopted under this chapter shall constitute a separate offense. The prosecuting attorney or the attorney general, as appropriate, shall secure injunctions of continuing violations of any provisions of this chapter or the rules adopted under this chapter.

NEW SECTION, Sec. 75. DEPOSIT OF RECEIPTS. All receipts realized in the administration of this chapter shall be paid into the general fund.

NEW SECTION, Sec. 76. Sections 65 through 75 of this act shall constitute a new chapter in Title 70 RCW.

NEW SECTION, Sec. 77. A new section is added to chapter 70.95 RCW to read as follows:
Incineration of medical waste shall be conducted under sufficient burning conditions to reduce all combustible material to a form such that no portion of the combustible material is visible in its uncombusted state.

XI. REVENUE

Sec. 78. Section 6, chapter 282, Laws of 1986 and RCW 82.18.010 are each amended to read as follows:

For purposes of this chapter:

(1) ~~'(Refuse) Solid waste~~ collection business' means every person who receives solid waste for transfer, storage, or disposal including but not limited to all collection services, public or private dumps, transfer stations, and similar operations.

(2) 'Person' shall have the meaning given in RCW 82.04.030 or any later, superseding section.

(3) 'Solid waste' means garbage, trash, rubbish, or other material discarded as worthless or not economically viable for further use. The term does not include hazardous or toxic waste nor does it include material collected primarily for recycling or salvage.

(4) 'Taxpayer' means that person upon whom the ~~'(refuse) solid waste~~ collection tax is imposed.

Sec. 79. Section 7, chapter 282, Laws of 1986 and RCW 82.18.020 are each amended to read as follows:

SOLID WASTE COLLECTION TAX. There is imposed on each person using the solid waste services of a ~~'(refuse) solid waste~~ collection business a ~~'(refuse) solid waste~~ collection tax equal to three and six-tenths percent of the consideration charged for the services.

NEW SECTION, Sec. 80. A new section is added to chapter 82.18 RCW to read as follows:

SOLID WASTE COLLECTION TAX. (1) There is imposed on each person using the services of a solid waste collection business a solid waste collection tax of one percent of the consideration charged for the services. This tax shall be applied only to a service charge for actual solid waste collection services that are provided. For residential collection service only, the tax shall apply to the lesser of the consideration charged for the services or:

(a) For customers with less than two-can service, the first eight dollars of the monthly charge for the services.

(b) For customers with two-can service or more, the first twelve dollars of the monthly charge for the services.

(2) Money collected under this section shall be held in trust until paid to the state. Money received by the state shall be deposited in the solid waste management account created by section 90 of this act.

(3) This section expires July 1, 1993.

NEW SECTION, Sec. 81. The expiration of section 80 of this act shall not be construed as affecting any existing right acquired or liability or obligation incurred under that section or under any rule or order adopted under that section, nor as affecting any proceeding instituted under that section.

NEW SECTION, Sec. 82. Section 80 of this act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect July 1, 1989.

NEW SECTION, Sec. 83. The joint select committee on preferred solid waste management created pursuant to section 91 of this act shall report to the legislature by January 1, 1993, as to whether the tax imposed under section 80 of this act should be continued or modified to achieve the purposes of this act.

Sec. 84. Section 8, chapter 282, Laws of 1986 and RCW 82.18.030 are each amended to read as follows:

The person collecting the charges made for using the ~~'(refuse) solid waste~~ collection business shall collect the tax imposed in ~~'(section 6 of this act) this chapter~~. If any person charged with collecting the tax fails to bill the taxpayer for the tax, or in the alternative has not notified

the taxpayer in writing of the imposition of the tax, or having collected the tax, fails to pay it to the department in the manner prescribed by this chapter, whether such failure is the result of the person's own acts or the result of acts or conditions beyond the person's control, he or she shall, nevertheless, be personally liable to the state for the amount of the tax.

Sec. 85. Section 9, chapter 282, Laws of 1986 and RCW 82.18.040 are each amended to read as follows:

Taxes collected under this chapter shall be held in trust until paid to the state. Except for taxes received under section 80 of this act, taxes so received by the state shall be deposited in the public works assistance account created in RCW 43.155.050. Any person collecting the tax who appropriates or converts the tax collected shall be guilty of a gross misdemeanor if the money required to be collected is not available for payment on the date payment is due. If a taxpayer fails to pay the tax imposed by this chapter to the person charged with collection of the tax and the person charged with collection fails to pay the tax to the department, the department may, in its discretion, proceed directly against the taxpayer for collection of the tax.

The tax shall be due from the taxpayer within twenty-five days from the date the taxpayer is billed by the person collecting the tax.

The tax shall be due from the person collecting the tax at the end of the tax period in which the tax is received from the taxpayer. If the taxpayer remits only a portion of the total amount billed for taxes, consideration, and related charges, the amount remitted shall be applied first to payment of the ~~((refuse))~~ solid waste collection tax and this tax shall have priority over all other claims to the amount remitted.

Sec. 86. Section 10, chapter 282, Laws of 1986 and RCW 82.18.050 are each amended to read as follows:

The ~~((refuse))~~ solid waste collection ~~((tax))~~ taxes imposed in this chapter shall not apply to any agency, division, or branch of the federal government or to services rendered under a contract therewith.

Sec. 87. Section 11, chapter 282, Laws of 1986 and RCW 82.18.060 are each amended to read as follows:

To prevent pyramiding and multiple taxation of a single transaction, ~~((this tax))~~ the solid waste collection taxes imposed in this chapter shall not apply to any ~~((refuse))~~ solid waste collection business using the services of another ~~((refuse))~~ solid waste collection business for the transfer, storage, processing, or disposal of the waste collected during the transaction.

To be eligible for this exemption, a person first must be certified by the department of revenue as a ~~((refuse))~~ solid waste collection business.

Sec. 88. Section 12, chapter 282, Laws of 1986 and RCW 82.18.070 are each amended to read as follows:

Chapter 82.32 RCW applies to the ~~((tax))~~ taxes imposed under this chapter.

Sec. 89. Section 13, chapter 282, Laws of 1986 and RCW 82.18.080 are each amended to read as follows:

The department of revenue shall have the power to enforce the ~~((tax))~~ taxes imposed in this chapter through appropriate rules.

NEW SECTION. Sec. 90. A new section is added to chapter 70.95 RCW to read as follows:

SOLID WASTE MANAGEMENT ACCOUNT. The solid waste management account is created in the state treasury. Moneys in the account may only be spent after appropriation. Expenditures from the account may only be used to carry out the purposes of this act. All earnings from the investment of balances in the solid waste management account except as provided in RCW 43.84.090, shall be deposited into the solid waste management account.

XII.

REAUTHORIZATION OF JOINT SELECT COMMITTEE

Sec. 91. Section 15, chapter 528, Laws of 1987 as amended by section 6, chapter 184, Laws of 1988 (uncodified) is amended to read as follows:

~~(1) ((The Washington state legislature finds that the state faces a solid waste disposal crisis. The siting of new landfills, the location and design of new solid waste incinerators, the disposal of ash residue, and compliance with the priorities of the solid waste management act and the hazardous waste management act require that an effort be made by the state to ensure that local governments and private industry have adequate technical information, and that programs are developed to accomplish the statutory waste management priorities.~~

~~(2) A comprehensive evaluation of preferred solid waste management programs shall be undertaken by))~~ The joint select committee for preferred solid waste management is created for the purpose of monitoring the implementation of this act and for making further recommendations for legislation to fulfill the purposes of this act. The committee shall consist of four members of the house of representatives appointed by the speaker of the house and four members of the senate appointed by the president of the senate. Equal membership of each major political caucus shall be provided. The president of the senate and the speaker of the house of representatives shall each designate a cochair of the committee. The committee shall

involve the department of ecology, the utilities and transportation commission, and representatives of organizations representing cities, counties, the public, the waste management industry, the energy recovery and incineration industry waste haulers, and the private recycling industry. The committee shall report its findings and recommendations to the appropriate standing committees of the legislature ~~((by January 1, 1989))~~.

~~((3))~~ (2) The department of ecology may provide the committee with specific recommendations on waste management programs from studies the department has undertaken as required by RCW 70.95.263.

~~((4))~~ (3) The committee shall attempt to determine the reasons why higher rates of waste reduction and recycling have not been achieved in the state and develop recommendations on how to achieve higher rates.

~~((5))~~ (4) The committee's recommendations shall include (a) specific programs for waste reduction, recycling, incineration, and landfills, (b) specific goals for solid waste management, and (c) specific responsibilities for state government, local government, and the private sectors to accomplish the committee's recommendations. The committee shall also recommend specific legislation and rule-making requirements to accomplish the committee's findings.

~~((6))~~ (5) The joint select committee for preferred solid waste management shall cease to exist on July 1, ~~((1989))~~ 1991.

XIII.

WASTE TIRES

Sec. 92. Section 5, chapter 345, Laws of 1985 and RCW 70.95.510 are each amended to read as follows:

NEW TIRE ASSESSMENT. There is levied ~~((and there shall be collected by the department of revenue from every person engaging within this state in business making))~~ a one dollar per tire fee on the retail sale~~((s))~~ of new replacement vehicle tires ~~((an annual assessment equal to the gross proceeds of the sales of new replacement vehicle tires sold within this state, multiplied by twelve hundredths of one percent))~~ for a period of five years, beginning October 1, 1989. The fee imposed in this section shall be paid by the buyer to the seller, and each seller shall collect from the buyer the full amount of the fee. The fee collected from the buyer by the seller less the ten percent amount retained by the seller as provided in section 93 of this act shall be paid to the department of revenue in accordance with RCW 82.32.045. All ~~((of the))~~ other applicable provisions of chapter 82.32 RCW have full force and application with respect to ~~((taxes))~~ the fee imposed under this section. The department of revenue shall administer this section.

For the purposes of this section, 'new replacement vehicle tires' means tires that are newly manufactured for vehicle purposes and does not include retreaded vehicle tires.

NEW SECTION. Sec. 93. A new section is added to chapter 70.95 RCW to read as follows:

WASTE TIRE CLEANUP. (1) Every person engaged in making retail sales of new replacement vehicle tires in this state shall retain ten percent of the collected one dollar fee. The moneys retained may be used for costs associated with the proper management of the waste vehicle tires by the retailer.

(2) The department of ecology will administer the funds for the purposes specified in RCW 70.95.020(5) including, but not limited to:

- (a) Making grants to local governments for pilot demonstration projects for on-site shredding and recycling of tires from unauthorized dump sites;
- (b) Grants to local government for enforcement programs;
- (c) Implementation of a public information and education program to include posters, signs, and informational materials to be distributed to retail tire sales and tire service outlets;
- (d) Product marketing studies for recycled tires and alternatives to land disposal.

Sec. 94. Section 6, chapter 345, Laws of 1985 and RCW 70.95.520 are each amended to read as follows:

There is created an account within the state treasury to be known as the vehicle tire recycling account. All assessments and other funds collected or received under this chapter shall be deposited in the vehicle tire recycling account and used by the department of ecology for ~~((the))~~ administration and implementation of this chapter ~~((as provided by RCW 70.95.530))~~. After October 1, 1989, the department of revenue shall deduct two percent from funds collected pursuant to section 92 of this act for the purpose of administering and collecting the fee from new replacement vehicle tire retailers.

Sec. 95. Section 5, chapter 250, Laws of 1988 and RCW 70.95.560 are each amended to read as follows:

PENALTIES. Any person who transports or stores waste tires without a license in violation of RCW 70.95.555 shall be guilty of a gross misdemeanor and upon conviction shall be punished under RCW ~~((9A.20.020(2)))~~ 9A.20.021(2).

XIV.

STUDIES AND GRANTS

NEW SECTION. Sec. 96. A new section is added to chapter 70.95 RCW to read as follows:

SOLID WASTE ENFORCEMENT STUDY. The institute for urban and local studies at Eastern Washington State University shall conduct a study of enforcement of solid waste management

laws and regulations as a component of the 1990 state solid waste management plan. This study shall include, but shall not be limited to:

(1) A review of current state and local solid waste rules, requirements, policies, and resources devoted to state and local solid waste enforcement, and of the effectiveness of these programs in promoting environmental health and public safety;

(2) An examination of federal regulations and the latest proposed amendments to the Resource Conservation and Recovery Act, in subtitle D of the code of federal regulations;

(3) A review of regulatory approaches used by other states;

(4) A review and evaluation of educational and technical assistance programs related to enforcement;

(5) An inventory of regulatory compliance for all processing and disposal facilities handling mixed solid waste;

(6) A review of the role and effectiveness of other enforcement jurisdictions;

(7) An evaluation of the need for redefining institutional roles and responsibilities for enforcement of solid waste management laws and regulations in order to establish public confidence in solid waste management systems and ensure public protection; and

(8) An evaluation of possible benefits in separating the solid waste planning and technical assistance responsibilities from the enforcement responsibilities within the department.

NEW SECTION, Sec. 97. A new section is added to chapter 70.95 RCW to read as follows:

COMPOSTING GRANTS AND STUDY. (1) In order to establish the feasibility of composting food and yard wastes, the department shall provide funds, as available, to local governments submitting a proposal to compost such wastes.

(2) The department, in cooperation with the department of trade and economic development, may approve an application if the project can demonstrate the essential parameters for successful composting, including, but not limited to, cost-effectiveness, handling and safety requirements, and current and potential markets.

(3) The department shall periodically report to the appropriate standing committees of the legislature on the need for, and feasibility of, composting systems for food and yard wastes.

NEW SECTION, Sec. 98. ENERGY RECOVERY STUDY. In order to develop and enhance markets for scrap waste paper and to establish the safety and feasibility of burning certain plastics for energy recovery, the state energy office, in cooperation with the department of trade and economic development, shall conduct a study including, but not limited to, the following:

(1) A characterization of the facilities combusting scrap paper and plastics, including the design of handling equipment, combustors, and pollution control equipment;

(2) A determination of the quantity of scrap paper available for the fuel market, and the locations of potential suppliers;

(3) A determination of the capital and operating and maintenance costs of safely combusting scrap paper and plastic fuels;

(4) A determination of the market value of the fuel to potential users. The office shall report its finding to the legislature by December 31, 1989.

NEW SECTION, Sec. 99. STUDY OF RECYCLED PAPER AS FEED STOCK. The office of waste reduction shall conduct a study of the current use of, and potential capacity for, use of recycled paper as feed stock to the state's pulp and paper industry. The office shall report its findings to the legislature by December 31, 1989.

NEW SECTION, Sec. 100. COMMITTEE FOR RECYCLING MARKETS. (1) There is created, within the department of trade and economic development, the Washington committee for recycling markets. The committee shall be appointed by the director and shall involve representatives of: Recycling businesses; solid waste collection businesses; local government officials; local chambers of commerce; citizen recycling groups; manufacturers; institutions of higher education; the department of ecology; and other agencies, businesses, and individuals and organizations as may have an interest in development of recycling markets. The committee shall also include such legislative members as are appointed by the speaker of the house of representatives and the president of the senate.

(2) The committee shall convene on or before September 1, 1989, and shall meet no less than monthly.

(3) The committee shall be supported by staff from the department of trade and economic development with assistance of the department of ecology.

NEW SECTION, Sec. 101. RECOMMENDATIONS. The committee shall make recommendations for development of new markets for recycled materials, with particular attention to markets for yard waste, plastics, mixed waste papers and waste tires, and for increasing the effectiveness of the market development responsibilities of the department of trade and economic development under section 65 of this act.

NEW SECTION, Sec. 102. CONTRACTS AND REPORTS. The committee may enter into contracts to assist in its responsibilities, provided that the state funds for such contracts are matched by at least an equal amount from private sources. The committee shall provide a report to the legislature on or before January 2, 1990, and a final report on or before November 30, 1990, and its duties shall be terminated upon delivery of the final report.

NEW SECTION. Sec. 103. Sections 100 through 102 of this act shall constitute a new chapter in Title 43 RCW.

NEW SECTION. Sec. 104. PROBLEM WASTE STUDY. (1) The department shall share information on household hazardous waste pilot projects and strategies for management of moderate risk wastes with local governments as elements of a problem waste study. In doing so, the department shall prepare a report detailing progress in managing moderate risk wastes throughout the state.

The department of ecology shall conduct a study of the following problem wastes:

- (a) Moderate risk wastes generated by businesses and households;
- (b) Waste lubricating oil;
- (c) Petroleum contaminated soils;
- (d) Gypsum wastes from construction and demolition.

The study shall include an analysis and evaluation of the best available technologies for environmentally sound collection, storage, processing and/or disposal. Technologies shall be evaluated based on economic and environmental impacts. The priority shall be on the development of recommendations for achieving reduction and recycling of these wastes.

(2) In conducting the study, the department shall involve, consult, and create special advisory committees that will include membership from relevant industries, environmental groups, and local governments. The department shall submit a report, including recommendations, to the house of representatives environmental affairs committee and the senate environment and natural resources committee by December 15, 1990, and shall make the results of the study available to local governments. In its study, the department shall consider, at a minimum, the following:

- (a) Education programs about using alternative products that minimize adverse effects to the environment;
- (b) Program development and enhancement to divert problem wastes from the waste stream, including current recycling programs and household hazardous waste collection programs;
- (c) Waste treatment and stabilization; and
- (d) Environmental impacts.

(3) In addition, the department shall conduct a literature search to investigate existing toxic materials in landfills, in sewage sludge disposal, in incinerator air emissions, and in incinerator fly and bottom ash, including, but not limited to, lead, mercury, cadmium, chromium, dioxins, furans, oxides of sulphur, carbon, nitrogen, and other toxic organic materials. Furthermore, the study shall review the adequacy of the state's air quality and ash quality standards for solid waste incinerators, by including a comparison of Washington state standards with the latest standards adopted by other countries such as Sweden and West Germany.

(4) The purpose of the investigation and the standards review is to evaluate the potential for damage to the environment and public health from these toxic materials, to identify the sources of the toxic materials, and to evaluate the potential solid waste management practices for eliminating or reducing the amount of toxic materials entering disposal facilities, or reducing the toxicity of such materials.

NEW SECTION. Sec. 105. REGIONAL FACILITY PLANNING. (1) The department of ecology shall award a maximum of three grants prior to June 30, 1991, to local governments for the purpose of planning for a regional facility or facilities with the capacity to manage solid waste in the region on an integrated waste management basis. The award may be made to any general jurisdictional unit of local government or more than one such unit acting cooperatively in planning for such a facility.

(2) In making the awards the department shall apply the following criteria:

(a) The applicant proposes a plan for a system or facility that will accept a majority of the volume of the solid waste from beyond the boundaries of the local governments applying for the grant;

(b) The proposed plan will address the need for shared responsibility for the operation and closure of the facility among the local governments using the facility, and an equitable distribution of the liability that may be incurred based upon the origin of the solid waste handled at the facility;

(c) The plan will identify the public participation process to be used in planning and developing the system or facility;

(d) The plan will identify regulatory, planning, and financial issues that should be addressed by the state government and make recommendations for legislative or administrative actions;

(e) The plan is consistent with any applicable state and local solid waste management plans and the purposes of this act; and

(f) The applicant proposes a plan that will incorporate existing energy recovery, incineration, and/or disposal facilities.

(3) Where the applications received otherwise meet the criteria of this section the department shall endeavor to make awards for plans that will address regional solid waste management needs in each of the major geographic regions of the state.

(4) Grant recipients shall provide periodic progress reports to the department.

NEW SECTION. Sec. 106. A facility that achieves an integrated waste management strategy relying upon several of the management priorities specified in RCW 70.95.010, and that receives a substantial volume of waste from an entire region of the state, shall be provided flexibility in the pursuit of such integrated waste management by the local government or governments preparing a comprehensive solid waste management plan for the area in which the facility is located.

XV.

SEVERABILITY AND EMERGENCY CLAUSES

NEW SECTION. Sec. 107. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 108. Captions and headings used in this act do not constitute any part of the law.

NEW SECTION. Sec. 109. Sections 50 and 51 of this act are necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect July 1, 1989."

On page 1, line 1 of the title, after "waste," strike the remainder of the title and insert "amending RCW 70.95.010, 70.95.030, 70.95.090, 70.95.110, 70.95.100, 70.95.130, 70.95.160, 70.95.165, 70.95.280, 35.21.120, 81.77.010, 81.77.020, 81.77.030, 81.77.040, 81.77.050, 81.77.060, 81.77.080, 81.77.100, 81.77.110, 36.58.030, 36.58.040, 82.04.070, 43.21A.520, 35.21.130, 36.58.010, 35.23.352, 39.30.040, 35.22.620, 43.19.1911, 43.160.010, 43.160.060, 82.18.010, 82.18.020, 82.18.030, 82.18.040, 82.18.050, 82.18.060, 82.18.070, 82.18.080, 70.95.510, 70.95.520, and 70.95.560; amending section 15, chapter 528, Laws of 1987 as amended by section 6, chapter 184, Laws of 1988 (uncodified); reenacting and amending RCW 70.95.260 and 36.32.250; adding new sections to chapter 70.95 RCW; adding a new section to chapter 35.21 RCW; adding new sections to chapter 81.77 RCW; adding new sections to chapter 36.58 RCW; adding a new section to chapter 35A.21 RCW; adding a new section to chapter 82.08 RCW; adding a new section to chapter 82.12 RCW; adding new sections to chapter 70.95C RCW; adding a new section to chapter 82.02 RCW; adding a new section to chapter 43.160 RCW; adding a new section to chapter 43.31 RCW; adding a new section to chapter 82.18 RCW; adding a new chapter to Title 43 RCW; adding a new chapter to Title 70 RCW; creating new sections; prescribing penalties; providing an expiration date; providing effective dates; and declaring an emergency."

and the same is herewith transmitted.

W. D. Naismith, Assistant Secretary.

MOTION

Ms. Rust moved that the House do concur in the Senate amendments to Engrossed Substitute House Bill No. 1671.

POINT OF ORDER

Mr. R. Meyers: Thank you, Mr. Speaker. I would like a ruling on the scope and object of the Senate amendments.

The Speaker (Mr. O'Brien presiding) deferred further consideration of Engrossed Substitute House Bill No. 1671.

SENATE AMENDMENTS TO HOUSE BILL

April 10, 1989

Mr. Speaker:

The Senate has passed ENGROSSED SUBSTITUTE HOUSE BILL NO. 2137 with the following amendments:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. (1) The legislature finds that the future health of certain sectors of Washington state's economy is at risk in the face of increasing global competition. The service and aerospace industries have responded well to this increasing global competition. However, certain traditional industries, such as forest products and agriculture which are primarily located in rural areas, have experienced some decline. However, significant public and private resources are being directed toward restoring the vitality of these industries. In the area of forest products the level of industry investment since 1985 is estimated at six billion dollars nationally resulting in increased productivity in excess of forty percent within Washington state since 1982.

(2) The legislature finds that, in addition to these industries, there are a number of emerging sectors in the state economy which offer real promise. These include biotechnology, manufactured forest products, and food processing. In the next decade, these emerging sectors can be among the state's strongest, most stable sectors able to successfully compete in the global market and assist economic development in Washington's rural and urban communities. It is

the purpose of sections 1 through 7 of this act to help these emerging sectors by encouraging a broader base and support for their development. It is also the purpose of sections 1 through 7 of this act to ensure that more specific direction is given to the department in developing its programs and that the impact of resources the department directs toward targeted sectors is better measured.

(3) The legislature also finds that the state must work in partnership with the private sector to enhance economic development, whether restoring the vitality of declining industries or developing new industries with good economic potential. In order for the public and private efforts to be most successful, the state, particularly the department, must clearly articulate: (a) its goals and objectives; (b) its appraisal of the sector that led to the goals and objectives; (c) its choice of strategy for achieving the goals and objectives; (d) its implementation plans and timetables; and (e) its evaluation criteria and process. The department must work with the private sector, research institutions, other state agencies, and the legislature in the analysis, the setting of goals, the choice of strategy, and the evaluation process so that all parties have input into and understand how the problem is being defined and how the problem is being solved.

NEW SECTION. Sec. 2. (1) The department shall establish targeted sector programs in the areas of biotechnology, manufactured forest products, and food processing. The purpose of these programs shall be to analyze the current state of the targeted sector, develop an action plan, and implement a program for each targeted sector to increase the sales of products from these sectors nationally and internationally.

(2) A targeted sector program within the department shall:

(a) Administer the targeted sector programs established in subsection (1) of this section;

(b) Contract with the international marketing program for agricultural commodities and trade at Washington State University to analyze the current state of the food processing industry and develop an industry action plan;

(c) Contract with the center for international trade in forest products at the University of Washington to analyze the current state of the wood products manufacturing industry and develop an industry action plan;

(d) Contract with the northwest policy center at the University of Washington to analyze the current state of the biotechnology industry and develop an industry action plan.

(3) The department in conjunction with the centers shall also develop an evaluation process to measure the effectiveness of the targeted sector programs. The targeted sector programs are intended to significantly increase the jobs and capital investment in these sectors through a well-conceived and implemented action plan.

NEW SECTION. Sec. 3. (1) The centers shall appraise their respective targeted sectors to determine the current state of the sector. In making this appraisal, the centers shall consider, but shall not be limited to, the following: (a) The strengths and weaknesses of the sector; (b) the opportunities and risks in the sector; (c) any emerging products, processes and market niches in the sector; (d) the commercialization of technology related to the sector; (e) the availability of capital in the sector; (f) the education and training needs in the sector; (g) the infrastructure development in the sector; (h) the number of employees and businesses in the sector; and (i) the role the state should play in the long-term development of the sector.

(2) The centers shall base their action plan for each targeted sector on the appraisal of the sector under subsection (1) of this section. Where needs are identified in the appraisal of the sector or a component of the industry action plan, but are beyond the scope of the department's program or ability to accomplish without additional resources, the department shall provide clear recommendations to the legislature regarding an action plan the state should implement to address these identified needs.

NEW SECTION. Sec. 4. (1) In the forest products manufacturing targeted sector program the evergreen partnership shall act as the advisory committee to the department.

(2) In the food products processing targeted sector program the department of agriculture food products processing advisory committee shall act as the advisory committee to the department of trade and economic development.

(3) In the biotechnology targeted sector program the Washington state biotechnology association shall act as the advisory committee to the department.

NEW SECTION. Sec. 5. The advisory committees shall:

(1) Provide policy direction regarding:

(a) The appraisal process;

(b) Program development;

(c) Program implementation; and

(d) Evaluate criteria and process for the targeted sector program; and

(2) Review the role of other state agencies and the private sector in advising the department.

NEW SECTION. Sec. 6. By January 10th of each year the department in conjunction with the centers as provided under section 2 of this act shall report in writing on its targeted sector programs to the trade and economic development committee in the house of representatives and the economic development and labor committee in the senate. The department shall report on

each element of the targeted sector program, including: (1) Appraisal of the sector; (2) alternatives for assisting in the growth and development of the sector; (3) the choice of the strategy and the rationale behind that choice; (4) the implementation of the strategy; and (5) the evaluation of the targeted sector program. The department in conjunction with the centers as provided under section 2 of this act shall also make current information available on a regular basis to the legislature and the private sector regarding its targeted sector programs.

NEW SECTION. Sec. 7. The department shall work with the centers, industry trade groups, local governments and local economic development organizations in implementing the target sector programs. The department shall seek and utilize nonstate funds to help carry out these programs.

NEW SECTION. Sec. 8. The business assistance center of the department of trade and economic development, in consultation with the Washington state institute for public policy and the northwest policy center shall review the establishment of an industrial extension grant program in conjunction with the targeted sector program projects.

NEW SECTION. Sec. 9. The department, in reviewing the establishment of the industrial extension program, shall identify:

- (1) The manner in which the program should be structured and funded;
- (2) The scope of services that should be provided; and
- (3) The availability of possible grant recipients that could provide services under the program; such grant recipients should have the following characteristics:
 - (a) Demonstrate the participation of local education institutions, trade or industry associations, and local economic development groups;
 - (b) Provide the services of industrial engineers, efficiency experts, and other technicians familiar with the modernization needs of local industries;
 - (c) Offer firm-specific assistance for a limited period of time, after which firms may negotiate assistance on a fee basis;
 - (d) Work primarily with small firms which could not otherwise afford the expertise;
 - (e) Develop mechanisms to provide information on new manufacturing technologies to existing small and medium-sized firms; and
 - (f) Provide whatever information the business assistance center deems necessary to evaluate the potential effectiveness of the program.

NEW SECTION. Sec. 10. The business assistance center shall examine mechanisms for the establishment of flexible manufacturing networks or consortia through which small firms cooperatively access modernization, marketing, training and other services.

NEW SECTION. Sec. 11. The business assistance center shall report by January 1, 1989, to the senate economic development and labor committee and house of representatives trade and economic development committee on its findings and recommendations on the establishment of an industrial extension program and flexible manufacturing networks or consortia program.

NEW SECTION. Sec. 12. Sections 1 through 11 of this act are each added to chapter 43.31 RCW.

NEW SECTION. Sec. 13. A new section is added to chapter 43.131 RCW to read as follows:
The targeted sector programs shall be terminated on June 30, 1994, as provided in section 14 of this act.

NEW SECTION. Sec. 14. A new section is added to chapter 43.131 RCW to read as follows:
The following acts or parts of acts, as now existing or hereafter amended, are each repealed, effective June 30, 1995:

- (1) Section 1 of this act and RCW 43.31.____;
- (2) Section 2 of this act and RCW 43.31.____;
- (3) Section 3 of this act and RCW 43.31.____;
- (4) Section 4 of this act and RCW 43.31.____;
- (5) Section 5 of this act and RCW 43.31.____;
- (6) Section 6 of this act and RCW 43.31.____; and
- (7) Section 7 of this act and RCW 43.31.____."

On page 1, line 1 of the title, after "development;" strike the remainder of the title and insert "adding new sections to chapter 43.31 RCW; and adding new sections to chapter 43.131 RCW."

and the same is herewith transmitted.

W. D. Naismith, Assistant Secretary.

MOTION

Ms. Cantwell moved that the House refuse to concur in the Senate amendments to Engrossed Substitute House Bill No. 2137 and ask the Senate for a conference thereon. The motion was carried.

APPOINTMENT OF CONFEREES

The Speaker (Mr. O'Brien presiding) appointed Representatives Cantwell, G. Fisher and Doty as conferees on Engrossed Substitute House Bill No. 2137.

SENATE AMENDMENT TO HOUSE BILL

April 6, 1989

Mr. Speaker:

The Senate has passed ENGROSSED HOUSE BILL NO. 1070 with the following amendment:

On page 1, beginning on line 5, strike all of section 1 and insert the following:

*Sec. 1. Section 2, chapter 42, Laws of 1955 as last amended by section 1, chapter 4, Laws of 1969 ex. sess. and RCW 9.95.062 are each amended to read as follows:

(1) Notwithstanding CrR 3.2 or RAP 7.2, an appeal by a defendant in a criminal action shall not stay the execution of the judgment of conviction, if the court determines by a preponderance of the evidence that:

(a)(i) The defendant is likely to flee or to pose a danger to the safety of any other person or the community if the judgment is stayed; or

(ii) The delay resulting from the stay will unduly diminish the deterrent effect of the punishment; or

(iii) A stay of the judgment will cause unreasonable trauma to the victims of the crime or their families; and

(b) The defendant has either undertaken to the extent of the defendant's financial ability to pay the financial obligations under the judgment or has posted an adequate performance bond to assure payment.

(2) In case the defendant has been convicted of a felony, and has been unable to ((~~turnish a bail bond~~)) obtain release pending the appeal by posting an appeal bond, cash, adequate security, release on personal recognizance, or any other conditions imposed by the court, the time ((~~he~~)) the defendant has been imprisoned pending the appeal shall be deducted from the term for which ((~~he~~)) the defendant was ((~~therefore~~)) sentenced ((~~to the penitentiary~~)), if the judgment ((~~against him be~~)) is affirmed."

and the same is herewith transmitted.

W. D. Naismith, Assistant Secretary.

MOTION

Mr. Crane moved that the House refuse to concur in the Senate amendment to Engrossed House Bill No. 1070 and ask the Senate for a conference thereon.

Mr. Crane spoke in favor of the motion, and it was carried.

APPOINTMENT OF CONFEREES

The Speaker (Mr. O'Brien presiding) appointed Representatives Appelwick, Rector and Padden as conferees on Engrossed House Bill No. 1070.

MESSAGE FROM THE SENATE

April 10, 1989

Mr. Speaker:

The Senate refuses to concur in the House amendments to SUBSTITUTE SENATE BILL NO. 5221, and asks the House to recede therefrom, and the same is herewith transmitted.

W. D. Naismith, Assistant Secretary.

MOTION

Mr. Jacobsen moved that the House insist on its position regarding its amendments to Substitute Senate Bill No. 5221 and ask the Senate for a conference thereon.

Mr. Jacobsen spoke in favor of the motion, and it was carried.

APPOINTMENT OF CONFEREES

The Speaker (Mr. O'Brien presiding) appointed Representatives Spanel, H. Myers and Van Luven as conferees on Substitute Senate Bill No. 5221.

MESSAGE FROM THE SENATE

April 13, 1989

Mr. Speaker:

The Senate refuses to concur in the House amendments to ENGROSSED SENATE BILL NO. 5597, and asks the House to recede therefrom, and the same is herewith transmitted.

W. D. Naismith, Assistant Secretary.

MOTION

Mr. Crane moved that the House refuse to recede from its amendments to Engrossed Senate Bill No. 5597 and ask the Senate for a conference thereon. The motion was carried.

APPOINTMENT OF CONFEREES

The Speaker (Mr. O'Brien presiding) appointed Representatives Appelwick, R. Meyers and Brough as conferees on Engrossed Senate Bill No. 5597.

MESSAGE FROM THE SENATE

April 10, 1989

Mr. Speaker:

The Senate refuses to concur in the House amendments to SUBSTITUTE SENATE BILL NO. 5827, and asks the House to recede therefrom, and the same is herewith transmitted.

W. D. Naismith, Assistant Secretary.

MOTION

Ms. Rayburn moved that the House insist on its position regarding its amendments to Substitute Senate Bill No. 5827 and ask the Senate for a conference thereon. The motion was carried.

APPOINTMENT OF CONFEREES

The Speaker (Mr. O'Brien presiding) appointed Representatives Rayburn, Appelwick and Nealey as conferees on Substitute Senate Bill No. 5827.

MESSAGES FROM THE SENATE

April 18, 1989

Mr. Speaker:

The Senate receded from its amendments to SUBSTITUTE HOUSE BILL NO. 1408, and passed the bill without said amendments, and the same is herewith transmitted.

W. D. Naismith, Assistant Secretary.

April 18, 1989

Mr. Speaker:

The Senate receded from its amendments to HOUSE BILL NO. 1772, and passed the bill without said amendments, and the same is herewith transmitted.

W. D. Naismith, Assistant Secretary.

April 18, 1989

Mr. Speaker:

The Senate receded from its amendments to HOUSE BILL NO. 2142, and passed the bill without said amendments, and the same is herewith transmitted.

W. D. Naismith, Assistant Secretary.

SENATE AMENDMENT TO HOUSE BILL

April 13, 1989

Mr. Speaker:

The Senate has passed ENGROSSED SUBSTITUTE HOUSE BILL NO. 1619 with the following amendment:

On page 3, line 10, following "department" strike all of subsection 8
Renummer the remaining subsections accordingly
and the same is herewith transmitted.

W. D. Naismith, Assistant Secretary.

MOTION

Mr. Bristow moved that the House do concur in the Senate amendment to Engrossed Substitute House Bill No. 1619. The motion was carried.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

The Speaker (Mr. O'Brien presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 1619 as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1619 as amended by the Senate, and the bill passed the House by the following vote: Yeas, 97; excused, 1.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Baugher, Beck, Belcher, Betrozoff, Bowman, Braddock, Brekke, Bristow, Brooks, Brough, Brumsickle, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Fraser, Fuhrman, Grant, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Inslee, Jacobsen, Jesernig, Jones, King P, King R, Kremen, Leonard, Locke, May, McLean, Meyers R, Miller, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Padden, Patrick, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith, Sommers D, Sommers H, Spanel, Sprenkle, Tate, Todd, Valle, Van Luven, Vekich, Walk, Walker, Wang, Wilson K, Wilson S, Wineberry, Winsley, Wolfe, Wood, Youngsman, Zellinsky, and Mr. Speaker - 97.

Excused: Representative Gallagher - 1.

Engrossed Substitute House Bill No. 1619 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SENATE AMENDMENTS TO HOUSE BILL

April 13, 1989

Mr. Speaker:

The Senate has passed ENGROSSED HOUSE BILL NO. 1664 with the following amendments:

On page 3, line 23, after "operate," strike "alter, or sell"

On page 3, line 26, after "Limousines" insert "and passenger buses" and the same is herewith transmitted.

Gordon A. Golob, Secretary.

MOTION

Mr. Walk moved that the House do concur in the Senate amendments to Engrossed House Bill No. 1664.

Mr. Walk spoke in favor of the motion, and it was carried.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

The Speaker (Mr. O'Brien presiding) stated the question before the House to be the final passage of Engrossed House Bill No. 1664 as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 1664 as amended by the Senate, and the bill passed the House by the following vote: Yeas, 97; excused, 1.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Baugher, Beck, Belcher, Betrozoff, Bowman, Braddock, Brekke, Bristow, Brooks, Brough, Brumsickle, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Fraser, Fuhrman, Grant, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Inslee, Jacobsen, Jesernig, Jones, King P, King R, Kremen, Leonard, Locke, May, McLean, Meyers R, Miller, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Padden, Patrick, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith, Sommers D, Sommers H, Spanel, Sprenkle, Tate, Todd, Valle, Van Luven, Vekich, Walk, Walker, Wang, Wilson K, Wilson S, Wineberry, Winsley, Wolfe, Wood, Youngsman, Zellinsky, and Mr. Speaker - 97.

Excused: Representative Gallagher - 1.

Engrossed House Bill No. 1664 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SENATE AMENDMENTS TO HOUSE BILL

April 13, 1989

Mr. Speaker:

The Senate has passed HOUSE BILL NO. 1698 with the following amendments:

On page 1, line 14, after "(3)" strike all material through "county," on line 19, and insert the following:

"Except as provided in this subsection, changes to the boundaries of any precinct shall follow visible, physical features delineated on the most current maps provided by the United States census bureau. A change need not follow such visible, physical features if (a) it is necessitated by an annexation or incorporation and the proposed precinct boundary is identical to an exterior boundary of the annexed or incorporated area which does not follow a visible, physical feature; or (b) doing so would substantially impair election administration in the involved area."

(4) After a change to precinct boundaries is adopted by the county legislative authority, the county auditor shall send to the secretary of state a copy of the legal description and a map or maps of the changes and, if all or part of the changes do not follow visible, physical features, a statement of the applicable exception under subsection (3) of this section. For boundary changes made pursuant to subsection (3)(b) of this section, the auditor shall include a statement of the reasons why following visible, physical features would have substantially impaired election administration."

Renumber remaining subsections consecutively and correct internal references accordingly

On page 2, line 12, after "distribution," insert "review," and the same is herewith transmitted.

Gordon A. Golob, Secretary.

MOTION

Ms. R. Fisher moved that the House do concur in the Senate amendments to House Bill No. 1698.

Representatives R. Fisher and McLean spoke in favor of the motion, and it was carried.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

The Speaker (Mr. O'Brien presiding) stated the question before the House to be the final passage of House Bill No. 1698 as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1698 as amended by the Senate, and the bill passed the House by the following vote: Yeas, 97; excused, 1.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Baugher, Beck, Belcher, Betrozoff, Bowman, Braddock, Brekke, Bristow, Brooks, Brough, Brumsickle, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Fraser, Fuhrman, Grant, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Insee, Jacobsen, Jesernig, Jones, King P, King R, Kremen, Leonard, Locke, May, McLean, Meyers R, Miller, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Padden, Patrick, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith, Sommers D, Sommers H, Spanel, Sprengle, Tate, Todd, Valle, Van Luven, Vekich, Walk, Walker, Wang, Wilson K, Wilson S, Wineberry, Winsley, Wolfe, Wood, Youngsman, Zellinsky, and Mr. Speaker - 97.

Excused: Representative Gallagher - 1.

House Bill No. 1698 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SENATE AMENDMENTS TO HOUSE BILL

April 6, 1989

Mr. Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 1756 with the following amendments:

Strike everything after the enacting clause and insert the following:

NEW SECTION. Sec. 1. Universal telephone service for the people of the state of Washington is a policy goal of the legislature and has been enacted previously into Washington law. Access to universal and affordable telephone service enhances the economic and social well-being of Washington citizens.

NEW SECTION. Sec. 2. As used in section 3 of this act, 'extended area service' means the ability to call from one exchange to another exchange without incurring a toll charge.

NEW SECTION. Sec. 3. Any business, resident, or community may petition for and shall receive extended area service within the service territory of the local exchange company that provides service to the petitioner under the following conditions:

(1) Any customer, business or residential, interested in obtaining extended area service in their community must collect and submit to the commission the signatures of a representative majority of affected customers in the community. A 'representative majority' for purposes of this section consists of fifteen percent of the access lines in that community;

(2) After receipt of the signatures, the commission shall authorize a study to be conducted by the affected local exchange company in order to determine whether a community of interest exists for the implementation of extended area service. For purposes of this section a community of interest shall be found if the average number of calls per customer per month from the area petitioning for extended area service to the area to which extended area service will be implemented is at least five;

(3) If a community of interest exists, the commission shall then calculate any increased rate that would be applied to the area which would have extended area service granted to it. This rate shall be based on the charges to a rate group having the same or similar calling capability as set forth in the tariffs of the local exchange telecommunications company involved;

(4) The affected telecommunications company shall be given the opportunity to propose an alternative plan that might be priced differently and that plan shall be included in the poll of subscribers as an alternative under subsection (5) of this section;

(5) After determining the amount of any additional rate, the commission shall notify the subscribers who will be affected by the increased rate and conduct a poll of those subscribers. If a simple majority votes its approval the commission shall order extended area service; and

(6) Any extended area service program adopted pursuant to this section shall be considered experimental and not binding on the commission in subsequent extended area service proceedings. If an extended area service program adopted pursuant to this section results in a revenue deficiency for a local exchange company, the commission shall allocate the resulting revenue requirement in a manner which produces fair, just and reasonable rates for all classes of customers.

NEW SECTION. Sec. 4. The pilot program specified in sections 2 and 3 of this act applies only to extended area service petitions which meet the conditions under section 3 of this act, and have been filed with the commission by January 1, 1989. Any petitions for extended area service filed after January 1, 1989, shall be addressed under terms and conditions determined by the commission. By December 1, 1990, the commission shall submit to the energy and utilities committees of the house of representatives and the senate a report on extended area service. The report shall include:

(1) The status of any experimental, pilot program which provides extended area service developed under this section, and whether such an experimental, pilot program approach should continue to be made available.

(2) The status of all extended area service petitions pending at the commission;

(3) Commission action on the recommendations of the local extended calling advisory committee; and

(4) Commission recommendations for any other legislation addressing the issue of extended area service.

NEW SECTION. Sec. 5. The extended area service program under sections 2 through 5 of this act shall expire on December 1, 1990, except for any extended area service obtained by any business residence or community and put in place under section 3 of this act.

NEW SECTION. Sec. 6. The utilities and transportation commission shall study the feasibility of the elimination, by January 1, 1992, of multiparty lines and mileage charges in all telephone exchanges throughout the state and the relationship between mileage charges and extended area service. The study shall include recommendations as to methods to equitably share the costs of any such program, any recommendations for legislative action, and an analysis of technological changes which may alter the telecommunications network in the next decade. The utilities and transportation commission shall report the results of the study to the energy and utilities committees of the house of representatives and the senate by December 1, 1989.

NEW SECTION. Sec. 7. The sum of forty-five thousand dollars, or as much thereof as may be necessary, is appropriated for the biennium ending June 30, 1991, from the public service revolving fund to the utilities and transportation commission for the purposes of section 6 of this act.

NEW SECTION. Sec. 8. Sections 2, 3 and 6 of this act are each added to chapter 80.36 RCW.*

On page 5, line 2 of the title amendment, after "companies;" strike the remainder of the title and insert "adding new sections to chapter 80.36 RCW; creating new sections; and making an appropriation."

and the same is herewith transmitted.

W. D. Naismith, Assistant Secretary.

MOTION

Mr. Nelson moved that the House do concur in the Senate amendments to Substitute House Bill No. 1756.

Mr. Nelson spoke in favor of the motion, and it was carried.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

The Speaker (Mr. O'Brien presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1756 as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1756 as amended by the Senate, and the bill passed the House by the following vote: Yeas, 82; nays, 14; absent, 1; excused, 1.

Voting yea: Representatives Anderson, Appelwick, Basich, Baugher, Beck, Belcher, Betzoff, Bowman, Braddock, Brekke, Bristow, Brooks, Brumsickle, Cantwell, Cole, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Fraser, Grant, Hankins, Hargrove, Haugen, Heavey, Hine, Horn, Jacobsen, Jesernig, Jones, King P, King R, Kremen, Leonard, Locke, McLean, Meyers R, Miller, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Patrick, Peery, Phillips, Prentice, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schoon, Scott, Silver, Sommers D, Sommers H, Spanel, Sprengle, Todd, Valle, Vekich, Walk, Wang, Wilson K, Wilson S, Wineberry, Winsley, Wolfe, Wood, Zellinsky, and Mr. Speaker - 82.

Voting nay: Representatives Ballard, Brough, Chandler, Fuhrman, Holland, Insee, May, Padden, Prince, Schmidt, Smith, Van Luvan, Walker, Youngsman - 14.

Absent: Representative Tate - 1.

Excused: Representative Gallagher - 1.

Substitute House Bill No. 1756 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

STATEMENT FOR THE JOURNAL

The roll call on final passage of Substitute House Bill No. 1756 as amended by the Senate shows that I was absent. I wish the record to show that I am a "No" vote on this bill.

RANDY TATE, 25th District.

SENATE AMENDMENT TO HOUSE BILL

April 13, 1989

Mr. Speaker:

The Senate has passed ENGROSSED HOUSE BILL NO. 1777 with the following amendment:

On page 4, beginning on line 24, strike all of Sec. 4. and renumber the remaining sections consecutively.

and the same is herewith transmitted.

Gordon A. Golob, Secretary.

MOTION

Mr. Bristow moved that the House do concur in the Senate amendment to Engrossed House Bill No. 1777. The motion was carried.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

The Speaker (Mr. O'Brien presiding) stated the question before the House to be the final passage of Engrossed House Bill No. 1777 as amended by the Senate.

Ms. Leonard spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 1777 as amended by the Senate, and the bill passed the House by the following vote: Yeas, 97; excused, 1.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Baugher, Beck, Belcher, Betrozoff, Bowman, Braddock, Brekke, Bristow, Brooks, Brough, Brumsickle, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Fraser, Fuhrman, Grant, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Inslee, Jacobsen, Jesernig, Jones, King P, King R, Kremen, Leonard, Locke, May, McLean, Meyers R, Miller, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Padden, Patrick, Peery, Phillips, Prentice, Prince, Pruitt, Rafter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith, Sommers D, Sommers H, Spanel, Sprengle, Tate, Todd, Valle, Van Luven, Vekich, Walk, Walker, Wang, Wilson K, Wilson S, Wineberry, Winsley, Wolfe, Wood, Youngsman, Zellinsky, and Mr. Speaker - 97.

Excused: Representative Gailagher - 1.

Engrossed House Bill No. 1777 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SENATE AMENDMENTS TO HOUSE BILL

April 13, 1989

Mr. Speaker:

The Senate has passed ENGROSSED HOUSE BILL NO. 1778 with the following amendments:

Strike everything after the enacting clause and insert the following:

"Sec. 1. Section 3, chapter 37, Laws of 1980 and RCW 82.04.4282 are each amended to read as follows:

In computing tax there may be deducted from the measure of tax amounts derived from (1) bona fide initiation fees, (2) dues, (3) contributions, (4) donations, (5) tuition fees, (6) charges made by a nonprofit trade or professional organization for attending or occupying space at a trade show, convention, or educational seminar sponsored by the nonprofit trade or professional organization, which trade show, convention, or educational seminar is not open to the general public, (7) charges made for operation of privately operated kindergartens, and (8) endowment funds. This paragraph shall not be construed to exempt any person, association, or society from tax liability upon selling tangible personal property or upon providing facilities or services for which a special charge is made to members or others. If dues are in exchange for any significant amount of goods or services rendered by the recipient thereof to members without any additional charge to the member, or if the dues are graduated upon the amount of goods or services rendered, the value of such goods or services shall not be considered as a deduction hereunder.

NEW SECTION. Sec. 2. This act shall take effect July 1, 1991."

On page 1, line 3 of the title, after "income;" strike the remainder of the title and insert "amending RCW 82.04.4282; and providing an effective date."

and the same is herewith transmitted.

W. D. Naismith, Assistant Secretary.

MOTION

Mr. Pruitt moved that the House do concur in the Senate amendments to Engrossed House Bill No. 1778.

Mr. Pruitt spoke in favor of the motion, and it was carried.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

The Speaker (Mr. O'Brien presiding) stated the question before the House to be the final passage of Engrossed House Bill No. 1778 as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 1778 as amended by the Senate, and the bill passed the House by the following vote: Yeas, 96; nays, 1; excused, 1.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Baugher, Beck, Belcher, Betrozoff, Bowman, Braddock, Brekke, Bristow, Brooks, Brough, Brumsickle, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Fraser, Fuhrman, Grant, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Inslee, Jacobsen, Jesernig, Jones, King P, King R, Kremen, Leonard, Locke, May, McLean, Meyers R,

Miller, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Padden, Patrick, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Sayan, Schmidt, Schoon, Scott, Silver, Smith, Sommers D, Sommers H, Spanel, Sprenkle, Tate, Todd, Valle, Van Luven, Vekich, Walk, Walker, Wang, Wilson K, Wilson S, Wineberry, Winsley, Wolfe, Wood, Youngsman, Zellinsky, and Mr. Speaker - 96.

Voting nay: Representative Rust - 1.

Excused: Representative Gallagher - 1.

Engrossed House Bill No. 1778 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SENATE AMENDMENTS TO HOUSE BILL

April 13, 1989

Mr. Speaker:

The Senate has passed HOUSE BILL NO. 1904 with the following amendments:

On page 2, line 5, after "off-site" strike "improved" and insert "((improved))"

On page 2, line 9, after "dedicated" strike "facilities" and insert "((facilities)) improvements" and the same is herewith transmitted.

Gordon A. Golob, Secretary.

MOTION

Mr. Walk moved that the House do concur in the Senate amendments to House Bill No. 1904.

Mr. Walk spoke in favor of the motion, and it was carried.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

The Speaker (Mr. O'Brien presiding) stated the question before the House to be the final passage of House Bill No. 1904 as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1904 as amended by the Senate, and the bill passed the House by the following vote: Yeas, 97; excused, 1.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Baugher, Beck, Belcher, Betrozoff, Bowman, Braddock, Brekke, Bristow, Brooks, Brough, Brumsickle, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Fraser, Fuhrman, Grant, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Insee, Jacobsen, Jesernig, Jones, King P, King R, Kremen, Leonard, Locke, May, McLean, Meyers R, Miller, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Padden, Patrick, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith, Sommers D, Sommers H, Spanel, Sprenkle, Tate, Todd, Valle, Van Luven, Vekich, Walk, Walker, Wang, Wilson K, Wilson S, Wineberry, Winsley, Wolfe, Wood, Youngsman, Zellinsky, and Mr. Speaker - 97.

Excused: Representative Gallagher - 1.

House Bill No. 1904 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SENATE AMENDMENTS TO HOUSE BILL

April 13, 1989

Mr. Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 1956 with the following amendments:

Strike everything after the enacting clause and insert the following:

"NEW SECTION, Sec. 1. A new section is added to chapter 26.33 RCW to read as follows:

(1) Unless the context clearly requires otherwise, 'advertisement' means communication by newspaper, radio, television, handbills, placards or other print, broadcast, or the electronic medium. This definition applies throughout this section.

(2) No person or entity shall cause to be published for circulation, or broadcast on a radio or television station, within the geographic borders of this state, an advertisement of a child or children offered or wanted for adoption, or shall hold himself or herself out through such advertisement as having the ability to place, locate, dispose, or receive a child or children for adoption unless such person or entity is:

(a) A duly authorized agent, contractee, or employee of the department or a children's agency or institution licensed by the department to care for and place children;

(b) An attorney licensed to practice in Washington state; or

(c) A person who has a completed preplacement report as set forth in RCW 26.33.190 (1) and (2) or chapter 26.34 RCW with a favorable recommendation as to the fitness of the person to be an adoptive parent, or such person's duly authorized uncompensated agent, or an attorney who is licensed to practice in the state. Verification of compliance with the requirements of this section shall consist of a written declaration by the person or entity who prepared the preplacement report.

(3) Any such person or entity who places or causes such advertisement as prohibited in subsection (2) of this section shall be guilty of a misdemeanor.

NEW SECTION. Sec. 2. Nothing in section 1 of this act applies to any radio or television station or any publisher, printer, or distributor of any newspaper, magazine, billboard, or other advertising medium which accepts advertising in good faith without knowledge of its violation of any provision of section 1 of this act."

On page 1, line 1 of the title, after "adoption," strike the remainder of the title and insert "adding a new section to chapter 26.33 RCW; creating a new section; and prescribing penalties."

and the same is herewith transmitted.

W. D. Naismith, Assistant Secretary.

MOTION

Mr. Bristow moved that the House do concur in the Senate amendments to Substitute House Bill No. 1956. The motion was carried.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

The Speaker (Mr. O'Brien presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1956 as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1956 as amended by the Senate, and the bill passed the House by the following vote: Yeas, 97; excused, 1.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Baugher, Beck, Belcher, Betrozoff, Bowman, Braddock, Brekke, Bristow, Brooks, Brough, Brumsickle, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Fraser, Fuhrman, Grant, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Insee, Jacobsen, Jesernig, Jones, King P, King R, Kremen, Leonard, Locke, May, McLean, Meyers R, Miller, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Padden, Patrick, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith, Sommers D, Sommers H, Spanel, Sprengle, Tate, Todd, Valle, Van Luven, Vekich, Walk, Walker, Wang, Wilson K, Wilson S, Wineberry, Winsley, Wolfe, Wood, Youngsman, Zellinsky, and Mr. Speaker - 97.

Excused: Representative Gallagher - 1.

Substitute House Bill No. 1956 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SENATE AMENDMENTS TO HOUSE BILL

April 13, 1989

Mr. Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 1958 with the following amendments:

Strike everything after the enacting clause and insert the following:

"Sec. 1. Section 1, chapter 53, Laws of 1959 as last amended by section 49, chapter 279, Laws of 1984 and RCW 18.25.015 are each amended to read as follows:

There is hereby created a state board of chiropractic examiners consisting of five practicing chiropractors and one consumer member to conduct examinations and perform duties as provided in this chapter.

Members of the board shall be appointed by the governor, who may consider such persons who are recommended for appointment by chiropractic associations of this state. For at least five years preceding the time of their appointment, and during their tenure of office, the members of the board must be actual residents of Washington(~~icensed to practice chiropractic in this state~~) and must be citizens of the United States. In addition, the doctors of chiropractic shall have been engaged in the active licensed practice of chiropractic in this state for a minimum of five years.

Appointments shall be for a term of ~~((three))~~ five years. Vacancies of members shall be filled by the governor as in the case of original appointment, such appointee to hold office for the remainder of the unexpired term. No board member shall serve more than two consecutive full terms.

A simple majority of the board members shall constitute a quorum of the board.

Sec. 2. Section 2, chapter 53, Laws of 1959 as last amended by section 23, chapter 259, Laws of 1986 and RCW 18.25.017 are each amended to read as follows:

The board shall meet as soon as practicable after appointment, and shall elect a chairman and a ~~((secretary))~~ vice-chairman from its members. Meetings shall be held at least once a year at such place as the director of licensing shall determine, and at such other times and places as he or she deems necessary.

The board may make such rules and regulations, not inconsistent with this chapter, as it deems necessary to carry out the provisions of this chapter.

Each member shall be compensated in accordance with RCW ~~((43.03.240))~~ 43.03.250 and shall be reimbursed for travel expenses in accordance with RCW 43.03.050 and 43.03.060, all to be paid out of the ~~((general fund))~~ health professions account on vouchers approved by the director, but not to exceed in the aggregate the amount of fees collected as provided in this chapter.

Sec. 3. Section 5, chapter 5, Laws of 1919 as last amended by section 14, chapter 7, Laws of 1985 and RCW 18.25.020 are each amended to read as follows:

(1) Any person not now licensed to practice chiropractic in this state and who desires to practice chiropractic in this state, before it shall be lawful for him or her to do so, shall make application therefor to the director, upon such form and in such manner as may be adopted and directed by the director. Each applicant who matriculates to a chiropractic college after January 1, 1975, shall have completed not less than one-half of the requirements for a baccalaureate degree at an accredited and approved college or university and shall be a graduate of a chiropractic school or college accredited and approved by the board of chiropractic examiners and shall show satisfactory evidence of completion by each applicant of a resident course of study of not less than four thousand classroom hours of instruction in such school or college. Applications shall be in writing and shall be signed by the applicant in his or her own handwriting and shall be sworn to before some officer authorized to administer oaths, and shall recite the history of the applicant as to his or her educational advantages, his or her experience in matters pertaining to a knowledge of the care of the sick, how long he or she has studied chiropractic, under what teachers, what collateral branches, if any, he or she has studied, the length of time he or she has engaged in clinical practice; accompanying the same by reference therein, with any proof thereof in the shape of diplomas, certificates, and shall accompany said application with satisfactory evidence of good character and reputation.

(2) There shall be paid to the director by each applicant for a license, a fee determined by the director as provided in RCW 43.24.086 which shall accompany application and a fee determined by the director as provided in RCW 43.24.086, which shall be paid upon issuance of license. Like fees shall be paid for any subsequent examination and application.

Sec. 4. Section 6, chapter 5, Laws of 1919 as last amended by section 10, chapter 97, Laws of 1974 ex. sess. and RCW 18.25.030 are each amended to read as follows:

Examinations for license to practice chiropractic shall be made by the board of chiropractic examiners according to the method deemed by it to be the most practicable and expeditious to test the applicant's qualifications. Such application shall be designated by a number instead of his or her name, so that the identity shall not be discovered or disclosed to the members of the examining committee until after the examination papers are graded.

All examinations shall be in whole or in part in writing, the subject of which shall be as follows: Anatomy, physiology, (hygiene, symptomatology, neurology, spinal pathology) spinal anatomy, microbiology-public health, general diagnosis, neuromusculoskeletal diagnosis, x-ray, principles of chiropractic and adjusting, as taught by chiropractic schools and colleges. The board shall administer a practical examination to applicants which shall consist of diagnosis, principles and practice, x-ray, and adjustive technique consistent with chapter 18.25 RCW. A license shall be granted to all applicants ((who shall correctly answer)) whose score over each subject tested is seventy-five percent ((of all questions asked, and if any applicant shall fail to answer correctly seventy percent of the questions on any branch of said examination, he or she shall not be entitled to a license)). The board may enact additional requirements for testing administered by the national board of chiropractic examiners.

Sec. 5. Section 10, chapter 5, Laws of 1919 as last amended by section 17, chapter 7, Laws of 1985 and RCW 18.25.070 are each amended to read as follows:

(1) Every person practicing chiropractic shall, as a prerequisite to annual renewal of license, submit to the director at the time of application therefor, satisfactory proof showing attendance of at least twenty-five hours during the preceding ~~((three-year))~~ twelve-month period, at one or more chiropractic symposiums which are recognized and approved by the board of chiropractic examiners: PROVIDED, That the board may, for good cause shown, waive said attendance. The following guidelines for such symposiums shall apply:

(a) ~~((Symposiums which shall be approved by the board for licensees practicing or residing within the state of Washington are those sponsored or conducted by any chiropractic association in the state or an approved chiropractic college or other institutions or organizations which devote themselves to lectures or demonstrations)) The board shall set criteria for the course content of educational symposia concerning matters which are recognized ((in)) by the state of Washington chiropractic licensing laws; it shall be the licensee's responsibility to determine whether the course content meets these criteria;~~

(b) The board shall adopt standards for distribution of annual continuing education credit requirements;

(c) Rules shall be adopted by the board for licensees practicing and residing outside the state who shall meet all requirements established by the board by rules and regulations.

(2) Every person practicing chiropractic within this state shall pay on or before ~~((the first day of September of each year))~~ his or her birth anniversary date, after a license is issued to him or her as herein provided, to said director a renewal license fee to be determined by the director as provided in RCW 43.24.086. The director shall, thirty days or more before ~~((September first of each year, mail to all chiropractors in the state))~~ the birth anniversary date of each chiropractor in the state, mail to that chiropractor a notice of the fact that the renewal fee will be due on or before ~~((the first of September))~~ his or her birth anniversary date. Nothing in this chapter shall be construed so as to require that the receipts shall be recorded as original licenses are required to be recorded.

The failure of any licensed chiropractor to pay his or her annual license renewal fee ~~((by the first day of October following the date on which the fee was due))~~ within thirty days of license expiration shall work a forfeiture of his or her license. It shall not be reinstated except upon evidence that continuing educational requirements have been fulfilled and the payment of a penalty to be determined by the director as provided in RCW 43.24.086, together with all annual license renewal fees delinquent at the time of the forfeiture, and those for each year thereafter up to the time of reinstatement. Should the licentiate allow his or her license to elapse for more than three years, he ~~((must))~~ or she may be reexamined as provided for in RCW 18.25.040 at the discretion of the board.

Sec. 6. Section 15, chapter 5, Laws of 1919 as last amended by section 24, chapter 259, Laws of 1986 and RCW 18.25.090 are each amended to read as follows:

On all cards, books, papers, signs or other written or printed means of giving information to the public, used by those licensed by this chapter to practice chiropractic, the practitioner shall use after or below his or her name the term chiropractor, D.C., or D.C.Ph.C., designating his or her line of drugless practice, and shall not use the letters M.D. or D.O.: PROVIDED, That the word doctor or 'Dr.' may be used only in conjunction with the word 'chiropractic' or 'chiropractor'. Nothing in this chapter shall be held to apply to or to regulate any kind of treatment by prayer.

Sec. 7. Section 1, chapter 171, Laws of 1967 and RCW 18.26.010 are each amended to read as follows:

This chapter is passed:

(1) In the exercise of the police power of the state and to provide an adequate public agency to act as a disciplinary body for the members of the chiropractic profession licensed to practice chiropractic in this state;

(2) Because the health and well-being of the people of this state are of paramount importance;

(3) Because the conduct of members of the chiropractic profession licensed to practice chiropractic in this state plays a vital role in preserving the health and well-being of the people of the state; and

~~(4) ((Because the agency which now exists to handle disciplinary proceedings for members of the chiropractic profession licensed to practice chiropractic in this state is ineffective and very infrequently employed, and consequently there is no effective means of handling such disciplinary proceedings when they are necessary for the protection of the public health; and~~

~~(5))~~ (5) Because practicing other healing arts while licensed to practice chiropractic and while holding one's self out to the public as a chiropractor affects the health and welfare of the people of the state.

Sec. 8. Section 2, chapter 171, Laws of 1967 and RCW 18.26.020 are each amended to read as follows:

Terms used in this chapter shall have the meaning set forth in this section unless the context clearly indicates otherwise:

(1) 'Board' means the chiropractic disciplinary board;

(2) 'License' means a certificate of license to practice chiropractic in this state as provided for in chapter 18.25 RCW;

(3) 'Members' means members of the chiropractic disciplinary board;

~~(4) ((Secretary means the secretary of the chiropractic disciplinary board))~~ 'Department' means the department of licensing;

(5) 'Director' means the director of the department of licensing or the director's designee;

(6) 'Chiropractor' means a person licensed under chapter 18.25 RCW.

Sec. 9. Section 1, chapter 46, Laws of 1980 and RCW 18.26.040 are each amended to read as follows:

There is hereby created the Washington state chiropractic disciplinary board of seven members to be composed of six chiropractic members to be appointed by the governor, and one member appointed by the governor who shall be representative of the public at large. ~~((Initial members shall be named within thirty days after May 2, 1979, whose names and addresses shall be promptly sent to the director of licensing, and such board shall meet and organize at a time and place to be determined by the director of licensing within sixty days after May 2, 1979 and after written notice to the named members of such date and place.~~

The director of licensing or the designee shall designate the terms of the initial members of the disciplinary board. For terms beginning on May 2, 1979, three members shall be designated for three-year terms; two members shall be designated for four-year terms; and two members shall be designated for five-year terms.

Subsequent designations)) For at least five years preceding the time of their appointment, and during their tenure of office, the chiropractic members of the board must be residents of Washington.

In addition, the doctors of chiropractic shall have been engaged in the active licensed practice of chiropractic in this state for a minimum of five years.

Board appointments shall be for a term of five years. No board member shall serve more than two consecutive full terms.

Sec. 10. Section 2, chapter 46, Laws of 1980 as amended by section 28, chapter 287, Laws of 1984 and RCW 18.26.070 are each amended to read as follows:

Members of the board may be compensated in accordance with RCW ~~((43.03.240))~~ 43.03.250 and may be paid their travel expenses while engaged in the business of the board in accordance with RCW 43.03.050 and 43.03.060, with such reimbursement to be paid out of the ~~((general fund))~~ health professions account on vouchers signed by the director of licensing.

Sec. 11. Section 9, chapter 171, Laws of 1967 and RCW 18.26.090 are each amended to read as follows:

The board shall elect from its members a chairman~~((:))~~ and vice-chairman, ~~((and secretary:))~~ who shall serve for one year and until their successors are elected and qualified. The board shall meet at least once a year or oftener upon the call of the chairman at such times and places as the chairman shall designate. ~~((Five))~~ A simple majority of the board members shall constitute a quorum ~~((to transact the business))~~ of the board.

NEW SECTION. Sec. 12. Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

- (1) 'Department' means the department of licensing.
- (2) 'Director' means the director of the department of licensing or the director's designee.
- (3) 'Chiropractor' means an individual licensed under this chapter.
- (4) 'Board' means the Washington state board of chiropractic examiners.

NEW SECTION. Sec. 13. Any member of the board may be removed by the governor for neglect of duty, misconduct, or malfeasance or misfeasance in office, after being given a written statement of the charges against him or her and sufficient opportunity to be heard thereon.

NEW SECTION. Sec. 14. (1) An individual may place his or her license on inactive status. The holder of an inactive license shall not practice chiropractic in this state without first activating the license.

(2) The inactive renewal fee shall be established by the director pursuant to RCW 43.24.086. Failure to renew an inactive license shall result in cancellation in the same manner as an active license.

(3) An inactive license may be placed in an active status upon compliance with the rules established by the board.

(4) The provisions relating to the denial, suspension, and revocation of a license shall be applicable to an inactive license, except that when proceedings to suspend or revoke an inactive license have been initiated, the license shall remain inactive until the proceedings have been completed.

NEW SECTION. Sec. 15. Sections 12 through 14 of this act are each added to chapter 18.25 RCW."

On page 1, line 1 of the title, after "requirements;" strike the remainder of the title and insert "amending RCW 18.25.015, 18.25.017, 18.25.020, 18.25.030, 18.25.070, 18.25.090, 18.26.010, 18.26.020, 18.26.040, 18.26.070, and 18.26.090; and adding new sections to chapter 18.25 RCW."

and the same is herewith transmitted.

W. D. Naismith, Assistant Secretary.

MOTION

Ms. R. Fisher moved that the House do concur in the Senate amendments to Substitute House Bill No. 1958.

Representatives R. Fisher and McLean spoke in favor of the motion, and it was carried.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

The Speaker (Mr. O'Brien presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1958 as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1958 as amended by the Senate, and the bill passed the House by the following vote: Yeas, 97; excused, 1.

Voting yeas: Representatives Anderson, Appelwick, Ballard, Basich, Baugher, Beck, Belcher, Betrozoff, Bowman, Braddock, Brekke, Bristow, Brooks, Brough, Brumsickle, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Fraser, Fuhrman, Grant, Hanks, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Inslee, Jacobsen, Jesernig, Jones, King P, King R, Kremen, Leonard, Locke, May, McLean, Meyers R, Miller, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Padden, Patrick, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Saryan, Schmidt, Schoon, Scott, Silver, Smith, Sommers D, Sommers H, Spanel, Sprenkle, Tate, Todd, Valle, Van Luven, Vekich, Walk, Walker, Wang, Wilson K, Wilson S, Wineberry, Winsley, Wolfe, Wood, Youngsman, Zellinsky, and Mr. Speaker - 97.

Excused: Representative Gallagher - 1.

Substitute House Bill No. 1958 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SENATE AMENDMENTS TO HOUSE BILL

April 13, 1989

Mr. Speaker:

The Senate has passed ENGROSSED SUBSTITUTE HOUSE BILL NO. 2000 with the following amendments:

Strike everything after the enacting clause and insert the following:

***NEW SECTION.** Sec. 1. Agricultural products are produced by many individual farmers and ranchers located throughout the state. The efficient production and marketing of agricultural products by farmers, ranchers, and handlers is of vital concern to the welfare and general economy of the state. It is the purpose of this chapter to establish standards of fair practices required of handlers, producers, and associations of producers, with respect to certain agricultural commodities, to establish the mutual obligation of handlers and accredited associations of producers to negotiate relative to the production or marketing of these agricultural commodities.

It is the intent of the legislature that a workable process be developed through which a fair price and other contract terms can be arrived at through negotiations between processors of agricultural products and an accredited association of producers, and that in developing rules and administering this chapter the director of agriculture shall recognize this intent.

NEW SECTION. Sec. 2. Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) 'Accredited association of producers' means an association of producers which is accredited by the director to be the exclusive negotiation agent for all producer members of the association within a negotiating unit.

(2) 'Advance contract' means a contract for purchase and sale of a crop entered into before the crop becomes a growing crop and providing for delivery at or after the harvest of that crop.

(3) 'Agricultural products' as used in this chapter means sweet corn and potatoes produced for sale from farms in this state.

(4) 'Association of producers' means any association of producers of agricultural products engaged in marketing, negotiating for its members, shipping, or processing as defined in section 15(a) of the federal agriculture marketing act of 1929 or in section 1 of 42 Stat. 388.

(5) 'Director' means the director of the department of agriculture.

(6) 'Handler' means a processor or a person engaged in the business or practice of:

(a) Acquiring agricultural products from producers or associations of producers for use by a processor;

(b) Processing agricultural products received from producers or associations of producers, provided that a cooperative association owned by producers shall not be a handler except when contracting for crops from producers who are not members of the cooperative association;

(c) Contracting or negotiating contracts or other arrangements, written or oral, with or on behalf of producers or associations of producers with respect to the production or marketing of any agricultural product for use by a processor; or

(d) Acting as an agent or broker for a handler in the performance of any function or act specified in (a), (b), or (c) of this subsection.

(7) 'Negotiate' means meeting at reasonable times and for reasonable periods of time commencing at least sixty days before the normal planting date and concluding within thirty days of the normal planting date to make a serious, fair, and reasonable attempt to reach agreement by acknowledging or refuting with reason points brought up by either party with respect to the price, terms of sale, compensation for products produced under contract, or other terms relating to the production or sale of these products: PROVIDED, That neither party shall be required to disclose proprietary business or financial records or information.

(8) 'Negotiating unit' means a negotiating unit approved by the director under section 3 of this act.

(9) 'Person' means an individual, partnership, corporation, association, or any other entity.

(10) 'Processor' means any person that purchases agricultural crops from a producer and cans, freezes, dries, dehydrates, cooks, presses, powders, or otherwise processes those crops in any manner for eventual resale. A person who solely cleans, sorts, grades, and packages a farm product for sale without altering the natural condition of the product is not a processor. A person processing any portion of a crop is a processor.

(11) 'Producer' means a person engaged in the production of agricultural products as a farmer or planter, including a grower or farmer furnishing inputs, production management, or facilities for growing or raising agricultural products. A producer who is also a handler shall be considered a handler under this chapter.

(12) 'Qualified commodity' means agricultural products as defined in subsection (3) of this section.

NEW SECTION. Sec. 3. (1) An association of producers may file an application with the director:

(a) Requesting accreditation to serve as the exclusive negotiating agent on behalf of its producer members who are within a proposed negotiating unit with respect to any qualified commodity;

(b) Describing geographical boundaries of the proposed negotiating unit;

(c) Specifying the number of producers and the quantity of products included within the proposed negotiating unit;

(d) Specifying the number and location of the producers and the quantity of products represented by the association; and

(e) Supplying any other information required by the director.

(2) Within a reasonable time after receiving an application under subsection (1) of this section, the director shall approve or disapprove the application in accordance with this section.

(a) The director shall approve the initial application or renewal if the director determines that:

(i) The association is owned and controlled by producers under the charter documents or bylaws of the association;

(ii) The association has valid and binding contracts with its members empowering the association to sell or negotiate terms of sale of its members' products or to negotiate for compensation for products produced under contract by its members;

(iii) The association represents a sufficient percentage of producers or that its members produce a sufficient percentage of agricultural products to enable it to function as an effective agent for producers in negotiating with a given handler as defined in rules promulgated by the department. In making this finding, the director shall exclude any quantity of the agricultural products contracted by producers with producer-owned and controlled processing cooperatives with its members and any quantity of these products produced by handlers.

(iv) One of the association's functions is to act as principal or agent for its members in negotiations with handlers for prices and other terms of trade with respect to the production, sale, and marketing of the products of its members, or for compensation for products produced by its members under contract; and

(v) Accreditation would not be contrary to the policies established in section 1 of this act.

(b) If the director does not approve the application under (a) of this subsection, then the association of producers may file an amended application with the director. The director, within a reasonable time, shall approve the amended application if it meets the requirements set out in (a) of this subsection.

(3) At the discretion of the director, or upon submission of a timely filed petition by an affected handler or an affected association of producers, the association of producers accredited under this section may be required by the director to renew the application for accreditation by providing the information required under subsection (1) of this section.

NEW SECTION. Sec. 4. It shall be unlawful for any handler to engage, or permit any employee or agent to engage, in the following practices:

(1) To refuse to negotiate with an association of producers accredited under section 3 of this act with respect to any qualified commodity: PROVIDED, That the obligation to negotiate does not require either party to agree to a proposal, to make a concession, or to enter into a contract;

(2) To coerce any producer in the exercise of his or her right to contract with, join, refrain from contracting with or joining, belong to an association of producers, or refuse to deal with any producer because of the exercise of that producer's right to contract with, join, or belong to an association or because of that producer's promotion of legislation on behalf of an association of producers;

(3) To discriminate against any producer with respect to price, quantity, quality, or other terms of purchase, acquisition, or other handling of agricultural products because of that producer's membership in or contract with an association of producers or because of that producer's promotion of legislation on behalf of an association of producers;

(4) To coerce or intimidate any producer to enter into, maintain, breach, cancel, or terminate a membership agreement or marketing contract with an association of producers or a contract with a handler;

(5) To pay or loan money, give anything of value, or offer any other inducement or reward to a producer for refusing or ceasing to belong to an association of producers;

(6) To make knowingly false reports about the finances, management, or activities of associations of producers or handlers; or

(7) To conspire, agree, or arrange with any other person to do, aid, or abet any act made unlawful by this chapter.

NEW SECTION. Sec. 5. It shall be unlawful for any accredited association of producers or members of such association to engage, or permit any employee or agent to engage, in the following practices:

(1) To refuse to negotiate with a handler for any qualified commodity for which the association is accredited under section 3 of this act;

(2) To coerce or intimidate a handler to breach, cancel, or terminate a marketing contract with an individual producer, association of producers, or a member of an association;

(3) To knowingly make or circulate false reports about the finances, management, or activities of an association of producers or a handler;

(4) To coerce or intimidate a producer to enter into, breach, cancel, or terminate a membership agreement or marketing contract with an association of producers;

(5) To conspire, agree, or arrange with any other person to do, aid, or abet any practice which is in violation of this chapter; or

(6) To pay or loan money, give anything of value, or offer any other inducement or reward to a producer for refusing to contract or negotiate with a processor.

NEW SECTION. Sec. 6. (1) If any person is charged with violating any provision of this chapter, the director shall investigate the charges. If, upon investigation, the director has reasonable cause to believe that the person charged has violated the provision, the director shall issue and cause to be served upon the person, a complaint stating the charges. A hearing on the charges shall be conducted in accordance with the provisions of chapter 34.05 RCW concerning contested cases.

(2) No complaint may be issued based upon any act occurring more than six months before the filing of the charge with the director. At the discretion of the director, any other person may be allowed to intervene in the proceeding and to present testimony and other evidence.

(3) If upon the preponderance of the evidence taken, the director is of the opinion that any person named in the complaint has engaged in or is engaging in any prohibited practice, the director shall make and enter findings of fact and shall issue and cause to be served on that person, an order requiring that person to cease and desist from the practice and to take affirmative action to further the policies of this chapter. The order may also require the person to make reports from time to time showing the extent of compliance with the order. If, upon the preponderance of the testimony and other evidence, the director determines that the person named in the complaint has not engaged in or is not engaging in any prohibited practice, the director shall make and enter findings of fact and an order dismissing the complaint.

NEW SECTION. Sec. 7. If required to carry out the objectives of this chapter, including the conduct of any investigations or hearing:

(1) The director shall require any person to:

(a) Establish and maintain records;

(b) Make reports; and

(c) Provide other information as may be reasonably required.

(2) Any person subject to the provisions of this chapter shall provide the information, records, and reports reasonably required by the director, or make such material available to the director for inspection and/or copying at reasonable times and places, except that no person shall be required under this section to provide to the director proprietary business or financial records or information.

NEW SECTION. Sec. 8. A person injured in his or her business or property by reason of any violation of or conspiracy to violate section 4 or 5 of this act may sue in a court of competent jurisdiction of the county in which such violation occurred without respect to the amount in controversy, and shall recover damages sustained, including reasonable attorneys' fees and costs of bringing the suit. Any action to enforce any cause of action under this section shall be forever barred unless commenced not later than two years after the cause of action accrues.

NEW SECTION. Sec. 9. A person who violates section 4 or 5 of this act may be assessed a civil penalty by the director of not more than five thousand dollars for each offense. No civil penalty may be assessed unless the person charged has been given notice and opportunity for a hearing pursuant to chapter 34.05 RCW. In determining the amount of the penalty, the director shall consider the size of the business of the person charged, the penalty's affect on the person's ability to continue in business, and the gravity of the violation. If the director is unable to collect the civil penalty, the director shall refer the collection to the attorney general.

NEW SECTION. Sec. 10. The director or any aggrieved producer, accredited association, or handler may bring an action to enjoin the violation of any provision of this chapter or any regulation made pursuant to this chapter in a court of competent jurisdiction of the county in which such violation occurs or is about to occur.

NEW SECTION. Sec. 11. The director may promulgate such rules in accordance with chapter 34.05 RCW, and orders, as may be necessary to carry out this chapter.

NEW SECTION. Sec. 12. The director shall establish an advisory committee consisting of the following persons: Six producers who are producers from names submitted by an association of producers, and six handlers subject to this chapter from names submitted by handlers. The advisory committee shall study and report on all issues related to this chapter.

NEW SECTION. Sec. 13. This chapter may be known and cited as the agricultural marketing and fair practices act.

NEW SECTION. Sec. 14. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 15. Sections 1 through 13 of this act shall constitute a new chapter in Title 15 RCW.

NEW SECTION. Sec. 16. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect immediately.

NEW SECTION. Sec. 17. The sum of twenty-five thousand dollars, or as much thereof as may be necessary, is appropriated from the general fund for the biennium ending June 30, 1991, to carry out the purposes of this act."

On page 1, line 1 of the title, after "marketing;" strike the remainder of the title and insert "adding a new chapter to Title 15 RCW; prescribing penalties; making an appropriation; and declaring an emergency."

and the same is herewith transmitted.

W. D. Naismith, Assistant Secretary.

MOTION

Ms. Rayburn moved that the House do concur in the Senate amendments to Engrossed Substitute House Bill No. 2000.

Ms. Rayburn spoke in favor of the motion, and it was carried.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

The Speaker (Mr. O'Brien presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 2000 as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 2000 as amended by the Senate, and the bill passed the House by the following vote: Yeas, 96; nays, 1; excused, 1.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Baugher, Beck, Belcher, Betrozoff, Bowman, Braddock, Brekke, Bristow, Brooks, Brough, Brumsickle, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Dorn, Ebersole, Ferguson, Fisher G, Fisher R, Fraser, Fuhrman, Grant, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Insee, Jacobsen, Jesernig, Jones, King P, King R, Kremen, Leonard, Locke, May, McLean, Meyers R, Miller, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Padden, Patrick, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith, Sommers D, Sommers H, Spanel, Sprengle, Tate, Todd, Valle, Van Luven, Vekich, Walk, Walker, Wang, Wilson K, Wilson S, Wineberry, Winsley, Wolfe, Wood, Youngsman, Zellinsky, and Mr. Speaker - 96.

Voting nay: Representative Doty - 1.
Excused: Representative Gallagher - 1.

Engrossed Substitute House Bill No. 2000 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SENATE AMENDMENTS TO HOUSE BILL

April 6, 1989

Mr. Speaker:

The Senate has passed ENGROSSED HOUSE BILL NO. 1047 with the following amendments:

Strike everything after the enacting clause and insert the following:

*Sec. 1. Section 9-312, chapter 157, Laws of 1965 ex. sess. as last amended by section 52, chapter 35, Laws of 1986 and RCW 62A.9-312 are each amended to read as follows:

(1) The rules of priority stated in other sections of this Part and in the following sections shall govern when applicable: RCW 62A.4-208 with respect to the security interests of collecting banks in items being collected, accompanying documents and proceeds; RCW 62A.9-103 on security interests related to other jurisdictions; RCW 62A.9-114 on consignments.

(2) ~~(A perfected security interest in crops for new value given to enable the debtor to produce the crops during the production season and given not more than three months before the crops become growing crops by planting or otherwise takes priority over an earlier perfected security interest to the extent that such earlier interest secures obligations due more than six months before the crops become growing crops by planting or otherwise, even though the person giving new value had knowledge of the earlier security interest))~~ Conflicting priorities between security interests in crops shall be governed by chapter 60.11 RCW.

(3) A perfected purchase money security interest in inventory has priority over a conflicting security interest in the same inventory and also has priority in identifiable cash proceeds received on or before the delivery of the inventory to a buyer if

(a) the purchase money security interest is perfected at the time the debtor receives possession of the inventory; and

(b) the purchase money secured party gives notification in writing to the holder of the conflicting security interest if the holder had filed a financing statement covering the same types of inventory (i) before the date of the filing made by the purchase money secured party, or (ii) before the beginning of the twenty-one day period where the purchase money security interest is temporarily perfected without filing or possession (subsection (5) of RCW 62A.9-304); and

(c) the holder of the conflicting security interest receives the notification within five years before the debtor receives possession of the inventory; and

(d) the notification states that the person giving the notice has or expects to acquire a purchase money security interest in inventory of the debtor, describing such inventory by item or type.

(4) A purchase money security interest in collateral other than inventory has priority over a conflicting security interest in the same collateral or its proceeds if the purchase money security interest is perfected at the time the debtor receives possession of the collateral or within twenty days thereafter.

(5) In all cases not governed by other rules stated in this section (including cases of purchase money security interests which do not qualify for the special priorities set forth in subsections (3) and (4) of this section), priority between conflicting security interests in the same collateral shall be determined according to the following rules:

(a) Conflicting security interests rank according to priority in time of filing or perfection. Priority dates from the time a filing is first made covering the collateral or the time the security interest is first perfected, whichever is earlier, provided that there is no period thereafter when there is neither filing nor perfection.

(b) So long as conflicting security interests are unperfected, the first to attach has priority.

(6) For the purposes of subsection (5) a date of filing or perfection as to collateral is also a date of filing or perfection as to proceeds.

(7) If future advances are made while a security interest is perfected by filing, the taking of possession, or under RCW 62A.8-321 on securities, the security interest has the same priority for the purposes of subsection (5) with respect to the future advances as it does with respect to the first advance. If a commitment is made before or while the security interest is so perfected, the security interest has the same priority with respect to advances made pursuant thereto. In other cases a perfected security interest has priority from the date the advance is made.

Sec. 2. Section 9-402, chapter 157, Laws of 1965 ex. sess. as last amended by section 5, chapter 186, Laws of 1982 and RCW 62A.9-402 are each amended to read as follows:

(1) A financing statement is sufficient if it gives the names of the debtor and the secured party, is signed by the debtor, gives an address of the secured party from which information concerning the security interest may be obtained, gives a mailing address of the debtor and

contains a statement indicating the types, or describing the items, of collateral. A financing statement may be filed before a security agreement is made or a security interest otherwise attaches. When the financing statement covers timber to be cut or covers minerals or the like (including oil and gas) or accounts subject to subsection (5) of RCW 62A.9-103, or when the financing statement is filed as a fixture filing (RCW 62A.9-313) and the collateral is goods which are or are to become fixtures, the statement must also comply with subsection (5). A copy of the security agreement is sufficient as a financing statement if it contains the above information and is signed by the debtor. A carbon, photographic or other reproduction of a security agreement or a financing statement is sufficient as a financing statement if the security agreement so provides or if the original has been filed in this state.

(2) A financing statement which otherwise complies with subsection (1) is sufficient when it is signed by the secured party instead of the debtor if it is filed to perfect a security interest in

(a) collateral already subject to a security interest in another jurisdiction when it is brought into this state or when the debtor's location is changed to this state. Such a financing statement must state that the collateral was brought into this state or that the debtor's location was changed to this state under such circumstances; or

(b) proceeds under RCW 62A.9-306 if the security interest in the original collateral was perfected. Such a financing statement must describe the original collateral; or

(c) collateral as to which the filing has lapsed; or

(d) collateral acquired after a change of name, identity or corporate structure of the debtor (subsection (7)).

(3) A form substantially as follows is sufficient to comply with subsection (1):

Name of debtor (or assignor)
Address
Name of secured party (or assignee)
Address

1. This financing statement covers the following types (or items) of property:
(Describe)

2. (If applicable) The above goods are to become fixtures on*
(Describe Real Estate)

and this financing statement is to be filed for record in the real estate records. (If the debtor does not have an interest of record) The name of a record owner is

*Where appropriate substitute either "The above timber is standing on"
' or "The above minerals or the like (including oil and gas) or accounts will be financed at the wellhead or minehead of the well or mine located on"

3. (If products of collateral are claimed)

Products of the collateral are also covered

(use
whichever Signature of Debtor (or Assignor)

is
applicable) Signature of Secured Party (or Assignee)

(4) A financing statement may be amended by filing a writing signed by both the debtor and the secured party; PROVIDED, That a secured party may amend a financing statement without the signature of the debtor when the amendment is to change the address or name of the secured party. An amendment does not extend the period of effectiveness of a financing statement. If any amendment adds collateral, it is effective as to the added collateral only from the filing date of the amendment. In this Article, unless the context otherwise requires, the term 'financing statement' means the original financing statement and any amendments. The fee for filing an amendment shall be the same as the fee for filing a financing statement.

(5) A financing statement covering timber to be cut or covering minerals or the like (including oil and gas) or accounts subject to subsection (5) of RCW 62A.9-103, or a financing statement filed as a fixture filing (RCW 62A.9-313) where the debtor is not a transmitting utility, must show that it covers this type of collateral, must recite that it is to be filed for record in the real estate records, and the financing statement must contain a description of the real estate sufficient if it were contained in a mortgage of the real estate to give constructive notice of the mortgage under the law of this state. If the debtor does not have an interest of record in the real estate, the financing statement must show the name of a record owner.

(6) A mortgage is effective as a financing statement filed as a fixture filing from the date of its recording if (a) the goods are described in the mortgage by item or type, (b) the goods are or are to become fixtures related to the real estate described in the mortgage, (c) the mortgage complies with the requirements for a financing statement in this section other than a recital that it is to be filed in the real estate records, and (d) the mortgage is duly recorded. No fee with reference to the financing statement is required other than the regular recording and satisfaction fees with respect to the mortgage.

(7) A financing statement sufficiently shows the name of the debtor if it gives the individual, partnership or corporate name of the debtor, whether or not it adds other trade names or the names of partners. Where the debtor so changes his name or in the case of an organization its

name, identity or corporate structure that a filed financing statement becomes seriously misleading, the filing is not effective to perfect a security interest in collateral acquired by the debtor more than four months after the change, unless a new appropriate financing statement or an amendment is filed before the expiration of that time. A filed financing statement remains effective with respect to collateral transferred by the debtor even though the secured party knows of or consents to the transfer.

(8) A financing statement substantially complying with the requirements of this section is effective even though it contains minor errors which are not seriously misleading."

On page 1, line 2 of the title, after "code;" strike the remainder of the title and insert "and amending RCW 62A.9-312 and 62A.9-402."

and the same is herewith transmitted.

W. D. Naismith, Assistant Secretary.

MOTION

Mr. Crane moved that the House do concur in the Senate amendments to Engrossed House Bill No. 1047.

Mr. Crane spoke in favor of the motion, and it was carried.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

The Speaker (Mr. O'Brien presiding) stated the question before the House to be the final passage of Engrossed House Bill No. 1047 as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 1047 as amended by the Senate, and the bill passed the House by the following vote: Yeas, 97; excused, 1.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Baugher, Beck, Belcher, Betrozoff, Bowman, Braddock, Brekke, Bristow, Brooks, Brough, Brumsickle, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Fraser, Fuhrman, Grant, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Insløe, Jacobsen, Jesernig, Jones, King P, King R, Kremen, Leonard, Locke, Mary, McLean, Meyers R, Miller, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Padden, Patrick, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith, Sommers D, Sommers H, Spanel, Sprenkle, Tate, Todd, Valle, Van Luven, Vekich, Walk, Walker, Wang, Wilson K, Wilson S, Wineberry, Winsley, Wolfe, Wood, Youngsman, Zellinsky, and Mr. Speaker - 97.

Excused: Representative Gallagher - 1.

Engrossed House Bill No. 1047 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SENATE AMENDMENTS TO HOUSE BILL

April 12, 1989

Mr. Speaker:

The Senate has passed ENGROSSED SUBSTITUTE HOUSE BILL NO. 1415 with the following amendments:

Strike everything after the enacting clause and insert the following:

"Sec. 1. Section 7, chapter 257, Laws of 1981 as last amended by section 24, chapter 390, Laws of 1985 and RCW 28B.15.402 are each amended to read as follows:

Tuition fees and services and activities fees at the regional universities and The Evergreen State College for other than summer quarters or semesters shall be as follows:

(1) For full time resident undergraduate students and all other full time resident students not in graduate study programs, the total tuition fees shall be one-fourth of the per student undergraduate educational costs at the regional universities computed as provided in RCW 28B.15.067 and 28B.15.070: PROVIDED, That the building fees for each academic year shall be seventy-six dollars and fifty cents.

(2) For full time resident graduate students, the total tuition fees shall be twenty-three percent of the per student graduate educational costs at the regional universities computed as provided in RCW 28B.15.067 and 28B.15.070: PROVIDED, That the building fees for each academic year (~~thereafter~~) shall be seventy-six dollars and fifty cents.

(3) For full time nonresident undergraduate students and all other full time nonresident students not in graduate study programs, the total tuition fees shall be one hundred percent of the per student undergraduate educational costs at the regional universities computed as provided in RCW 28B.15.067 and 28B.15.070: PROVIDED, That the building fees for each academic year shall be two hundred and ninety-five dollars and fifty cents.

(4) For full time nonresident graduate students, the total of tuition fees shall be seventy-five percent of the per student graduate educational costs at the regional universities computed as provided in RCW 28B.15.067 and 28B.15.070: PROVIDED, That the building fees for each academic year shall be two hundred and ninety-five dollars and fifty cents.

(5) The boards of trustees of each of the regional universities and The Evergreen State College shall charge and collect equally from each of the students registering at the particular institution and included in subsections (1) through (4) hereof a services and activities fee which for each year of the 1981-83 biennium shall not exceed one hundred eighty-four dollars and fifty cents. In subsequent biennia the board of trustees may increase the existing fee, consistent with budgeting procedures set forth in RCW 28B.15.045, by a percentage not to exceed the percentage increase in tuition fees authorized in subsection (1) above: PROVIDED, That such percentage increase shall not apply to that portion of the services and activities fee previously committed to the repayment of bonded debt. The services and activities fee committee provided for in RCW 28B.15.045 may initiate a request to the governing board for a fee increase.

(6) Notwithstanding the provisions of RCW 28B.15.067, for the 1989-91 biennium the undergraduate and graduate cost relationship developed by the 1987 cost study for Central Washington University shall be used to establish tuition fees for the regional universities and The Evergreen State College.

NEW SECTION. Sec. 2. (1) The higher education coordinating board, with cooperation from the institutions of higher education, shall conduct a full review and analysis of the accuracy and consistency of the educational costs study. The board shall report to the legislature by December 1990, outlining its findings and making recommendations upon establishing a modified tuition fees structure based upon educational costs.

(2) The board shall conduct a full analysis and comparison of the educational costs at the University of Washington and Washington State University. The board shall also perform a comparison of the tuition fees charged at the University of Washington and Washington State University with tuition at their respective peer institutions. The board will provide recommendations on whether different levels of tuition fees should be charged at each of the state research universities.

Sec. 3. Section 7, chapter 322, Laws of 1977 ex. sess. as last amended by section 65, chapter 370, Laws of 1985 and by section 16, chapter 390, Laws of 1985 and RCW 28B.15.070 are each reenacted and amended to read as follows:

(1) The house and senate committees responsible for higher education shall develop, in cooperation with the higher education coordinating board (~~and~~), the respective fiscal committees of the house and senate, the office of financial management, and the state institutions of higher education by December of (~~each odd-numbered~~) every fourth year beginning in 1989, definitions, criteria, and procedures for determining the undergraduate and graduate educational costs for the state universities, regional universities, and community colleges upon which tuition fees will be based. In the event that no action is taken or disagreement exists between the committees as of that date, the recommendations of the board shall be deemed to be approved.

(2) The state institutions of higher education in cooperation with the higher education coordinating board shall perform an educational cost study pursuant to subsection (1) of this section. The study shall be conducted based on every fourth academic year beginning with 1989-90. Institutions shall complete the studies within one year of the end of the study year and report the results to the higher education coordinating board for consolidation, review, and distribution.

(3) In order to conduct the study required by subsection (2) of this section, the higher education coordinating board, in cooperation with the institutions of higher education, shall develop a methodology that requires the collection of comparable educational cost data, which utilizes a faculty activity analysis or similar instrument.

Sec. 4. Section 4, chapter 257, Laws of 1981 as last amended by section 66, chapter 370, Laws of 1985 and by section 17, chapter 390, Laws of 1985 and RCW 28B.15.076 are each reenacted and amended to read as follows:

The higher education coordinating board shall determine and transmit amounts constituting approved undergraduate and graduate educational costs to the several boards of regents and trustees of the state institutions of higher education by November 10 of each even-numbered year except the year 1990 for which the transmittal shall be made by December 17. Tuition fees shall be based on such costs in accordance with the provisions of this chapter.

Sec. 5. Section 3, chapter 12, Laws of 1987 and RCW 28B.15.527 are each amended to read as follows:

The boards of trustees of the community colleges may waive the nonresident portion of tuition fees for undergraduate students of foreign nations as follows:

(1) Priority in the awarding of waivers shall be given to students on academic exchanges and students participating in special programs recognized through formal agreements between states, cities, or institutions;

(2) The waiver programs under this section shall promote reciprocal placements and waivers in foreign nations for Washington residents. The number of foreign students granted

resident tuition through this program shall not exceed the number of that institution's own students enrolled in approved study programs abroad during the same period:

(3) No reciprocal placements shall be required for up to thirty students participating in the Georgetown University scholarship program funded by the United States agency for international development:

(4) Participation shall be limited to one hundred full-time foreign students each year."

On page 1, line 1 of the title, after "fees;" strike the remainder of the title and insert "amending RCW 28B.15.402 and 28B.15.527; reenacting and amending RCW 28B.15.070 and 28B.15.076; and creating a new section."

and the same is herewith transmitted.

W. D. Naismith, Assistant Secretary.

MOTION

Mr. Jacobsen moved that the House do concur in the Senate amendments to Engrossed Substitute House Bill No. 1415.

Mr. Jacobsen spoke in favor of the motion, and it was carried.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

The Speaker (Mr. O'Brien presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 1415 as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1415 as amended by the Senate, and the bill passed the House by the following vote: Yeas, 97; excused, 1.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Baugher, Beck, Belcher, Betrozoff, Bowman, Braddock, Brekke, Bristow, Brooks, Brough, Brumsickie, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Fraser, Fuhrman, Grant, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Inslee, Jacobsen, Jesernig, Jones, King P, King R, Kremen, Leonard, Locke, May, McLean, Meyers R, Miller, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Padden, Patrick, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith, Sommers D, Sommers H, Spanel, Sprengle, Tate, Todd, Valle, Van Luven, Vekich, Walk, Walker, Wang, Wilson K, Wilson S, Wineberry, Winsley, Wolfe, Wood, Youngsman, Zellinsky, and Mr. Speaker - 97.

Excused: Representative Gallagher - 1.

Engrossed Substitute House Bill No. 1415 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SENATE AMENDMENTS TO HOUSE BILL

April 11, 1989

Mr. Speaker:

The Senate has passed HOUSE BILL NO. 1445 with the following amendments:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. It is the intent of the legislature that nothing in this act shall prevent or discourage an individual from making an effort to repay any state financial aid awarded during his or her collegiate career.

Sec. 2. Section 8, chapter 222, Laws of 1969 ex. sess. as last amended by section 56, chapter 370, Laws of 1985 and RCW 28B.10.802 are each amended to read as follows:

As used in RCW 28B.10.800 through 28B.10.824:

(1) 'Institutions of higher education' shall mean (1) any public university, college, community college, or vocational-technical institute operated by the state of Washington or any political subdivision thereof or (2) any other university, college, school, or institute in the state of Washington offering instruction beyond the high school level which is a member institution of an accrediting association recognized by rule of the board for the purposes of this section: PROVIDED, That any institution, branch, extension or facility operating within the state of Washington which is affiliated with an institution operating in another state must be a separately accredited member institution of any such accrediting association: PROVIDED FURTHER, That no institution of higher education shall be eligible to participate in a student financial aid program unless it agrees to and complies with program rules and regulations adopted pursuant to RCW 28B.10.822.

(2) The term 'financial aid' shall mean loans and/or grants to needy students enrolled or accepted for enrollment as a ((full-time)) student at institutions of higher education.

(3) The term 'needy student' shall mean a post high school student of an institution of higher learning as defined in subsection (1) of this section who demonstrates to the board the financial inability, either through the student's parents, family and/or personally, to meet the total cost of board, room, books, and tuition and incidental fees for any semester or quarter.

(4) The term 'disadvantaged student' shall mean a post high school student who by reason of adverse cultural, educational, environmental, experiential, familial or other circumstances is unable to qualify for enrollment as a full time student in an institution of higher learning, who would otherwise qualify as a needy student, and who is attending an institution of higher learning under an established program designed to qualify the student for enrollment as a full time student.

(5) 'Commission' or 'board' shall mean the higher education coordinating board.

Sec. 3. Section 11, chapter 222, Laws of 1969 ex. sess. and RCW 28B.10.806 are each amended to read as follows:

The commission shall have the following powers and duties:

(1) Conduct a full analysis of student financial aid as a means of:

(a) Fulfilling educational aspirations of students of the state of Washington, and

(b) Improving the general, social, cultural, and economic character of the state.

Such an analysis will be a continuous one and will yield current information relevant to needed improvements in the state program of student financial aid. The commission will disseminate the information yielded by their analyses to all appropriate individuals and agents.

(c) This study should include information on the following:

(i) all programs and sources of available student financial aid,

(ii) distribution of Washington citizens by socio-economic class,

(iii) data from federal and state studies useful in identifying:

(A) demands of students for specific educational goals in colleges, and

(B) the discrepancy between high school students' preferences and the colleges they actually selected.

(2) Design a state program of student financial aid based on the data of the study referred to in this section. The state program will supplement available federal and local aid programs. The state program of student financial aid will not exceed the difference between the budgetary costs of attending an institution of higher learning and the student's total resources, including family support, personal savings, employment, and federal and local aid programs.

(3) Determine and establish criteria for financial need of the individual applicant based upon the consideration of that particular applicant. In making this determination the commission shall consider the following:

(a) Assets and income of the student.

(b) Assets and income of the parents, or the individuals legally responsible for the care and maintenance of the student.

(c) The cost of attending the institution the student is attending or planning to attend.

(d) Any other criteria deemed relevant to the commission.

(4) Set the amount of financial aid to be awarded to any individual needy or disadvantaged student in any school year.

(5) Award financial aid to ~~((full-time))~~ needy or disadvantaged students for a school year based upon only that amount necessary to fill the financial gap between the budgetary cost of attending an institution of higher education and the family and student contribution.

(6) Review the need and eligibility of all applications on an annual basis and adjust financial aid to reflect changes in the financial need of the recipients and the cost of attending the institution of higher education.

Sec. 4. Section 12, chapter 222, Laws of 1969 ex. sess. and RCW 28B.10.808 are each amended to read as follows:

In awarding grants, the commission shall proceed substantially as follows: PROVIDED, That nothing contained herein shall be construed to prevent the commission, in the exercise of its sound discretion, from following another procedure when the best interest of the program so dictates:

(1) The commission shall annually select the financial aid award winners from among Washington residents applying for student financial aid who have been ranked according to financial need as determined by the amount of the family contribution and other considerations brought to the commission's attention.

(2) The financial need of the highest ranked students shall be met by grants depending upon the evaluation of financial need until the total allocation has been disbursed. Funds from grants which are declined, forfeited or otherwise unused shall be reawarded until dispersed.

(3) A grant may be renewed until the course of study is completed, but not for more than an additional ~~((three))~~ four academic years beyond the first year of the award. These shall not be required to be consecutive years. Qualifications for renewal will include maintaining satisfactory academic standing toward completion of the course of study, and continued eligibility as determined by the commission. Should the recipient terminate his enrollment for any reason

during the academic year, the unused portion of the grant shall be returned to the state educational grant fund by the institution according to the institution's own policy for issuing refunds.

(4) In computing financial need the commission shall determine a maximum student expense budget allowance, not to exceed an amount equal to the total maximum student expense budget at the public institutions plus the current average state appropriation per student for operating expense in the public institutions.

Sec. 5, Section 13, chapter 222, Laws of 1969 ex. sess. and RCW 28B.10.810 are each amended to read as follows:

For a student to be eligible for financial aid ~~((he))~~ the student must:

(1) Be a 'needy student' or 'disadvantaged student' as determined by the commission in accordance with RCW 28B.10.802 (3) and (4).

(2) Have been domiciled within the state of Washington for at least one year.

(3) Be enrolled or accepted for enrollment ~~((as a full-time student or as a student under an established program designed to qualify him for enrollment as a full-time student))~~ on at least a half-time basis at an institution of higher education in Washington.

(4) Have complied with all the rules and regulations adopted by the commission for the administration of RCW 28B.10.800 through 28B.10.824."

On page 1, line 1 of the title, after "program;" strike the remainder of the title and insert "NEW SECTION, Sec. 2, Section 804, chapter 176, Laws of 1988 and RCW 71A-.22.040 are each amended to read as follows:

and the same is herewith transmitted.

W. D. Naismith, Assistant Secretary.

MOTION

Mr. Jacobsen moved that the House do concur in the Senate amendments to House Bill No. 1445.

Ms. Jacobsen spoke in favor of the motion, and it was carried.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

The Speaker (Mr. O'Brien presiding) stated the question before the House to be the final passage of House Bill No. 1445 as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1445 as amended by the Senate, and the bill passed the House by the following vote: Yeas, 97; excused, 1.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Baugher, Beck, Belcher, Betrozoff, Bowman, Braddock, Brekke, Bristow, Brooks, Brough, Brumstickle, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Fraser, Fuhrman, Grant, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Inslee, Jacobsen, Jesernig, Jones, King P, King R, Kremen, Leonard, Locke, May, McLean, Meyers R, Miller, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Padden, Patrick, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith, Sommers D, Sommers H, Spanel, Sprenkle, Tate, Todd, Valle, Van Luven, Vekich, Walk, Walker, Wang, Wilson K, Wilson S, Wineberry, Winsley, Wolfe, Wood, Youngsman, Zellinsky, and Mr. Speaker - 97.

Excused: Representative Gallagher - 1.

House Bill No. 1445 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

The Speaker assumed the Chair.

SENATE AMENDMENTS TO HOUSE BILL

April 5, 1989

Mr. Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 1965 with the following amendments:

On page 1, line 14, after "include" insert "facilities certified as group training homes pursuant to RCW 71A.22.040, nor"

On page 2, after line 3, insert a new section to read as follows:

"NEW SECTION, Sec. 2, Section 804, chapter 176, Laws of 1988 and RCW 71A-.22.040 are each amended to read as follows:

Any person, corporation, or association may apply to the secretary for approval and certification of the applicant's facility as a day training center or a group training home for persons with developmental disabilities, or a combination of both. The secretary may either grant or deny certification or revoke certification previously granted after investigation of the applicant's facilities, to ascertain whether or not such facilities are adequate for the (~~health, safety;~~) care, treatment, maintenance, training, and support of persons with developmental disabilities, under standards in rules adopted by the secretary. Day training centers and group training homes must meet local health and safety standards as may be required by local health and fire-safety authorities.

On page 1, line 1 of the title, after "18.20.020" and before the period insert "and 71A.22.040"

and the same is herewith transmitted.

W. D. Naismith, Assistant Secretary.

MOTION

Mr. Braddock moved that the House do concur in the Senate amendments to Substitute House Bill No. 1965.

Mr. Braddock spoke in favor of the motion, and it was carried.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

The Speaker stated the question before the House to be the final passage of Substitute House Bill No. 1965 as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1965 as amended by the Senate, and the bill passed the House by the following vote: Yeas, 97; excused, 1.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Baugher, Beck, Belcher, Betrozoff, Bowman, Braddock, Brekke, Bristow, Brooks, Brough, Brumsickle, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Fraser, Fuhrman, Grant, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Insee, Jacobsen, Jesernig, Jones, King P, King R, Kremen, Leonard, Locke, May, McLean, Meyers R, Miller, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Padden, Patrick, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith, Sommers D, Sommers H, Spanel, Sprenkle, Tate, Todd, Valle, Van Luven, Vekich, Walk, Walker, Wang, Wilson K, Wilson S, Wineberry, Winsley, Wolfe, Wood, Youngsman, Zellinsky, and Mr. Speaker - 97.

Excused: Representative Gallagher - 1.

Substitute House Bill No. 1965 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SUBSTITUTE HOUSE BILL NO. 1031 AS AMENDED BY THE SENATE, by Committee on Capital Facilities & Financing (originally sponsored by Representatives Fuhrman, Sayan, Silver, Holland, Heavey, Winsley and Betrozoff; by request of Legislative Budget Committee)

Making changes to state budget requests.

The House resumed consideration of the Senate amendments to Substitute House Bill No. 1031. (See Journal, 99th Day, April 17, 1989, for previous action.)

The Speaker stated the question before the House to be the Point of Order by Representative H. Sommers regarding the scope and object of the Senate amendments to Substitute House Bill No. 1031.

SPEAKER'S RULING

The Speaker: Representative Sommers, the Speaker has examined both Substitute House Bill No. 1031 and the amendments offered in the Senate. This is not a difficult call. The bill amends the State Budget and Accounting Act and requires annual routine or ongoing maintenance costs to be programmed and requires all debt-financed pass-through money to local governments to be programmed in the state capital budget. It directs OFM to conduct a technical and program analysis of

all major buildings included in the governor's budget recommendation. The amendment establishes the Capitol Campus Advisory Committee, which clearly does not perfect the bill. It clearly broadens what the bill was to do, so I find your point is well taken. The amendment is outside the scope and object of the original House Bill.

MOTION

Ms. H. Sommers moved that the House refuse to concur in the Senate amendments to Substitute House Bill No. 1031 and ask the Senate to recede therefrom. The motion was carried.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1671 AS AMENDED BY THE SENATE, by Committee on Environmental Affairs (originally sponsored by Representatives Sprenkle, D. Sommers, Basich, Pruitt, Braddock, Appelwick, Ebersole, Walker, Phillips, Brekke, Rust, May, R. Fisher, Valle, Nelson, Rasmussen, Rector, Spanel, Todd and R. King) .

Providing major solid waste reform.

The House resumed consideration of the Senate amendments to Engrossed Substitute House Bill No. 1671. (For previous action, see today's Journal, Afternoon Session.)

The Speaker stated the question before the House to be the Point of Order by Representative R. Meyers regarding the scope and object of the Senate amendments to Engrossed Substitute House Bill No. 1671.

SPEAKER'S RULING

The Speaker: The Speaker has examined Engrossed Substitute House Bill No. 1671 and the Senate striking amendment. Engrossed Substitute House Bill No. 1671 is a comprehensive, and I emphasize comprehensive, act dealing with many aspects of solid waste management and site cleaning, including service levels, collection authority, planning, waste reduction and recycling programs, and conditions for siting incinerators and energy recovery facilities. In examining the Senate striking amendment, the Speaker finds that it deals with the same matters as the original bill and does not broaden the scope and object. Your point is not well taken.

The Speaker stated the question before the House to be the motion by Representative Rust that the House do concur in the Senate amendments to Engrossed Substitute House Bill No. 1671.

Representatives Rust, May and Padden spoke in favor of the motion, and Mr. Jones opposed it. The motion was carried.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

The Speaker stated the question before the House to be the final passage of Engrossed Substitute Senate Bill No. 1671 as amended by the Senate.

POINT OF INQUIRY

Ms. Rust yielded to question by Mr. Pruitt.

Mr. Pruitt: Section 4 of the bill requires local governments to designate areas as either urban or rural, based on several criteria. This designation will ultimately determine what level of services are to be provided in that area. Is it intended that suburban areas generally be designated as urban?

Ms. Rust: Yes. Local governments will designate an area based on population, population density, and other criteria. Population and population density are important criteria because curbside collection may require a minimum population base in order to make it cost effective. As suburban areas resemble urban areas more closely than rural areas, local governments will be expected to designate densely populated suburban areas as urban in most instances.

POINT OF INQUIRY

Ms. Rust yielded to question by Mr. D. Sommers.

Mr. D. Sommers: Representative Rust, currently, there exists under RCW 70.79 a state agency whose mandate is to formulate rules and regulations relating to the certification, inspection and operation of combustion boilers, pressure vessels and their related technologies in the interest of public safety. The State Board of Boiler Rules, which is a part of the Department of Labor and Industries, consists of five appointed members including a mechanical engineer. Would you agree that a member of this board would have a valid place on the Board of Advisors for Operator Certification created under section 70 of this bill?

Ms. Rust: Yes.

Mr. D. Sommers: One other question, please. I have a question concerning the definition of "source separation" in Section 2, on page six, lines six through eight. Is the intent here to include or exclude recycling programs, like those in south Seattle and Pasco, where recyclables are placed in one container for pickup, versus other programs such as the one in north Seattle, whereby householders place each type of recyclable material in a separate container?

Ms. Rust: This definition is intended to include both types of recycling, whether in one or several containers.

POINT OF INQUIRY

Ms. Rust yielded to question by Mr. Cooper.

Mr. Cooper: Representative Rust, Section 20(6) of the bill directs the WUTC to require solid waste collection and recycling companies to use rate structures and billing systems consistent with the solid waste management priorities set forth in RCW 70.95.010. At the same time, franchised haulers regulated by the Commission are directed to comply with local comprehensive solid waste management plans. Is it intended that Section 20(6) would allow the Commission to require rate structures which are inconsistent with a local comprehensive solid waste management plan?

Ms. Rust: No. Section 20(6) is intended to direct the Commission to require rate structures which encourage waste reduction and recycling. This would take place within the framework of the local plan.

Mr. Cooper: Section 30(1) of the bill directs the Commission to include in rates charges for disposal of solid waste at facilities the solid waste collection company is required to use under the local comprehensive solid waste management plan. Is it intended that Section 20(6) could be used in a manner inconsistent with that directive?

Ms. Rust: No. Section 20(6) deals with rate design. Section 30(1) deals with the revenues required by a company to cover its operating costs. The costs specified in Section 30(1) are intended to be passed through to rate payers.

POINT OF INQUIRY

Ms. Rust yielded to question by Mr. May.

Mr. May: Representative Rust, I am referencing the Senate Ways & Means Committee amendment in Sections 17, and 32 through 36. As a businessman these provisions affect me. I assume that the intent of this language is to permit competition in the collection of commercial and industrial recyclables. I also assume that this language is not intended to permit anyone other than a solid waste collection company holding a garbage certificate to collect garbage and refuse.

Ms. Rust: You are correct. The language you refer to and the bill are not intended to permit anyone other than a WUTC-regulated garbage company or a city-authorized solid waste collection system to collect garbage and refuse which may, incidentally, contain recyclable material.

POINT OF INQUIRY

Ms. Rust yielded to question by Mr. Sprengle.

Mr. Sprengle: Representative Rust, regarding the language in Section 52, on page 36 of the striking amendment, would this language require a contractor, doing remodeling and construction work, to dispose of the debris from the construction work in a solid waste container that is provided by the city or solid waste collection company serving that area, or could the contractor haul that debris in a vehicle to a disposal site?

Ms. Rust: This language does not require the use of a solid waste collection container or hauling service provided by the city or the city's contract solid waste hauler in this situation. A contractor, doing construction and remodeling work, can use a vehicle to haul the debris, provided such solid waste hauling is incidental to the vehicle's normal and regular use.

Representatives Sprengle and Walker spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1671 as amended by the Senate, and the bill passed the House by the following vote: Yeas, 91; nays, 4; absent, 2; excused, 1.

Voting yeas: Representatives Anderson, Appelwick, Ballard, Basich, Beck, Belcher, Betzoff, Bowman, Braddock, Brekke, Bristow, Brooks, Brough, Brumsickle, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Fraser, Grant, Hargrove, Haugen, Hine, Holland, Horn, Inslee, Jacobsen, Jesernig, Jones, King P, King R, Kremen, Locke, May, McLean, Meyers R, Miller, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Padden, Patrick, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith, Sommers D, Sommers H, Spanel, Sprengle, Tate, Todd, Valle, Van Luven, Vekich, Walk, Walker, Wang, Wilson K, Wilson S, Winsley, Wolfe, Wood, Youngsman, Zellinsky, and Mr. Speaker - 91.

Voting nays: Representatives Baugher, Fuhrman, Hankins, Heavey - 4.

Absent: Representatives Leonard, Wineberry - 2.

Excused: Representative Gallagher - 1.

Engrossed Substitute House Bill No. 1671 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SENATE AMENDMENTS TO HOUSE BILL

April 14, 1989

Mr. Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 2014 with the following amendments:

Strike everything after the enacting clause and insert the following:

NEW SECTION. Sec. 1. The legislature finds that there is increasing demand for school districts' special education programs to include medical services necessary for handicapped children's participation and educational progress. In some cases, these services could qualify for federal funding under Title XIX of the social security act. The legislature intends to establish a process for school districts to obtain reimbursement for eligible services from medical assistance funds. In this way, state dollars for handicapped education can be leveraged to generate federal matching funds, thereby increasing the overall level of resources available for school districts' special education programs.

Sec. 2. Section 11, chapter 66, Laws of 1971 ex. sess. as amended by section 5, chapter 87, Laws of 1980 and RCW 28A.41.053 are each amended to read as follows:

The superintendent of public instruction shall submit to each regular session of the legislature during an odd-numbered year a programmed budget request for handicapped programs. Funding for programs operated by local school districts shall be ((funded)) on an excess cost basis from appropriations provided by the legislature for handicapped programs and shall take account of state funds accruing through RCW 28A.41.130, 28A.41.140, and other state and local funds, excluding special excess levies. Funding for local district programs may include payments from state and federal funds for medical assistance provided under RCW 74.09.500 through 74.09.910. However, the superintendent of public instruction shall reimburse the department of social and health services from state appropriations for handicapped education programs for the state-funded portion of any medical assistance payment made by the department for services provided under an individualized education program established pursuant to chapter 28A.13 RCW. The amount of such interagency reimbursement shall be

deducted by the superintendent of public instruction in determining additional allocations to districts for handicapped education programs under this section.

Sec. 3. Section 5, chapter 30, Laws of 1967 ex. sess. as last amended by section 3, chapter 5, Laws of 1985 and RCW 74.09.520 are each amended to read as follows:

The term 'medical assistance' may include the following care and services: (1) Inpatient hospital services; (2) outpatient hospital services; (3) other laboratory and x-ray services; (4) skilled nursing home services; (5) physicians' services, which shall include prescribed medication and instruction on birth control devices; (6) medical care, or any other type of remedial care as may be established by the secretary; (7) home health care services; (8) private duty nursing services; (9) dental services; (10) physical therapy and related services; (11) prescribed drugs, dentures, and prosthetic devices; and eyeglasses prescribed by a physician skilled in diseases of the eye or by an optometrist, whichever the individual may select; (12) other diagnostic, screening, preventive, and rehabilitative services(~~(-PROVIDED-That)~~); and (13) like services when furnished to a handicapped child by a school district as part of an individualized education program established pursuant to chapter 28A.13 RCW. For the purposes of this section, the department may not cut off any prescription medications, oxygen supplies, respiratory services, or other life-sustaining medical services or supplies.

'Medical assistance,' notwithstanding any other provision of law, shall not include routine foot care, or dental services delivered by any health care provider, that are not mandated by Title XIX of the social security act unless there is a specific appropriation for these services. Services included in an individualized education program for a handicapped child under chapter 28A.13 RCW shall not qualify as medical assistance prior to the implementation of the funding process developed under section 4 of this act.

NEW SECTION. Sec. 4. The department of social and health services and the superintendent of public instruction shall jointly develop a process and plan to enable school districts to bill medical assistance for eligible services included in handicapped education programs, subject to the restrictions and limitations of this act. The process shall be implemented during the 1990-91 school year, with the intent that the billing system be in operation in selected regions of the state during the first half of that school year. The billing system shall be extended state-wide prior to the beginning of the 1991-92 school year. The planning shall include:

- (1) Consideration of the types of services provided by school districts that would be eligible for medical assistance, and whether the state's medical assistance plan should be expanded to cover additional services for children;
- (2) Establishment of categories of eligible services and the rates of reimbursement;
- (3) Development of a state-wide billing system for use by school districts and educational service districts, which may include phased expansion of the system, providing billing services to the various regions of the state in stages;
- (4) Measures for accountability and auditing of billings;
- (5) Information bulletins and workshops for school districts and educational service districts;
- (6) Contracting with educational service districts or other organizations for billing services or for other assistance in implementing the process established under this section;
- (7) Formal agreements between the department and the superintendent of public instruction for notification of payments and for interagency reimbursement under section 2 of this act; and
- (8) Review and approval of the plan by the office of financial management prior to submission to the legislature of the report under section 5 of this act.

NEW SECTION. Sec. 5. Prior to January 15, 1990, the superintendent of public instruction and the department of social and health services shall submit a joint report to the appropriations committee of the house of representatives and the ways and means committee of the senate on the agencies' progress in developing the medical assistance billing system for school districts established under this act."

On page 1, line 2 of the title, after "children," strike the remainder of the title and insert "amending RCW 28A.41.053 and 74.09.520; and creating new sections."

and the same is herewith transmitted.

W. D. Naismith, Assistant Secretary.

MOTION

Mr. Peery moved that the House do concur in the Senate amendments to Substitute House Bill No. 2014.

Mr. Peery spoke in favor of the motion, and it was carried.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

The Speaker stated the question before the House to be the final passage of Substitute House Bill No. 2014 as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2014 as amended by the Senate, and the bill passed the House by the following vote: Yeas, 97; excused, 1.

Voting yeas: Representatives Anderson, Appelwick, Ballard, Basich, Baugher, Beck, Belcher, Betrozoff, Bowman, Braddock, Brekke, Bristow, Brooks, Brough, Brumsickle, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Fraser, Fuhrman, Grant, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Insee, Jacobsen, Jesernig, Jones, King P, King R, Kremen, Leonard, Locke, May, McLean, Meyers R, Miller, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Padden, Patrick, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith, Sommers D, Sommers H, Spanel, Sprengle, Tate, Todd, Valle, Van Luven, Vekich, Walk, Walker, Wang, Wilson K, Wilson S, Wineberry, Winsley, Wolfe, Wood, Youngsman, Zellinsky, and Mr. Speaker - 97.

Excused: Representative Gallagher - 1.

Substitute House Bill No. 2014 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SENATE AMENDMENTS TO HOUSE BILL

April 10, 1989

Mr. Speaker:

The Senate has passed ENGROSSED HOUSE BILL NO. 2168 with the following amendments:

Strike everything after the enacting clause and insert the following:

"Sec. 1. Section 1, chapter 101, Laws of 1975-'76 2nd ex. sess. as last amended by section 1, chapter 488, Laws of 1987 and RCW 70.105.010 are each amended to read as follows:

The words and phrases defined in this section shall have the meanings indicated when used in this chapter unless the context clearly requires otherwise.

- (1) 'Department' means the department of ecology.
- (2) 'Director' means the director of the department of ecology or ~~((his))~~ the director's designee.
- (3) 'Disposal site' means a geographical site in or upon which hazardous wastes are disposed of in accordance with the provisions of this chapter.
- (4) 'Dispose or disposal' means the discarding or abandoning of hazardous wastes or the treatment, decontamination, or recycling of such wastes once they have been discarded or abandoned.
- (5) 'Dangerous wastes' means any discarded, useless, unwanted, or abandoned substances, including but not limited to certain pesticides, or any residues or containers of such substances which are disposed of in such quantity or concentration as to pose a substantial present or potential hazard to human health, wildlife, or the environment because such wastes or constituents or combinations of such wastes:
 - (a) Have short-lived, toxic properties that may cause death, injury, or illness or have mutagenic, teratogenic, or carcinogenic properties; or
 - (b) Are corrosive, explosive, flammable, or may generate pressure through decomposition or other means.
- (6) 'Extremely hazardous waste' means any dangerous waste which
 - (a) will persist in a hazardous form for several years or more at a disposal site and which in its persistent form
 - (i) presents a significant environmental hazard and may be concentrated by living organisms through a food chain or may affect the genetic make-up of man or wildlife, and
 - (ii) is highly toxic to man or wildlife
 - (b) if disposed of at a disposal site in such quantities as would present an extreme hazard to man or the environment.
- (7) 'Person' means any person, firm, association, county, public or municipal or private corporation, agency, or other entity whatsoever.
- (8) 'Pesticide' shall have the meaning of the term as defined in RCW 15.58.030 as now or hereafter amended.
- (9) 'Solid waste advisory committee' means the same advisory committee as per RCW 70.95.040 through 70.95.070.
- (10) 'Designated zone facility' means any facility that requires an interim or final status permit under rules adopted under this chapter and that is not a preempted facility as defined in this section.
- (11) 'Facility' means all contiguous land and structures, other appurtenances, and improvements on the land used for recycling, storing, treating, incinerating, or disposing of hazardous waste.

(12) 'Preempted facility' means any facility that includes as a significant part of its activities any of the following operations: (a) Landfill, (b) incineration, (c) land treatment, (d) surface impoundment to be closed as a landfill, or (e) waste pile to be closed as a landfill.

(13) 'Hazardous household substances' means those substances identified by the department as hazardous household substances in the guidelines developed under RCW 70.105.220.

(14) 'Hazardous substances' means any liquid, solid, gas, or sludge, including any material, substance, product, commodity, or waste, regardless of quantity, that exhibits any of the characteristics or criteria of hazardous waste as described in rules adopted under this chapter.

(15) 'Hazardous waste' means and includes all dangerous and extremely hazardous waste, including substances composed of both radioactive and hazardous components.

(16) 'Local government' means a city, town, or county.

(17) 'Moderate-risk waste' means (a) any waste that exhibits any of the properties of hazardous waste but is exempt from regulation under this chapter solely because the waste is generated in quantities below the threshold for regulation, and (b) any household wastes which are generated from the disposal of substances identified by the department as hazardous household substances.

(18) 'Service charge' means an assessment imposed under section 2 of this 1989 act against those facilities that store, treat, incinerate, or dispose of dangerous or extremely hazardous waste that contains both a nonradioactive hazardous component and a radioactive component. Service charges shall also apply to facilities undergoing closure under this chapter in those instances where closure entails the physical characterization of remaining wastes which contain both a nonradioactive hazardous component and a radioactive component or the management of such wastes through treatment or removal, except any commercial low-level radioactive waste facility.

NEW SECTION, Sec. 2. A new section is added to chapter 70.105 RCW to read as follows:

(1) The department may assess reasonable service charges against those facilities that store, treat, incinerate, or dispose of dangerous or extremely hazardous waste that contains both a nonradioactive hazardous component and a radioactive component or which are undergoing closure under this chapter in those instances where closure entails the physical characterization of remaining wastes which contain both a nonradioactive hazardous component and a radioactive component or the management of such wastes through treatment or removal, except any commercial low-level radioactive waste facility. Service charges may not exceed the costs to the department in carrying out the duties of this section.

(2) Program elements or activities for which service charges may be assessed include:

(a) Office, staff, and staff support for the purposes of facility or unit permit development, review, and issuance; and

(b) Actions taken to determine and ensure compliance with the state's hazardous waste management act.

(3) Moneys collected through the imposition of such service charges shall be deposited in the state toxics control account.

(4) The department shall adopt rules necessary to implement this section. Facilities that store, treat, incinerate, or dispose of dangerous or extremely hazardous waste that contains both a nonradioactive hazardous component and a radioactive component shall not be subject to service charges prior to such rule making. Facilities undergoing closure under this chapter in those instances where closure entails the physical characterization of remaining wastes which contain both a nonradioactive hazardous component and a radioactive component or the management of such wastes through treatment or removal shall not be subject to service charges prior to such rule making.

NEW SECTION, Sec. 3. The sum of two million six hundred fifty thousand dollars, or as much thereof as may be necessary, is appropriated for the biennium ending June 30, 1991, from the state toxics control account to the department of ecology to carry out the purposes of this act.

NEW SECTION, Sec. 4. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION, Sec. 5. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect immediately."

On page 1, line 3 of the title, after "components;" strike the remainder of the title and insert "amending RCW 70.105.010; adding a new section to chapter 70.105 RCW; making an appropriation; and declaring an emergency."

and the same is herewith transmitted.

W. D. Naismith, Assistant Secretary.

MOTION

Mr. Nelson moved that the House do concur in the Senate amendments to Engrossed House Bill No. 2168.

Mr. Nelson spoke in favor of the motion, and it was carried.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

The Speaker stated the question before the House to be the final passage of Engrossed House Bill No. 2168 as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 2168 as amended by the Senate, and the bill passed the House by the following vote: Yeas, 97; excused, 1.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Baugher, Beck, Belcher, Betrozoff, Bowman, Braddock, Brekke, Bristow, Brooks, Brough, Brumsickle, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Fraser, Fuhrman, Grant, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Inslee, Jacobsen, Jesernig, Jones, King P, King R, Kremen, Leonard, Locke, May, McLean, Meyers R, Miller, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Padden, Patrick, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Soyan, Schmidt, Schoon, Scott, Silver, Smith, Sommers D, Sommers H, Spanel, Sprenkle, Tate, Todd, Valle, Van Luven, Vekich, Walk, Walker, Wang, Wilson K, Wilson S, Wineberry, Winsley, Wolfe, Wood, Youngsman, Zellinsky, and Mr. Speaker - 97.

Excused: Representative Gallagher - 1.

Engrossed House Bill No. 2168 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SENATE AMENDMENTS TO HOUSE BILL

April 7, 1989

Mr. Speaker:

The Senate has passed ENGROSSED SUBSTITUTE HOUSE BILL NO. 1051 with the following amendments:

Strike everything after the enacting clause and insert the following:

NEW SECTION, Sec. 1. A new section is added to chapter 10.77 RCW to read as follows:

With respect to this act, the legislature finds that among those persons who endanger the safety of others by committing felony crimes are a small number of persons with developmental disabilities. While their conduct is not typical of the vast majority of persons with developmental disabilities who are responsible citizens, for their own welfare and for the safety of others the state may need to exercise control over those few dangerous individuals who are developmentally disabled, have been charged with felony crimes, and have been found either incompetent to stand trial or not guilty by reason of insanity. The legislature finds, however, that the use of civil commitment procedures under chapter 71.05 RCW to effect state control over dangerous developmentally disabled persons has resulted in their commitment to institutions for the mentally ill. The legislature finds that existing programs in mental institutions may be inappropriate for persons who are developmentally disabled because the services provided in mental institutions are oriented to persons with mental illness, a condition not necessarily associated with developmental disabilities. Therefore, the legislature believes that, where appropriate, and subject to available funds, persons with developmental disabilities who have been charged with felony crimes and have been found incompetent to stand trial or not guilty by reason of insanity should receive state services addressing their needs, that such services must be provided in conformance with an individual habilitation plan, and that their initial treatment should be separate and discrete from treatment for persons involved in any other treatment or habilitation program in a manner consistent with the needs of public safety.

NEW SECTION, Sec. 2. A new section is added to chapter 71.05 RCW to read as follows:

With respect to this act, the legislature finds that among those persons who endanger the safety of others by committing felony crimes are a small number of persons with developmental disabilities. While their conduct is not typical of the vast majority of persons with developmental disabilities who are responsible citizens, for their own welfare and for the safety of others the state may need to exercise control over those few dangerous individuals who are developmentally disabled, have been charged with felony crimes, and have been found either incompetent to stand trial or not guilty by reason of insanity. The legislature finds, however, that the use of civil commitment procedures under chapter 71.05 RCW to effect state control over dangerous developmentally disabled persons has resulted in their commitment to institutions for the mentally ill. The legislature finds that existing programs in mental institutions may be inappropriate for persons who are developmentally disabled because the services provided in mental institutions are oriented to persons with mental illness, a condition not necessarily associated with developmental disabilities. Therefore, the legislature believes that, where appropriate, and subject to available funds, persons with developmental disabilities who have been charged with felony crimes and have been found incompetent to stand trial or not guilty by reason of insanity should receive state services addressing their needs, that such

services must be provided in conformance with an individual habilitation plan, and that their initial treatment should be separate and discrete from treatment for persons involved in any other treatment or habilitation program in a manner consistent with the needs of public safety.

Sec. 3, Section 1, chapter 117, Laws of 1973 1st ex. sess. as last amended by section 1, chapter 122, Laws of 1983 and RCW 10.77.010 are each amended to read as follows:

As used in this chapter:

(1) A 'criminally insane' person means any person who has been acquitted of a crime charged by reason of insanity, and thereupon found to be a substantial danger to other persons or to present a substantial likelihood of committing felonious acts jeopardizing public safety or security unless kept under further control by the court or other persons or institutions.

(2) 'Indigent' means any person who is financially unable to obtain counsel or other necessary expert or professional services without causing substantial hardship to (~~himself~~) the person or his or her family.

(3) 'Secretary' means the secretary of the department of social and health services or his or her designee.

(4) 'Department' means the state department of social and health services.

(5) 'Treatment' means any currently standardized medical or mental health procedure including medication.

(6) 'Incompetency' means a person lacks the capacity to understand the nature of the proceedings against him or her or to assist in his or her own defense as a result of mental disease or defect.

(7) No condition of mind proximately induced by the voluntary act of a person charged with a crime shall constitute 'insanity'.

(8) 'Furlough' means an authorized leave of absence for a resident of a state institution designated for the custody, care, and treatment of the criminally insane, consistent with an order of conditional release from the court under this chapter, without any requirement that the resident be accompanied by, or be in the custody of, any law enforcement or institutional staff, while on such unescorted leave.

(9) 'Developmental disability' means the condition defined in RCW 71A.10.020(2).

(10) 'Developmental disabilities professional' means a person who has specialized training and three years of experience in directly treating or working with persons with developmental disabilities and is a psychiatrist or psychologist, or a social worker, and such other developmental disabilities professionals as may be defined by rules adopted by the secretary.

(11) 'Habilitative services' means those services provided by program personnel to assist persons in acquiring and maintaining life skills and in raising their levels of physical, mental, social, and vocational functioning. Habilitative services include education, training for employment, and therapy. The habilitative process shall be undertaken with recognition of the risk to the public safety presented by the individual being assisted as manifested by prior charged criminal conduct.

(12) 'Psychiatrist' means a person having a license as a physician and surgeon in this state who has, in addition, completed three years of graduate training in psychiatry in a program approved by the American medical association or the American osteopathic association and is certified or eligible to be certified by the American board of psychiatry and neurology.

(13) 'Psychologist' means a person who has been licensed as a psychologist pursuant to chapter 18.83 RCW.

(14) 'Social worker' means a person with a master's or further advanced degree from an accredited school of social work or a degree deemed equivalent under rules adopted by the secretary.

(15) 'Individualized service plan' means a plan prepared by a developmental disabilities professional with other professionals as a team, for an individual with developmental disabilities, which shall state:

(a) The nature of the person's specific problems, prior charged criminal behavior, and habilitation needs;

(b) The conditions and strategies necessary to achieve the purposes of habilitation;

(c) The intermediate and long-range goals of the habilitation program, with a projected timetable for the attainment;

(d) The rationale for using this plan of habilitation to achieve those intermediate and long-range goals;

(e) The staff responsible for carrying out the plan;

(f) Where relevant in light of past criminal behavior and due consideration for public safety, the criteria for proposed movement to less-restrictive settings, criteria for proposed eventual discharge from involuntary confinement, and a projected possible date for discharge from involuntary confinement; and

(g) The type of residence immediately anticipated for the person and possible future types of residences.

Sec. 4, Section 6, chapter 117, Laws of 1973 1st ex. sess. as amended by section 6, chapter 198, Laws of 1974 ex. sess. and RCW 10.77.060 are each amended to read as follows:

(1) Whenever a defendant has pleaded not guilty by reason of insanity, or there is reason to doubt his or her competency, the court on its own motion or on the motion of any party shall either appoint or request the secretary to designate at least two qualified experts or professional persons, one of whom shall be approved by the prosecuting attorney, to examine and report upon the mental condition of the defendant. At least one of the experts or professional persons appointed shall be a developmental disabilities professional if the court is advised by any party that the defendant may be developmentally disabled. For purposes of the examination, the court may order the defendant committed to a hospital or other suitable facility for a period of time necessary to complete the examination, but not to exceed fifteen days.

(2) The court may direct that a qualified expert or professional person retained by or appointed for the defendant be permitted to witness the examination authorized by subsection (1) of this section, and that ~~((he))~~ the defendant shall have access to all information obtained by the court appointed experts or professional persons. The defendant's expert or professional person shall have the right to file his or her own report following the guidelines of subsection (3) of this section. If the defendant is indigent, the court shall upon the request of the defendant assist him or her in obtaining an expert or professional person.

(3) The report of the examination shall include the following:

(a) A description of the nature of the examination;

(b) A diagnosis of the mental condition of the defendant;

(c) If the defendant suffers from a mental disease or defect, or is developmentally disabled, an opinion as to ~~((his))~~ competency;

(d) If the defendant has indicated his or her intention to rely on the defense of insanity pursuant to RCW 10.77.030, an opinion as to the defendant's sanity at the time of the act;

(e) When directed by the court, an opinion as to the capacity of the defendant to have a particular state of mind which is an element of the offense charged;

(f) An opinion as to whether the defendant is a substantial danger to other persons, or presents a substantial likelihood of committing felonious acts jeopardizing public safety or security, unless kept under further control by the court or other persons or institutions.

Sec. 5. Section 9, chapter 117, Laws of 1973 1st ex. sess. as last amended by section 3, chapter 215, Laws of 1979 ex. sess. and RCW 10.77.090 are each amended to read as follows:

(1) If at any time during the pendency of an action and prior to judgment, the court finds following a report as provided in RCW 10.77.060, as now or hereafter amended, that the defendant is incompetent, the court shall order the proceedings against ~~((him))~~ the defendant be stayed, except as provided in subsection (5) of this section, and, if the defendant is charged with a felony, may commit the defendant to the custody of the secretary, who shall place such defendant in an appropriate facility of the department for evaluation and treatment, or the court may alternatively order the defendant to undergo evaluation and treatment at some other facility, or under the guidance and control of some other person, until he or she has regained the competency necessary to understand the proceedings against him or her and assist in his or her own defense, but in any event, for no longer than a period of ninety days. A defendant found incompetent shall be evaluated at the direction of the secretary and a determination made whether the defendant is developmentally disabled. Such evaluation and determination shall be accomplished as soon as possible following the court's placement of the defendant in the custody of the secretary. When appropriate, and subject to available funds, if the defendant is determined to be developmentally disabled, he or she may be placed in a program specifically reserved for the treatment and training of persons with developmental disabilities where the defendant shall have the right to habilitation according to an individualized service plan specifically developed for the particular needs of the defendant. The program shall be separate from programs serving persons involved in any other treatment or habilitation program. The program shall be appropriately secure under the circumstances and shall be administered by developmental disabilities professionals who shall direct the habilitation efforts. The program shall provide an environment affording security appropriate with the charged criminal behavior and necessary to protect the public safety. The department may limit admissions of such persons to this specialized program in order to ensure that expenditures for services do not exceed amounts appropriated by the legislature and allocated by the department for such services. The department may establish admission priorities in the event that the number of eligible persons exceeds the limits set by the department. A copy of the report shall be sent to the facility. On or before expiration of the initial ninety day period of commitment the court shall conduct a hearing, at which it shall determine whether or not the defendant is incompetent. If the defendant is charged with a crime which is not a felony, the court may stay or dismiss proceedings and detain the defendant for sufficient time to allow the county mental health professional to evaluate the defendant and commence proceedings under chapter 71.05 RCW if appropriate; and subsections (2) and (3) of this section shall not be applicable: PROVIDED, That, upon order of the court, the prosecutor may directly petition for fourteen days of involuntary treatment under chapter 71.05 RCW.

(2) If the court finds by a preponderance of the evidence that the defendant is incompetent, the court shall have the option of extending the order of commitment or alternative treatment for an additional ninety day period, but it must at the time of extension set a date for a

prompt hearing to determine the defendant's competency before the expiration of the second ninety day period. The defendant, ~~((his)) the defendant's~~ attorney, the prosecutor, or the judge shall have the right to demand that the hearing on or before the expiration of the second ninety day period be before a jury. No extension shall be ordered for a second ninety-day period, nor for any subsequent period as provided in subsection (3) of this section if the defendant's incompetence has been determined by the secretary to be solely the result of a developmental disability which is such that competence is not reasonably likely to be regained during an extension. If no demand is made, the hearing shall be before the court. The court or jury shall determine whether or not the defendant has become competent.

(3) At the hearing upon the expiration of the second ninety day period or at the end of the first ninety day period, in the case of a developmentally disabled defendant, if the jury or court, as the case may be, finds that the defendant is incompetent, the charges shall be dismissed without prejudice, and either civil commitment proceedings shall be instituted, if appropriate, or the court shall order the release of the defendant: PROVIDED, That the criminal charges shall not be dismissed if at the end of the second ninety day period, or at the end of the first ninety day period, in the case of a developmentally disabled defendant, the court or jury finds that the defendant is a substantial danger to other persons, or presents a substantial likelihood of committing felonious acts jeopardizing public safety or security, and that there is a substantial probability that the defendant will regain competency within a reasonable period of time. In the event that the court or jury makes such a finding, the court may extend the period of commitment for an additional six months. At the end of said six month period, if the defendant remains incompetent, the charges shall be dismissed without prejudice and either civil commitment proceedings shall be instituted, if appropriate, or the court shall order release of the defendant.

(4) The fact that the defendant is unfit to proceed does not preclude any pretrial proceedings which do not require the personal participation of the defendant.

(5) A defendant receiving medication for either physical or mental problems shall not be prohibited from standing trial, if the medication either enables ~~((him)) the defendant~~ to understand the proceedings against him or her and to assist in his or her own defense, or does not disable him or her from so understanding and assisting in his or her own defense.

(6) At or before the conclusion of any commitment period provided for by this section, the facility providing evaluation and treatment shall provide to the court a written report of examination which meets the requirements of RCW 10.77.060(3).

Sec. 6. Section 11, chapter 117, Laws of 1973 1st ex. sess. as last amended by section 1, chapter 25, Laws of 1983 and RCW 10.77.110 are each amended to read as follows:

(1) If a defendant is acquitted of a felony by reason of insanity, and it is found that he or she is not a substantial danger to other persons, and does not present a substantial likelihood of committing felonious acts jeopardizing public safety or security, unless kept under further control by the court or other persons or institutions, the court shall direct ~~((his)) the defendant's~~ final discharge. If it is found that such defendant is a substantial danger to other persons, or presents a substantial likelihood of committing felonious acts jeopardizing public safety or security, unless kept under further control by the court or other persons or institutions, the court shall order his or her hospitalization, or any appropriate alternative treatment less restrictive than detention in a state mental hospital, pursuant to the terms of this chapter.

(2) If the defendant has been found not guilty by reason of insanity and a substantial danger, or presents a substantial likelihood of committing felonious acts jeopardizing public safety or security, so as to require treatment then the secretary shall immediately cause the defendant to be evaluated to ascertain if the defendant is developmentally disabled. When appropriate, and subject to available funds, the defendant may be committed to a program specifically reserved for the treatment and training of developmentally disabled persons. A person so committed shall receive habilitation services according to an individualized service plan specifically developed to treat the behavior which was the subject of the criminal proceedings. The treatment program shall be administered by developmental disabilities professionals and others trained specifically in the needs of developmentally disabled persons. The treatment program shall provide physical security to a degree consistent with the finding that the defendant is dangerous and may incorporate varying conditions of security and alternative sites when the dangerousness of any particular defendant makes this necessary. The department may limit admissions to this specialized program in order to ensure that expenditures for services do not exceed amounts appropriated by the legislature and allocated by the department for such services. The department may establish admission priorities in the event that the number of eligible persons exceeds the limits set by the department.

(3) If it is found that such defendant is not a substantial danger to other persons, and does not present a substantial likelihood of committing felonious acts jeopardizing public safety or security, but that he or she is in need of control by the court or other persons or institutions, the court shall direct ~~((his)) the defendant's~~ conditional release. If the defendant is acquitted by reason of insanity of a crime which is not a felony, the court shall order the defendant's release or order the defendant's continued custody only for a reasonable time to allow the county-

designated mental-health professional to evaluate the individual and to proceed with civil commitment pursuant to chapter 71.05 RCW, if considered appropriate.

Sec. 7. Section 12, chapter 117, Laws of 1973 1st ex. sess. as amended by section 11, chapter 198, Laws of 1974 ex. sess. and RCW 10.77.120 are each amended to read as follows:

The secretary shall forthwith provide adequate care and individualized treatment at one or several of the state institutions or facilities under his or her direction and control wherein persons committed as criminally insane may be confined. Such persons shall be under the custody and control of the secretary to the same extent as are other persons who are committed to ~~(his)~~ the secretary's custody, but such provision shall be made for their control, care, and treatment as is proper in view of their condition. In order that the secretary may adequately determine the nature of the mental illness or developmental disability of the person committed to him or her as criminally insane, and in order for the secretary to place such individuals in a proper facility, all persons who are committed to the secretary as criminally insane shall be promptly examined by qualified personnel in such a manner as to provide a proper evaluation and diagnosis of such individual. The examinations of all developmentally disabled persons committed under this chapter shall be performed by developmental disabilities professionals. Any person so committed shall not be discharged from the control of the secretary save upon the order of a court of competent jurisdiction made after a hearing and judgment of discharge.

Whenever there is a hearing which the committed person is entitled to attend, the secretary shall send him or her in the custody of one or more department employees to the county where the hearing is to be held at the time the case is called for trial. During the time ~~(he)~~ the person is absent from the facility, he or she shall be confined in a facility designated by and arranged for by the department, and shall at all times be deemed to be in the custody of the department employee and provided necessary treatment. If the decision of the hearing remits the person to custody, the department employee shall forthwith return ~~(him)~~ the person to such institution or facility designated by the secretary. If the state appeals an order of discharge, such appeal shall operate as a stay, and the person in custody shall so remain and be forthwith returned to the institution or facility designated by the secretary until a final decision has been rendered in the cause.

Sec. 8. Section 14, chapter 117, Laws of 1973 1st ex. sess. as amended by section 12, chapter 198, Laws of 1974 ex. sess. and RCW 10.77.140 are each amended to read as follows:

Each person committed to a hospital or other facility or conditionally released pursuant to this chapter shall have a current examination of his or her mental condition made by one or more experts or professional persons at least once every six months. Said person may retain, or if ~~(he)~~ the person is indigent and so requests, the court may appoint a qualified expert or professional person to examine him or her, and such expert or professional person shall have access to all hospital records concerning the person. In the case of a committed or conditionally released person who is developmentally disabled, the expert shall be a developmental disabilities professional. The secretary, upon receipt of the periodic report, shall provide written notice to the court of commitment of compliance with the requirements of this section.

Sec. 9. Section 2, chapter 122, Laws of 1983 and RCW 10.77.163 are each amended to read as follows:

(1) Before a person committed under this chapter is permitted temporarily to leave a treatment facility for any period of time without constant accompaniment by facility staff, the superintendent, professional person in charge of a treatment facility, or his or her professional designee shall in writing notify the prosecuting attorney of any county to which the person is released and the prosecuting attorney of the county in which the criminal charges against the committed person were dismissed, of the decision conditionally to release the person. The notice shall be provided at least thirty days before the anticipated release and shall describe the conditions under which the release is to occur.

(2) In addition to the notice required by subsection (1) of this section, the superintendent of each state institution designated for the custody, care, and treatment of ~~((the criminally insane))~~ persons committed under this chapter shall notify appropriate law enforcement agencies through the state patrol communications network of the furloughs of persons committed under RCW 10.77.090 or 10.77.110. Notification shall be made at least forty-eight hours before the furlough, and shall include the name of the person, the place to which the person has permission to go, and the dates and times during which the person will be on furlough. ~~((For emergency furloughs, forty-eight hours notice is not required, but notice shall be made before the departure:))~~

(3) Upon receiving notice that a person committed under this chapter is being temporarily released under subsection (1) of this section, the prosecuting attorney may seek a temporary restraining order to prevent the release of the person on the grounds that the person is dangerous to self or others.

Sec. 10. Section 3, chapter 122, Laws of 1983 and RCW 10.77.165 are each amended to read as follows:

In the event of an escape by a ~~((criminally insane))~~ person committed under this chapter from a state institution or the disappearance of such a person on conditional release, the

superintendent shall notify as appropriate, local law enforcement officers, other governmental agencies, the person's relatives, and any other appropriate persons about information necessary for the public safety or to assist in the apprehension of the person.

Sec. 11. Section 20, chapter 117, Laws of 1973 1st ex. sess. as last amended by section 2, chapter 25, Laws of 1983 and RCW 10.77.200 are each amended to read as follows:

(1) Upon application by the ~~((criminally insane))~~ committed or conditionally released person, the secretary shall determine whether or not reasonable grounds exist for final discharge. If the secretary approves the final discharge he or she then shall authorize said person to petition the court.

(2) The petition shall be served upon the court and the prosecuting attorney. The court, upon receipt of the petition for final discharge, shall within forty-five days order a hearing. Continuance of the hearing date shall only be allowed for good cause shown. The prosecuting attorney shall represent the state, and shall have the right to have the petitioner examined by an expert or professional person of his choice. If the petitioner is indigent, and ~~((he))~~ the person so requests, the court shall appoint a qualified expert or professional person to examine him or her. If the petitioner is developmentally disabled, the examination shall be performed by a developmental disabilities professional. The hearing shall be before a jury if demanded by either the petitioner or the prosecuting attorney. The burden of proof shall be upon the petitioner to show by a preponderance of the evidence that the petitioner may be finally discharged without substantial danger to other persons, and without presenting a substantial likelihood of committing felonious acts jeopardizing public safety or security, unless kept under further control by the court or other persons or institutions.

(3) Nothing contained in this chapter shall prohibit the patient from petitioning the court for final discharge or conditional release from the institution in which he or she is committed. The issue to be determined on such proceeding is whether the petitioner is a substantial danger to other persons, or presents a substantial likelihood of committing felonious acts jeopardizing public safety or security, unless kept under further control by the court or other persons or institutions.

Nothing contained in this chapter shall prohibit the committed person from petitioning for release by writ of habeas corpus.

Sec. 12. Section 21, chapter 117, Laws of 1973 1st ex. sess. as amended by section 3, chapter 196, Laws of 1983 and RCW 10.77.210 are each amended to read as follows:

Any person involuntarily detained, hospitalized, or committed pursuant to the provisions of this chapter shall have the right to adequate care and individualized treatment. The person who has custody of the patient or is in charge of treatment shall keep records detailing all medical, expert, and professional care and treatment received by a committed person, and shall keep copies of all reports of periodic examinations of the patient that have been filed with the secretary pursuant to this chapter. All records and reports made pursuant to this chapter, shall be made available only upon request, to the committed person, to his or her attorney, to his or her personal physician, to the prosecuting attorney, to the court, to the protection and advocacy agency, or other expert or professional persons who, upon proper showing, demonstrates a need for access to such records. All records and reports made pursuant to this chapter shall also be made available, upon request, to the department of corrections or the ~~((board of prison terms and paroles))~~ indeterminate sentence review board if the person was on parole or probation at the time of detention, hospitalization, or commitment or the person is subsequently convicted for the crime for which ~~((they were))~~ he or she was detained, hospitalized, or committed pursuant to this chapter.

Sec. 13. Section 7, chapter 142, Laws of 1973 1st ex. sess. as amended by section 5, chapter 215, Laws of 1979 ex. sess. and RCW 71.05.020 are each amended to read as follows:

For the purposes of this chapter:

(1) 'Gravely disabled' means a condition in which a person, as a result of a mental disorder: (a) is in danger of serious physical harm resulting from a failure to provide for his essential human needs of health or safety, or (b) manifests severe deterioration in routine functioning evidenced by repeated and escalating loss of cognitive or volitional control over his or her actions and is not receiving such care as is essential for his or her health or safety;

(2) 'Mental disorder' means any organic, mental, or emotional impairment which has substantial adverse effects on an individual's cognitive or volitional functions;

(3) 'Likelihood of serious harm' means either: (a) A substantial risk that physical harm will be inflicted by an individual upon his own person, as evidenced by threats or attempts to commit suicide or inflict physical harm on one's self, (b) a substantial risk that physical harm will be inflicted by an individual upon another, as evidenced by behavior which has caused such harm or which places another person or persons in reasonable fear of sustaining such harm, or (c) a substantial risk that physical harm will be inflicted by an individual upon the property of others, as evidenced by behavior which has caused substantial loss or damage to the property of others;

(4) 'Peace officer' means a law enforcement official of a public agency or governmental unit, and includes persons specifically given peace officer powers by any state law, local ordinance, or judicial order of appointment;

(5) 'Judicial commitment' means a commitment by a court pursuant to the provisions of this chapter:

(6) 'Public agency' means any evaluation and treatment facility or institution, hospital, or sanitarium which is conducted for, or includes a department or ward conducted for, the care and treatment of persons who are mentally ill or deranged, if the agency is operated directly by, federal, state, county, or municipal government, or a combination of such governments;

(7) 'Private agency' means any person, partnership, corporation, or association not defined as a public agency, whether or not financed in whole or in part by public funds, which constitutes an evaluation and treatment facility or private institution, hospital, or sanitarium, which is conducted for, or includes a department or ward conducted for the care and treatment of persons who are mentally ill;

(8) 'Attending staff' means any person on the staff of a public or private agency having responsibility for the care and treatment of a patient;

(9) 'Department' means the department of social and health services of the state of Washington;

(10) 'Secretary' means the secretary of the department of social and health services, or his designee;

(11) 'Mental health professional' means a psychiatrist, psychologist, psychiatric nurse, or social worker, and such other mental health professionals as may be defined by rules and regulations adopted by the secretary pursuant to the provisions of this chapter;

(12) 'Professional person' shall mean a mental health professional, as above defined, and shall also mean a physician, registered nurse, and such others as may be defined by rules and regulations adopted by the secretary pursuant to the provisions of this chapter;

(13) 'Psychiatrist' means a person having a license as a physician and surgeon in this state who has in addition completed three years of graduate training in psychiatry in a program approved by the American medical association or the American osteopathic association and is certified or eligible to be certified by the American board of psychiatry and neurology;

(14) 'Psychologist' means a person who has been licensed as a psychologist pursuant to chapter 18.83 RCW;

(15) 'Social worker' means a person with a master's or further advanced degree from an accredited school of social work or a degree from a graduate school deemed equivalent under rules and regulations adopted by the secretary;

(16) 'Evaluation and treatment facility' means any facility which can provide directly, or by direct arrangement with other public or private agencies, emergency evaluation and treatment, outpatient care, and short term inpatient care to persons suffering from a mental disorder, and which is certified as such by the department of social and health services: PROVIDED, That a physically separate and separately operated portion of a state hospital may be designated as an evaluation and treatment facility: PROVIDED FURTHER, That a facility which is part of, or operated by, the department of social and health services or any federal agency will not require certification: AND PROVIDED FURTHER, That no correctional institution or facility, or jail, shall be an evaluation and treatment facility within the meaning of this chapter;

(17) 'Developmental disability' means that condition defined in RCW 71A.10.020(2);

(18) 'Developmental disabilities professional' means a person who has specialized training and three years of experience in directly treating or working with persons with developmental disabilities and is a psychiatrist or psychologist, or a social worker, and such other developmental disabilities professionals as may be defined by rules adopted by the secretary;

(19) 'Habilitative services' means those services provided by program personnel to assist persons in acquiring and maintaining life skills and in raising their levels of physical, mental, social, and vocational functioning. Habilitative services include education, training for employment, and therapy. The habilitative process shall be undertaken with recognition of the risk to the public safety presented by the individual being assisted as manifested by prior charged criminal conduct;

(20) 'Psychologist' means a person who has been licensed as a psychologist pursuant to chapter 18.83 RCW;

(21) 'Social worker' means a person with a master's or further advanced degree from an accredited school of social work or a degree deemed equivalent under rules adopted by the secretary;

(22) 'Individualized service plan' means a plan prepared by a developmental disabilities professional with other professionals as a team, for an individual with developmental disabilities, which shall state:

(a) The nature of the person's specific problems, prior charged criminal behavior, and habilitation needs;

(b) The conditions and strategies necessary to achieve the purposes of habilitation;

(c) The intermediate and long-range goals of the habilitation program, with a projected timetable for the attainment;

(d) The rationale for using this plan of habilitation to achieve those intermediate and long-range goals;

(e) The staff responsible for carrying out the plan;

(f) Where relevant in light of past criminal behavior and due consideration for public safety, the criteria for proposed movement to less-restrictive settings, criteria for proposed eventual discharge from involuntary confinement, and a projected possible date for discharge from involuntary confinement; and

(g) The type of residence immediately anticipated for the person and possible future types of residences.

Sec. 14. Section 35, chapter 142, Laws of 1973 1st ex. sess. as last amended by section 8, chapter 439, Laws of 1987 and RCW 71.05.300 are each amended to read as follows:

The petition for ninety day treatment shall be filed with the clerk of the superior court at least three days before expiration of the fourteen-day period of intensive treatment. At the time of filing such petition, the clerk shall set a time for the person to come before the court on the next judicial day after the day of filing unless such appearance is waived by the person's attorney, and the clerk shall notify the designated county mental health professional. The designated county mental health professional shall immediately notify the person detained, his or her attorney, if any, and his or her guardian or conservator, if any, and the prosecuting attorney, and provide a copy of the petition to such persons as soon as possible.

At the time set for appearance the detained person shall be brought before the court, unless such appearance has been waived and the court shall advise him or her of his or her right to be represented by an attorney and of his or her right to a jury trial. If the detained person is not represented by an attorney, or is indigent or is unwilling to retain an attorney, the court shall immediately appoint an attorney to represent him or her. The court shall, if requested, appoint a reasonably available licensed physician, psychologist, or psychiatrist, designated by the detained person to examine and testify on behalf of the detained person.

The court may, if requested, also appoint a professional person as defined in RCW 71.05.020(12) to seek less restrictive alternative courses of treatment and to testify on behalf of the detained person. In the case of a developmentally disabled person who has been determined to be incompetent pursuant to RCW 10.77.090(3), then the appointed professional person under this section shall be a developmental disabilities professional.

The court shall also set a date for a full hearing on the petition as provided in RCW 71.05.310.

Sec. 15. Section 37, chapter 142, Laws of 1973 1st ex. sess. as last amended by section 5, chapter 67, Laws of 1986 and RCW 71.05.320 are each amended to read as follows:

(1) If the court or jury finds that grounds set forth in RCW 71.05.280 have been proven and that the best interests of the person or others will not be served by a less restrictive treatment which is an alternative to detention, the court shall remand him or her to the custody of the department of social and health services or to a facility certified for ninety day treatment by the department of social and health services for a further period of intensive treatment not to exceed ninety days from the date of judgment: PROVIDED, That if the grounds set forth in RCW 71.05.280(3) are the basis of commitment, then the period of treatment may be up to but not exceed one hundred eighty days from the date of judgment in a facility certified for one hundred eighty day treatment by the department. If the committed person is developmentally disabled and has been determined incompetent pursuant to RCW 10.77.090(3), and the best interests of the person or others will not be served by a less-restrictive treatment which is an alternative to detention, the court shall remand him or her to the custody of the department of social and health services or to a facility certified for one hundred eighty-day treatment by the department. When appropriate and subject to available funds, treatment and training of such persons must be provided in a program specifically reserved for the treatment and training of developmentally disabled persons. A person so committed shall receive habilitation services pursuant to an individualized service plan specifically developed to treat the behavior which was the subject of the criminal proceedings. Said treatment program shall be administered by developmental disabilities professionals and others trained specifically in the needs of developmentally disabled persons. The department may limit admissions to this specialized program in order to ensure that expenditures for services do not exceed amounts appropriated by the legislature and allocated by the department for such services. The department may establish admission priorities in the event that the number of eligible persons exceeds the limits set by the department. An order for treatment less restrictive than involuntary detention may include conditions, and if such conditions are not adhered to, the designated mental health professional or developmental disabilities professional may order the person apprehended under the terms and conditions of RCW 71.05.340 as now or hereafter amended.

If the court or jury finds that grounds set forth in RCW 71.05.280 have been proven, but finds that treatment less restrictive than detention will be in the best interest of the person or others, then the court shall remand him to the custody of the department of social and health services or to a facility certified for ninety day treatment by the department of social and health services or to a less restrictive alternative for a further period of less restrictive treatment not to exceed ninety days from the date of judgment: PROVIDED, That if the grounds set forth in RCW 71.05.280(3) are the basis of commitment, then the period of treatment may be up to but not exceed one hundred eighty days from the date of judgment.

(2) Said person shall be released from involuntary treatment at the expiration of the period of commitment imposed under subsection (1) of this section unless the superintendent or professional person in charge of the facility in which he is confined, or in the event of a less restrictive alternative, the designated mental health professional or developmental disabilities professional, files a new petition for involuntary treatment on the grounds that the committed person;

(a) During the current period of court ordered treatment: (i) Has threatened, attempted, or inflicted physical harm upon the person of another, or substantial damage upon the property of another, and (ii) as a result of mental disorder or developmental disability presents a likelihood of serious harm to others; or

(b) Was taken into custody as a result of conduct in which he attempted or inflicted serious physical harm upon the person of another, and continues to present, as a result of mental disorder or developmental disability a likelihood of serious harm to others; or

(c) Is in custody pursuant to RCW 71.05.280(3) and as a result of mental disorder or developmental disability presents a substantial likelihood of repeating similar acts considering the charged criminal behavior, life history, progress in treatment, and the public safety; or

(d) Continues to be gravely disabled.

If the conduct required to be proven in subsections (b) and (c) of this section was found by a judge or jury in a prior trial under this chapter, it shall not be necessary to reprove that element. Such new petition for involuntary treatment shall be filed and heard in the superior court of the county of the facility which is filing the new petition for involuntary treatment unless good cause is shown for a change of venue. The cost of the proceedings shall be borne by the state.

The hearing shall be held as provided in RCW 71.05.310, and if the court or jury finds that the grounds for additional confinement as set forth in this subsection are present, the court may order the committed person returned for an additional period of treatment not to exceed one hundred eighty days from the date of judgment. At the end of the one hundred eighty day period of commitment, the committed person shall be released unless a petition for another one hundred eighty day period of continued treatment is filed and heard in the same manner as provided herein above. Successive one hundred eighty day commitments are permissible on the same grounds and pursuant to the same procedures as the original one hundred eighty day commitment. No person committed as herein provided may be detained unless a valid order of commitment is in effect. No order of commitment can exceed one hundred eighty days in length.

Sec. 16. Section 2, chapter 67, Laws of 1986 and RCW 71.05.325 are each amended to read as follows:

(1) Before a person committed under grounds set forth in RCW 71.05.280(3) is released from involuntary treatment because a new petition for involuntary treatment has not been filed under RCW 71.05.320(2), the superintendent, professional person, or designated mental health professional responsible for the decision whether to file a new petition shall in writing notify the prosecuting attorney of the county in which the criminal charges against the committed person were dismissed, of the decision not to file a new petition for involuntary treatment. Notice shall be provided at least thirty days before the period of commitment expires.

(2)(a) Before a person committed under grounds set forth in RCW 71.05.280(3) is permitted temporarily to leave a treatment facility pursuant to RCW 71.05.270 for any period of time without constant accompaniment by facility staff, the superintendent, professional person in charge of a treatment facility, or his or her professional designee shall in writing notify the prosecuting attorney of any county to which the person is to be released and the prosecuting attorney of the county in which the criminal charges against the committed person were dismissed, of the decision conditionally to release the person. The notice shall be provided at least thirty days before the anticipated release and shall describe the conditions under which the release is to occur.

(b) The provisions of RCW 71.05.330(2) apply to proposed temporary releases, and either or both prosecuting attorneys receiving notice under this subsection may petition the court under RCW 71.05.330(2).

(3) Nothing in this section shall be construed to authorize detention of a person unless a valid order of commitment is in effect.

NEW SECTION. Sec. 17. A new section is added to chapter 10.77 RCW to read as follows:

The provisions of this act shall apply equally to persons presently in the custody of the department who were found by a court to be not guilty by reason of insanity or incompetent to stand trial, or who have been found to have committed acts constituting a felony pursuant to RCW 71.05.280(3) and present a substantial likelihood of repeating similar acts, and the secretary shall cause such persons to be evaluated to ascertain if such persons are developmentally disabled for placement in a program specifically reserved for the treatment and training of persons with developmental disabilities.

NEW SECTION. Sec. 18. A new section is added to chapter 71.05 RCW to read as follows:

The provisions of this act shall apply equally to persons presently in the custody of the department who were found by a court to be not guilty by reason of insanity or incompetent to stand trial, or who have been found to have committed acts constituting a felony pursuant to

RCW 71.05.280(3) and present a substantial likelihood of repeating similar acts, and the secretary shall cause such persons to be evaluated to ascertain if such persons are developmentally disabled for placement in a program specifically reserved for the treatment and training of persons with developmental disabilities.

NEW SECTION. Sec. 19. (1) The legislature finds that since the later 1970s, there has been an increase in the reinstitutionalization of the mentally ill in prisons, jails, and mentally ill offender programs within state hospitals in Washington. The mentally ill offender is frequently released from jail or prison without any supervision or case management in the community. The mentally ill offender is also released from the state hospital to the community where the mental health system is resource-deficient to accommodate the needs of the mentally ill, criminally stigmatized person. Many of these individuals become reinvolvement with the criminal justice system, the jails, courts, and corrections with additional convictions and/or state hospital commitments. Neither the treatment needs of this population nor public safety is being met by the existing systems.

There is public concern about the lack of adequate security in mentally ill offender programs at state hospitals. It is the intent of the legislature to promote public safety and provide a secure treatment facility to serve the forensic patients who are under the supervision of the department of corrections or the department of social and health services.

(2)(a) The department of corrections and the department of social and health services shall conduct a study for the development of a forensic hospital which would serve the needs of mentally ill offenders currently in state health institutions and prisons. In preparing the study, the departments shall consult with other states, counties, cities, jails, private and public agencies, and community groups for recommendations in housing and treating the mentally ill offender.

(b) The scope of the study shall be sufficiently broad to encompass the inpatient and community service needs of the mentally ill offenders, from their first contact with the criminal justice system to reintegration in the community.

(c) The departments shall report back to the senate law and justice committee and the house of representatives judiciary committee before March 1, 1990.

NEW SECTION. Sec. 20. Section 19 of this act shall expire March 1, 1990.

NEW SECTION. Sec. 21. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect immediately."

On page 1, line 1 of the title, after "adults;" strike the remainder of the title and insert "amending RCW 10.77.010, 10.77.060, 10.77.090, 10.77.110, 10.77.120, 10.77.140, 10.77.163, 10.77.165, 10.77.200, 10.77.210, 71.05.020, 71.05.300, 71.05.320, and 71.05.325; adding new sections to chapter 10.77 RCW; adding new sections to chapter 71.05 RCW; creating a new section; providing an expiration date; and declaring an emergency."

and the same is herewith transmitted.

Gordon A. Golob, Secretary.

MOTION

Mr. Bristow moved that the House do concur in the Senate amendments to Engrossed Substitute House Bill No. 1051. The motion was carried.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

The Speaker stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 1051 as amended by the Senate.

Mr. Todd spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1051 as amended by the Senate, and the bill passed the House by the following vote: Yeas, 97; excused, 1.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Baugher, Beck, Belcher, Betzoff, Bowman, Braddock, Brekke, Bristow, Brooks, Brough, Brumsickle, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Fraser, Fuhrman, Grant, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Insee, Jacobsen, Jesernig, Jones, King P, King R, Kremen, Leonard, Locke, May, McLean, Meyers R, Miller, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Padden, Patrick, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith, Sommers D, Sommers H, Spaniel, Sprengle, Tate, Todd, Valle, Van Luven, Vekich, Walk, Walker, Wang, Wilson K, Wilson S, Wineberry, Winsley, Wolfe, Wood, Youngsman, Zöllinsky, and Mr. Speaker - 97.

Excused: Representative Gallagher - 1.

Engrossed Substitute House Bill No. 1051 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SENATE AMENDMENTS TO HOUSE BILL

April 6, 1989

Mr. Speaker:

The Senate has passed SECOND SUBSTITUTE HOUSE BILL NO. 1476 with the following amendments:

On page 1, line 25, after "services" and before the period insert ", and in addition to identify new markets for Washington firms to provide goods and services"

On page 4, beginning on line 3, strike all of section 5 and insert the following:

NEW SECTION, Sec. 5. (1) 'Capital project' means a major urban or rural economic development project including, but not limited to, highways, ports, public facilities, power plants, irrigation systems, resorts, and sewage systems.

(2) 'Consortium' means a partnership, copartnership, joint venture, joint stock company, business trust, corporation, association, or any group of businesses acting as a unit for the purpose of securing a capital project.

NEW SECTION, Sec. 6. There is established, as a project within the department of trade and economic development, the office of capital projects. The office shall:

(1) Assist Washington state businesses in obtaining international and domestic capital projects;

(2) Assist Washington state businesses in the formation of consortiums, when appropriate, which have the range of services and technical skills to compete for capital projects. Consortiums shall include at least one business with its principal place of business within Washington state.

(3) Assist consortiums and businesses in Washington state to market their services and products in international markets;

(4) Compile information on capital project opportunities for Washington state businesses including:

(a) Identifying those types of Washington businesses with the type and level of expertise to participate in various capital projects; and

(b) Identifying the type of capital projects and international markets which have the greatest potential for Washington state businesses to provide products and services;

(5) Provide information to Washington state businesses on the purpose and services of the office of capital projects;

(6) Provide initial assistance to consortiums in securing capital project contracts, including such intergovernmental contacts as considered appropriate with countries or regions where capital projects are proposed; and

(7) Provide information to businesses on trade tariffs, quotas, government regulations or other trade restrictions which may affect Washington state businesses.

NEW SECTION, Sec. 7. The department, through the office of capital projects:

(1) May receive funds, coordinate with other governmental agencies, and carry out such other duties as are deemed necessary to implement the provisions of section 6 of this act;

(2) May receive such gifts, grants, and endowments from private or public sources as may be made available in trust or otherwise for the use and benefit of the office of capital projects, and expend the same, or any income therefrom, according to the terms of gifts, grants, or endowments;

(3) May charge reasonable fees or other appropriate charges for using the services of the office of capital projects, for attendance at workshops and conferences sponsored by the office, and for various publications, materials, and services of the office. These fees shall be charged to defray the costs of operation of the office of capital projects; and

(4) May actively seek cooperation and funding from the private sector.

NEW SECTION, Sec. 8. Contracts entered into by consortiums do not constitute a contract with the state of Washington, and do not incur a liability, obligation, pledge of faith, or credit of the state of Washington.

NEW SECTION, Sec. 9. The office of capital projects is prohibited from entering into any legal or otherwise binding contract with foreign governmental units or consortiums in relation to a capital project.

NEW SECTION, Sec. 10. The legislative budget committee shall, by January 1, 1992, conduct analyses of the operations of the capital projects program. The analyses shall provide information on any costs to the state resulting from the operation of the program as well as any employment growth, firm growth, and increased revenue attributable directly or indirectly to the program.

The analysis shall include a review of: The number of firms assisted; the dollar amount and type of assistance provided to each firm; the types of businesses assisted as classified by the

standard industrial classification manual; the size and the age of each firm assisted; the number of minority and women-owned businesses assisted; the number of assisted firms in distressed areas of the state; the number of jobs created or retained in each firm as a result of the programs assistance; the wage rates of jobs retained or new jobs created as a result of the program; the results of client satisfaction surveys completed by firms assisted by the program; and sales volume trends for each firm assisted by the program.

NEW SECTION, Sec. 11. The department of trade and economic development shall actively promote and support the efforts of the office of capital projects to achieve the goals of section 6 of this act.

NEW SECTION, Sec. 12. Sections 1 through 11 of this act are each added to chapter 43.31 RCW.

NEW SECTION, Sec. 13. A new section is added to chapter 43.131 RCW to read as follows:

The office of capital projects and its powers and duties shall be terminated on June 30, 1994, as provided in section 14 of this act.

NEW SECTION, Sec. 14. A new section is added to chapter 43.131 RCW to read as follows:

The following acts or parts of acts, as now existing or hereafter amended, are each repealed, effective June 30, 1995:

- (1) Section 5 of this act and RCW 43.31.---
- (2) Section 6 of this act and RCW 43.31.---
- (3) Section 7 of this act and RCW 43.31.---
- (4) Section 8 of this act and RCW 43.31.---
- (5) Section 9 of this act and RCW 43.31.---; and
- (6) Section 10 of this act and RCW 43.31.---

NEW SECTION, Sec. 15. There is appropriated from the general fund to the department of trade and economic development for the biennium ending June 30, 1991, the sum of ninety thousand dollars, or so much thereof may be necessary, to carry out the purposes of sections 5 through 11 of this act."

Renumber the remaining section consecutively.

On page 1, line 1 of the title, after "programs," strike the remainder of the title and insert "adding new sections to chapter 43.31 RCW; adding new sections to chapter 43.131 RCW; and making an appropriation."

and the same is herewith transmitted.

W. D. Naismith, Assistant Secretary.

MOTION

Mr. Grant moved that the House refuse to concur in the Senate amendments to Second Substitute House Bill No. 1476 and ask the Senate to recede therefrom.

POINT OF ORDER

Mr. Basich: Mr. Speaker, I would hope for a ruling on the Senate amendments that are not within the scope and object of the bill.

SPEAKER'S RULING

The Speaker: The Speaker has examined Second Substitute House Bill No. 1476 and the Senate amendments. Second Substitute House Bill No. 1476 is fairly clear. It spells out the Washington Marketplace program. The goal is to identify businesses within communities which either purchase or plan to purchase supplies from sources outside the state. Buyers who are interested in participating in the program provide the program with their product specifications. It is a worthy program. The Senate amendments establish the Office of Capital Projects within the Department of Trade and Economic Development. It is designed to assist Washington businesses in marketing their products overseas—a gain, this is a worthy endeavor, I am sure. But it does not fall within the original purpose of this bill. It does not perfect the bill; it broadens considerably what the bill intended to do. I find, Representative Basich, that your point is well taken. The Senate amendments are outside the scope and object of the original House Bill.

The Speaker stated the question before the House to be the motion to refuse to concur in the Senate amendments to Second Substitute House Bill No. 1476 and ask the Senate to recede therefrom.

The motion was carried.

The Speaker called on Representative Wang to preside.

MESSAGE FROM THE SENATE

April 15, 1989

Mr. Speaker:

The Senate refuses to concur in the House amendments to ENGROSSED SUBSTITUTE SENATE BILL NO. 5288, and asks the House to recede therefrom, and the same is herewith transmitted.

Gordon A. Golob, Secretary.

MOTION

Mr. R. King moved that the House insist on its position regarding its amendments to Engrossed Substitute Senate Bill No. 5288 and ask the Senate for a conference thereon.

Mr. R. King spoke in favor of the motion, and it was carried.

APPOINTMENT OF CONFEREES

The Speaker (Mr. Wang presiding) appointed Representatives R. King, Basich and S. Wilson as conferees on Engrossed Substitute Senate Bill No. 5288.

MESSAGE FROM THE SENATE

April 15, 1989

Mr. Speaker:

The Senate refuses to concur in the House amendments to SUBSTITUTE SENATE BILL NO. 5289, and asks the House to recede therefrom, and the same is herewith transmitted.

Gordon A. Golob, Secretary.

MOTION

Mr. R. King moved that the House insist on its position regarding its amendments to Substitute Senate Bill No. 5289 and ask the Senate for a conference thereon. The motion was carried.

APPOINTMENT OF CONFEREES

The Speaker (Mr. Wang presiding) appointed Representatives R. King, Basich and S. Wilson as conferees on Substitute Senate Bill No. 5289.

MESSAGE FROM THE SENATE

April 17, 1989

Mr. Speaker:

The Senate refuses to concur in the House amendments to SECOND SUBSTITUTE SENATE BILL NO. 5372, and asks the House to recede therefrom, and the same is herewith transmitted.

W. D. Naismith, Assistant Secretary.

MOTION

Ms. Belcher moved that the House insist on its position regarding its amendments to Second Substitute Senate Bill No. 5372 and ask the Senate for a conference thereon. The motion was carried.

APPOINTMENT OF CONFEREES

The Speaker (Mr. Wang presiding) appointed Representatives Belcher, G. Fisher and Beck as conferees on Second Substitute Senate Bill No. 5372.

MESSAGE FROM THE SENATE

April 15, 1989

Mr. Speaker:

The Senate refuses to concur in the House amendments to ENGROSSED SUBSTITUTE SENATE BILL NO. 5759, and asks the House to recede therefrom, and the same is herewith transmitted.

Gordon A. Golob, Secretary.

MOTION

Mr. G. Fisher moved that the House insist on its position regarding its amendments to Engrossed Substitute Senate Bill No. 5759 and ask the Senate for a conference thereon. The motion was carried.

APPOINTMENT OF CONFEREES

The Speaker (Mr. Wang presiding) appointed Representatives Peery, G. Fisher and Betrozoff as conferees on Engrossed Substitute Senate Bill No. 5759.

MESSAGE FROM THE SENATE

April 13, 1989

Mr. Speaker:

The Senate refuses to concur in the House amendments to SUBSTITUTE SENATE BILL NO. 5241, and asks the House for a conference thereon. The President has appointed the following members as conferees: Senators Lee, Smitherman and Anderson, and the same is herewith transmitted.

W. D. Naismith, Assistant Secretary.

MOTION

Ms. Cantwell moved that the House grant the request of the Senate for a conference on Substitute Senate Bill No. 5241. The motion was carried.

APPOINTMENT OF CONFEREES

The Speaker (Mr. Wang presiding) appointed Representatives Cantwell, Wineberry and Doty as conferees on Substitute Senate Bill No. 5241.

MESSAGE FROM THE SENATE

April 10, 1989

Mr. Speaker:

The Senate refuses to concur in the House amendments to ENGROSSED SUBSTITUTE SENATE BILL NO. 5314, and asks the House to recede therefrom, and the same is herewith transmitted.

W. D. Naismith, Assistant Secretary.

MOTION

Mr. G. Fisher moved that the House insist on its position regarding its amendments to Engrossed Substitute Senate Bill No. 5314 and ask the Senate for a conference thereon. The motion was carried.

APPOINTMENT OF CONFEREES

The Speaker (Mr. Wang presiding) appointed Representatives Peery, G. Fisher and Betrozoff as conferees on Engrossed Substitute Senate Bill No. 5314.

MESSAGE FROM THE SENATE

April 15, 1989

Mr. Speaker:

The Senate refuses to concur in the House amendments to SUBSTITUTE SENATE BILL NO. 5443 and asks the House for a conference thereon. The President has appointed the following members as conferees: Senators Patterson, Bender and Nelson, and the same is herewith transmitted.

W. D. Naismith, Assistant Secretary.

MOTION

Mr. Walk moved that the House grant the request of the Senate for a conference on Substitute Senate Bill No. 5443.

Mr. Walk spoke in favor of the motion, and it was carried.

APPOINTMENT OF CONFEREES

The Speaker (Mr. Wang presiding) appointed Representatives R. Meyers, Cooper and Schmidt as conferees on Substitute Senate Bill No. 5443.

MESSAGE FROM THE SENATE

April 15, 1989

Mr. Speaker:

The Senate refuses to concur in the House amendments to ENGROSSED SUBSTITUTE SENATE BILL NO. 5911 and asks the House for a conference thereon. The President has appointed the following members as conferees: Senators Amondson, McMullen and Anderson, and the same is herewith transmitted.

W. D. Naismith, Assistant Secretary.

MOTION

Ms. Belcher moved that the House grant the request of the Senate for a conference on Engrossed Substitute Senate Bill No. 5911. The motion was carried.

APPOINTMENT OF CONFEREES

The Speaker (Mr. Wang presiding) appointed Representatives Belcher, Raiter and Fuhrman as conferees on Engrossed Substitute Senate Bill No. 5911.

SENATE AMENDMENTS TO HOUSE BILL

April 13, 1989

Mr. Speaker:

The Senate has passed ENGROSSED SUBSTITUTE HOUSE BILL NO. 1028 with the following amendments:

Strike everything after the enacting clause and insert the following:

*NEW SECTION. Sec. 1. A new section is added to chapter 75.25 RCW to read as follows:

The following recreational fishing licenses are administered and issued by the department of fisheries under authority of the director of fisheries:

- (1) Hood Canal shrimp license;
- (2) Razor clam license;
- (3) Personal use fishing license;
- (4) Salmon license; and
- (5) Sturgeon license.

Sec. 2. Section 1, chapter 31, Laws of 1983 1st ex. sess. as amended by section 6, chapter 80, Laws of 1984 and RCW 75.25.015 are each amended to read as follows:

(1) A Hood Canal shrimp license is required for all persons other than residents under sixteen years of age to take or possess shrimp taken for personal use from that portion of Hood Canal lying south of the Hood Canal floating bridge.

(2) The annual fees for Hood Canal shrimp licenses are:

(a) For a resident (~~(license, five dollars, except that a person seventy)~~ sixteen years of age or older and under sixty-five years of age ((or older may pay a one-time fee of five)), and a nonresident under sixteen years of age, three dollars;

(b) For a nonresident (~~(license, fifteen))~~ sixteen years of age or older, nine dollars.

Sec. 3. Section 4, chapter 243, Laws of 1979 ex. sess. as last amended by section 91, chapter 46, Laws of 1983 1st ex. sess. and RCW 75.25.040 are each amended to read as follows:

(1) A razor clam license is required for all persons other than residents under sixteen years of age to take, dig for, or possess razor clams taken for personal use from the clam beds of this state including razor clams taken from national park beaches.

(2) The annual fees for razor clam licenses are:

(a) For a resident ((license, two)) sixteen years of age or older and under sixty-five years of age, and a nonresident under sixteen years of age, three dollars ((and fifty cents)); and

(b) For a nonresident ((license, ten)) sixteen years of age or older, nine dollars.

~~((2) Upon application, a resident sixty-five years of age or older or under sixteen years of age shall be issued a razor clam license at no cost. Dealers may collect the dealer's fee established in RCW 75.25.130.~~

~~(3) Razor clam license fees shall be deposited in the general fund and shall be appropriated for the development or operation of programs beneficial to razor clam harvesting.)~~

Sec. 4. Section 2, chapter 81, Laws of 1980 as amended by section 92, chapter 46, Laws of 1983 1st ex. sess. and RCW 75.25.080 are each amended to read as follows:

(1) It is lawful to dig the personal-use daily bag limit of razor clams for another person if that person has in possession a physical disability permit issued by the director.

(2) An application for a physical disability permit must be submitted on a department of fisheries official form and must be accompanied by a licensed medical doctor's certification of disability.

Sec. 5. Section 1, chapter 87, Laws of 1987 and RCW 75.25.090 are each amended to read as follows:

(1) ~~((An annual))~~ A personal use license is required for ((a person sixteen)) all persons other than residents under sixteen years of age ((or older)) to fish for, take, or possess food fish

for personal use from state waters or offshore waters(~~other than carp and sturgeon in the Columbia river above Chief Joseph Dam~~). A personal use license is not required under this section to fish for, take, or possess carp and sturgeon in the Columbia river above Chief Joseph Dam, smelt, or albacore. ((An annual personal use license is valid for the calendar year in which it is issued.))

(2) The fees for ((am)) annual personal use licenses are ((three dollars for residents and nine dollars for nonresidents));

(a) For a resident sixteen years of age or older and under sixty-five years of age, three dollars; and

(b) For a nonresident sixteen years of age or older, nine dollars.

((2-A)) (3) The fees for two-consecutive-day ((combined)) personal use licenses ((and punchcard shall be issued. The fee for the license and punchcard is three dollars for residents and nonresidents;

(3) It is unlawful to fish for or possess food fish without the licenses, punchcards, and stamps required by this chapter;) are:

(a) For food fish other than sturgeon, three dollars; and

(b) For sturgeon only, three dollars.

Sec. 6. Section 11, chapter 327, Laws of 1977 ex. sess. as last amended by section 2, chapter 87, Laws of 1987 and RCW 75.25.100 are each amended to read as follows:

(1) In addition to a personal use license, a salmon ((punchcard)) license is required ((for a person)) to take, fish for, or possess anadromous salmon taken for personal use from state waters or offshore waters. A salmon ((punchcard)) license is not required for a resident under sixteen years of age, nor is it required of a person who has a valid two-consecutive-day ((combined)) personal use license ((and punchcard)) for food fish other than sturgeon.

(2) The fees for ((a)) annual salmon ((punchcard is three dollars. A salmon punchcard is valid for a maximum catch of fifteen salmon, after which another punchcard may be purchased. A salmon punchcard is valid only for the calendar year for which it is issued)) licenses are:

(a) For a resident sixteen years of age or older and under sixty-five years of age, three dollars; and

(b) For all nonresidents, sixteen years of age or older, three dollars.

NEW SECTION. Sec. 7. A new section is added to chapter 75.25 RCW to read as follows:

(1) A sturgeon license is required to take, fish for, or possess sturgeon taken for personal use from the following state waters:

(a) Columbia river and all tributaries;

(b) Willapa Bay and all tributaries; and

(c) Grays Harbor and all tributaries.

A sturgeon license is not required of a resident under sixteen years of age, nor is it required of a person who has a valid sturgeon-only two-consecutive-day personal use license.

(2) In addition to a sturgeon license, a personal use license is required when fishing for sturgeon in all waters listed in subsection (1) of this section, except the Columbia river above Chief Joseph Dam.

(3) The fees for annual sturgeon licenses are:

(a) For a resident sixteen years of age or older, and under sixty-five years of age, three dollars; and

(b) For all nonresidents, three dollars.

Sec. 8. Section 13, chapter 327, Laws of 1977 ex. sess. as last amended by section 3, chapter 87, Laws of 1987 and RCW 75.25.110 are each amended to read as follows:

(1) ((A personal use license, salmon punchcard, or two consecutive-day combined license and punchcard)) Any of the recreational fishing licenses required by this chapter shall, upon request, be issued without charge to ((persons under sixteen years of age or seventy years of age and older;

(2) Upon application;) the following individuals upon request:

(a) Residents under sixteen years of age and residents sixty-five years of age or older;

(b) Residents who submit applications attesting that they are a person sixty-five years of age or older who is an honorably discharged veteran of the United States armed forces with a service-connected disability and who has been a resident of this state for ((five years shall be given a personal use license and salmon punchcard free of charge;) the preceding ninety days;

((Upon application;)) (c) A blind person ((shall be issued a personal use license and salmon punchcard free of charge));

(d) A resident with a developmental disability as defined in RCW 71A.10.020 with documentation of the disability from the department of social and health services; and

(e) A resident who is physically handicapped and confined to a wheelchair.

(2) A blind person or a physically handicapped person confined to a wheelchair who has been issued a card for a permanent disability under RCW 46.16.381 may use that card in place of a fishing license unless a punchcard is required by the director.

Sec. 9. Section 17, chapter 327, Laws of 1977 ex. sess. as last amended by section 4, chapter 87, Laws of 1987 and RCW 75.25.120 are each amended to read as follows:

In concurrent waters of the Columbia river and in Washington coastal territorial waters from the Oregon-Washington boundary to a point five nautical miles north, an Oregon angling license comparable to the Washington (~~salmon punchcard~~) personal use license, two-consecutive-day personal use license, salmon license, or sturgeon license is valid if Oregon recognizes as valid the Washington (~~salmon punchcard or~~) personal use license, two-consecutive-day personal use license, salmon license, or sturgeon license in comparable Oregon waters.

If Oregon recognizes as valid the Washington (~~salmon punchcard~~) personal use license, ~~((or) two-consecutive-day ((combined) personal use license ((and punchcard)), salmon license, or sturgeon license southward to Cape Falcon in the coastal territorial waters from the Washington-Oregon boundary and in concurrent waters of the Columbia river then Washington shall recognize a valid Oregon license comparable to the Washington personal use license, ((punchcard, or) two-consecutive-day ((combined) personal use license ((and punchcard)), salmon license, or sturgeon license northward to Leadbetter Point.~~

Oregon licenses are not valid for the taking of (~~salmon~~) food fish when angling in concurrent waters of the Columbia river from the Washington shore.

NEW SECTION. Sec. 10. A new section is added to chapter 75.25 RCW to read as follows:

Catch record cards necessary for proper management of the state's food fish and shellfish resources shall be administered under rules adopted by the director and issued at no charge.

Sec. 11. Section 12, chapter 327, Laws of 1977 ex. sess. as last amended by section 6, chapter 87, Laws of 1987 and RCW 75.25.130 are each amended to read as follows:

All recreational licenses(~~(-punchcards, and stamps)~~) required by this chapter shall be issued only under authority of the director. The director may authorize license dealers to issue the recreational licenses(~~(-punchcards, and stamps)~~) and collect the recreational license fees. In addition to the recreational license(~~(-punchcard, or stamp)~~) fees, dealers may charge a dealer's fee (~~(of fifty cents)~~) for each (~~Hood Canal shrimp license, two-consecutive-day combined license and punchcard, personal use license, punchcard, and razor clam~~) recreational license. The director shall establish the amount to be retained by dealers, which shall be at least fifty cents for each license sold. Fees retained by dealers shall be uniform throughout the state. The dealer's fee may be retained by the license dealer.

The director shall adopt rules for the issuance of (~~personal use~~) recreational licenses(~~(-Hood Canal shrimp licenses, razor clam licenses, stamps, and punchcards)~~) and for the collection, payment, and handling of license fees and dealers' fees.

Sec. 12. Section 15, chapter 327, Laws of 1977 ex. sess. as last amended by section 7, chapter 87, Laws of 1987 and RCW 75.25.140 are each amended to read as follows:

(1) (~~Personal use~~) Recreational licenses(~~(-Hood Canal shrimp licenses, razor clam licenses, stamps, and punchcards)~~) are not transferable. Upon request of a fisheries patrol officer ~~((or)), ex officio fisheries patrol officer, or authorized fisheries employee,~~ a person digging for or possessing razor clams or fishing for or possessing Hood Canal shrimp or food fish for personal use shall exhibit the required recreational license and (~~punchcard and~~) write his or her signature for comparison with the signature on the license. Failure to comply with the request is prima facie evidence that the person does not have a license or (~~punchcard or~~) is not the person named on the license (~~or punchcard~~).

(2) The razor clam license shall be visible on the licensee while digging for razor clams.

Sec. 13. Section 99, chapter 46, Laws of 1983 1st ex. sess. as amended by section 9, chapter 80, Laws of 1984 and RCW 75.25.150 are each amended to read as follows:

It is unlawful to dig for or possess razor clams, fish for or possess (~~anadromous salmon~~) food fish, or take or possess Hood Canal shrimp without the licenses required by this chapter.

NEW SECTION. Sec. 14. A new section is added to chapter 75.25 RCW to read as follows:

Recreational licenses issued by the department of fisheries under this chapter are valid for the following periods:

(1) Recreational licenses issued without charge to persons designated by this chapter are valid:

(a) For life for blind persons;

(b) For the period of continued state residency for qualified disabled veterans;

(c) For the period of continued state residency for persons sixty-five years of age or more;

(d) For the period of the disability for persons with a developmental disability; and

(e) For life for handicapped persons confined to a wheelchair who have been issued a permanent disability card.

(2) Two-consecutive-day personal use licenses expire at midnight on the day following the validation date written on the license by the license dealer, except two-consecutive-day personal use licenses validated for December 31 expire at midnight on that date.

(3) An annual salmon license is valid for a maximum catch of fifteen salmon, after which another salmon license may be purchased. A salmon license is valid only for the calendar year for which it is issued.

(4) An annual sturgeon license is valid for a maximum catch of fifteen sturgeon. A sturgeon license is valid only for the calendar year for which it is issued.

(5) All other recreational licenses are valid for the calendar year for which they are issued.

Sec. 15. Section 16, chapter 327, Laws of 1977 ex. sess. as last amended by section 8, chapter 87, Laws of 1987 and RCW 75.25.160 are each amended to read as follows:

A person who violates a provision of this chapter or who knowingly falsifies information required for the issuance of a (~~Hood Canal shrimp~~) recreational license(~~personal use license, razor clam license, or punchcard~~) is guilty of a misdemeanor and is subject to the penalties provided in chapter 9A.20 RCW.

Sec. 16. Section 9, chapter 87, Laws of 1987 and RCW 75.25.170 are each amended to read as follows:

Fees received for (~~personal use~~) recreational licenses(~~personal use licenses, punchcards, and stamps~~) required under this chapter shall be deposited in the general fund and shall be appropriated for management, enhancement, research, and enforcement purposes of the shellfish, salmon, and marine fish programs of the department of fisheries.

Sec. 17. Section 14, chapter 176, Laws of 1957 as last amended by section 102, chapter 78, Laws of 1980 and RCW 77.32.005 are each amended to read as follows:

For the purposes of this chapter:

A 'resident' means a (~~citizen of the United States or~~) person who (~~has in good faith declared the intent to become a citizen of the United States~~) has maintained a permanent place of abode within this state for at least ninety days immediately preceding an application for a license, (~~and~~) has established by formal evidence an intent to continue residing within this state, and who is not licensed to hunt or fish as a resident in another state.

A 'nonresident' means a person who has not fulfilled the qualifications of a resident.

Sec. 18. Section 77.32.230, chapter 36, Laws of 1955 as last amended by section 914, chapter 176, Laws of 1988 and RCW 77.32.230 are each amended to read as follows:

(1) A person sixty-five years of age or older who is an honorably discharged veteran of the United States armed forces having a service-connected disability and who has been a resident for the five preceding years may receive upon application a state hunting and fishing license free of charge.

(2) A person who is an honorably discharged veteran of the United States armed forces having a service-connected disability and whose service-connected disabilities have been established as permanent in nature by the veterans administration and are rated from thirty to one hundred percent disabled as determined by the veterans administration shall receive upon application a permanent fishing and hunting license without charge.

Disabled veterans applying for a free fishing and hunting license under this subsection shall provide the department with a copy of documents verifying the disability from the veterans administration.

(3) A (~~person seventy~~) resident sixty-five years of age or older (~~who has been a resident for ten years~~) may receive, upon application, a fishing license free of charge.

(~~(4)~~) (4) A blind person, or a person with a developmental disability as defined in RCW 71A.10.020 with documentation of the disability from the department of social and health services, or a physically handicapped person confined to a wheelchair may receive upon application a fishing license free of charge.

(~~(4)~~) (5) A blind person or a physically handicapped person confined to a wheelchair who has been issued a card for a permanent disability under RCW 46.16.381 may use that card in place of a fishing license unless tags, permits, stamps, or punchcards are required by this chapter.

(~~(5)~~) (6) A fishing license is not required for persons under the age of (~~thirteen~~) sixteen.

(~~(6)~~) (7) Tags, permits, stamps, and punchcards required by this chapter shall be purchased separately by persons receiving a free or reduced-fee license.

Sec. 19. Section 13, chapter 310, Laws of 1981 as last amended by section 88, chapter 506, Laws of 1987 and RCW 77.32.360 are each amended to read as follows:

(1) A steelhead punchcard is required to fish for steelhead trout. The fee for this punchcard is fifteen dollars.

(2) Persons possessing steelhead trout shall immediately validate their punchcard as provided by rule.

(3) Steelhead punchcards required under this section expire April 30th following the date of issuance.

(4) Each person who returns a steelhead punchcard to an authorized license dealer by June 1 following the period for which it was issued shall be given a credit equal to five dollars towards that day's purchase of any license, permit, transport tag, punchcard, or stamp required by this chapter.

This subsection does not apply to annual steelhead punchcards for persons under the age of sixteen and persons age sixty-five or older.

(5) Persons under the age of sixteen and persons age sixty-five or older may purchase an annual steelhead punchcard for five dollars. The five-dollar punchcard entitles the holder to

retain no more than five steelhead. After retaining five steelhead, a new punchcard may be purchased.

~~((5))~~ (6) An upland bird punchcard is required to hunt for quail, partridge, and pheasant in areas designated by rule of the commission. The fee for this punchcard is fifteen dollars.

~~((6))~~ (7) Persons killing quail, partridge, and pheasant shall immediately validate their punchcard as provided by rule of the commission.

~~((7))~~ (8) Upland bird punchcards required under this section expire March 31st following the date of issuance.

NEW SECTION. Sec. 20. The following acts or parts of acts are each repealed:

(1) Section 2, chapter 243, Laws of 1979 ex. sess., section 90, chapter 46, Laws of 1983 1st ex. sess. and RCW 75.25.020; and

(2) Section 5, chapter 87, Laws of 1987 and RCW 75.25.125.

NEW SECTION. Sec. 21. This act shall take effect on January 1, 1990."

On page 1, line 1 of the title, after "licenses;" strike the remainder of the title and insert "amending RCW 75.25.015, 75.25.040, 75.25.080, 75.25.090, 75.25.100, 75.25.110, 75.25.120, 75.25.130, 75.25.140, 75.25.150, 75.25.160, 75.25.170, 77.32.005, 77.32.230, and 77.32.360; adding new sections to chapter 75.25 RCW; repealing RCW 75.25.020 and 75.25.125; and providing an effective date."

and the same is herewith transmitted.

W. D. Naismith, Assistant Secretary.

MOTION

Mr. R. King moved that the House refuse to concur in the Senate amendments to Engrossed Substitute House Bill No. 1028 and ask the Senate for a conference thereon. The motion was carried.

APPOINTMENT OF CONFEREES

The Speaker (Mr. Wang presiding) appointed Representatives R. King, Morris and S. Wilson as conferees on Engrossed Substitute House Bill No. 1028.

SENATE AMENDMENTS TO HOUSE BILL

April 14, 1989

Mr. Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 2011 with the following amendments:

Strike everything after the enacting clause and insert the following:

*Sec. 1. Section 75.28.100, chapter 12, Laws of 1955 as last amended by section 107, chapter 46, Laws of 1983 1st ex. sess. and RCW 75.28.035 are each amended to read as follows:

An application for issuance or renewal of a commercial fishing license (~~(or permit)~~) shall contain the name and address of the vessel owner, the name and address of the vessel operator, the name and number of the vessel, a description of the vessel and fishing gear to be carried on the vessel, and other information required by the department.

At the time of issuance of a commercial fishing license (~~(or permit)~~) the director shall furnish the licensee with a vessel registration and two license decals.

Vessel registrations and license (~~(and permit)~~) decals issued by the director shall be displayed as provided by rule of the director.

A commercial fishing license (~~(or permit)~~) is not valid if the vessel is operated by a person other than the operator listed on the license (~~(or permit)~~). The director may authorize additional operators for the license (~~(or permit)~~). Unless adjusted by the director pursuant to the director's authority granted in section 19 of this 1989 act, the fee for an additional operator is ~~((ten))~~ twenty dollars.

The vessel owner shall notify the director on forms provided by the department of changes of ownership or operator and a new license (~~(or permit)~~) shall be issued upon payment of a fee of ~~((ten))~~ twenty dollars.

A defaced, mutilated, or lost license or license decal shall be replaced immediately. Unless adjusted by the director pursuant to the director's authority granted in section 19 of this 1989 act, the replacement fee is ~~((two))~~ ten dollars.

Sec. 2. Section 1, chapter 90, Laws of 1969 as last amended by section 1, chapter 9, Laws of 1988 and RCW 75.28.095 are each amended to read as follows:

(1) A charter boat license is required for a vessel to be operated as a charter boat from which food fish are taken for personal use. Unless adjusted by the director pursuant to the director's authority granted in section 19 of this 1989 act, the annual license fees are:

Species	Resident Fee	Nonresident Fee
(a) Food fish other than salmon	\$(100)) 135	\$(200)) 270

- (b) Salmon and
other food fish

~~\$(200)~~ 275

~~\$(200)~~ 550

(2) 'Charter boat' means a vessel from which persons may, for a fee, fish for food fish, and which delivers food fish into state ports or delivers food fish taken from state waters into United States ports. 'Charter boat' does not mean:

(a) Vessels not generally engaged in charter boat fishing which are under private lease or charter and operated by the lessee for the lessee's personal recreational enjoyment; or

(b) Vessels used by guides for clients fishing for food fish for personal use in freshwater rivers, streams, and lakes, other than Lake Washington or that part of the Columbia River below the bridge at Longview.

(3) A vessel shall not engage in both charter or sports fishing and commercial fishing on the same day. A vessel may be licensed for both charter boat fishing and for commercial fishing at the same time. ~~(The license or delivery permit allowing the activity not being engaged in shall be deposited with the fisheries patrol officer for that area or an agent designated by the director.)~~

Sec. 3. Section 75.28.110, chapter 12, Laws of 1955 as last amended by section 1, chapter 107, Laws of 1985 and RCW 75.28.110 are each amended to read as follows:

(1) The following commercial salmon fishing licenses are required for the licensee to use the specified gear to fish for salmon and other food fish in state waters. Unless adjusted by the director pursuant to the director's authority granted in section 19 of this 1989 act, the annual license fees are:

Gear	Resident	Nonresident
	Fee	Fee
(a) Purse seine	\$(300) 410	\$(600) 820
(b) Gill net	\$(200) 275	\$(400) 550
(c) Troll	\$(200) 275	\$(400) 550
(d) Reef net	\$(200) 275	\$(400) 550

(2) Holders of commercial salmon fishing licenses may retain incidentally caught food fish other than salmon, subject to rules of the director.

(3) A salmon troll license allows fishing in all licensing districts and includes a salmon delivery ~~(permit)~~ license.

(4) A separate gill net license is required to fish for salmon in each of the licensing districts established in RCW 75.28.012.

Sec. 4. Section 75.18.080, chapter 12, Laws of 1955 as last amended by section 115, chapter 46, Laws of 1983 1st ex. sess. and RCW 75.28.113 are each amended to read as follows:

(1) A person operating a commercial fishing vessel used in taking salmon in offshore waters and delivering the salmon to a place or port in the state shall obtain a salmon delivery ~~(permit)~~ license from the director. Unless adjusted by the director pursuant to the director's authority granted in section 19 of this 1989 act, the annual fee for a salmon delivery ~~(permit)~~ license is two hundred seventy-five dollars for residents and five hundred fifty dollars for non-residents. Persons operating fishing vessels licensed under RCW 75.28.125 may apply the delivery ~~(permit)~~ license fee of ~~(ten)~~ fifty dollars against the salmon delivery ~~(permit)~~ license fee.

(2) If the director determines that the operation of a vessel under a salmon delivery ~~(permit)~~ license results in the depletion or destruction of the state's salmon resource or the delivery into this state of salmon products prohibited by law, the director may revoke the ~~(permit)~~ license.

Sec. 5. Section 1, chapter 80, Laws of 1984 and RCW 75.28.116 are each amended to read as follows:

The owner of a commercial salmon fishing vessel which is not qualified for a license ~~(or permit)~~ under RCW 75.30.120 is required to obtain a salmon single delivery ~~(permit)~~ license in order to make one landing of salmon taken in offshore waters. The director shall not issue a salmon single delivery ~~(permit)~~ license unless, as determined by the director, a bona fide emergency exists. Unless adjusted by the director pursuant to the director's authority granted in section 19 of this 1989 act, the ~~(permit)~~ license fee is one hundred thirty-five dollars for residents and two hundred seventy dollars for nonresidents.

Sec. 6. Section 75.28.120, chapter 12, Laws of 1955 as last amended by section 117, chapter 46, Laws of 1983 1st ex. sess. and RCW 75.28.120 are each amended to read as follows:

The following commercial fishing licenses are required for the licensee to use the specified gear to fish for food fish other than salmon in state waters. Unless adjusted by the director pursuant to the director's authority granted in section 19 of this 1989 act, the annual license fees are:

Gear	Resident	Nonresident
	Fee	Fee
(1) Jig	\$(27-50) 50	\$(55) 100
(2) Set line	\$(35) 50	\$(70) 100
(3) Set net	\$(35) 50	\$(70) 100
(4) Drag seine	\$(45) 50	\$(70) 100
(5) Gill net	\$(200) 275	\$(400) 550

(6) Purse seine	\$ ((300)) 410	\$ ((600)) 820
(7) Troll	\$ ((27-50)) 50	\$ ((55)) 100
(8) Bottom fish pots	\$ ((35)) 50	\$ ((60)) 100
((Each pot over 100	50-25	50-50))
(9) Lampara	\$ ((57-50)) 100	\$ ((115)) 200
(10) Dip bag net	\$ ((27-50)) 50	\$ ((55)) 100
(11) Brush weir	\$ ((85)) 100	\$ ((160)) 200
(12) Other gear	\$100	\$200

Sec. 7. Section 5, chapter 309, Laws of 1959 as last amended by section 119, chapter 46, Laws of 1983 1st ex. sess. and RCW 75.28.125 are each amended to read as follows:

A delivery ((permit)) license is required to deliver shellfish or food fish other than salmon taken in offshore waters to a port in the state. Unless adjusted by the director pursuant to the director's authority granted in section 19 of this 1989 act, the annual ((permit)) license fee is ((ten)) fifty dollars for residents and ((twenty)) one hundred dollars for nonresidents. ((A permit-tee)) Licenses issued under RCW 75.28.113 (salmon delivery ((permit)) is not required to obtain)) license, RCW 75.28.130(4) (crab pot, other than Puget Sound), or RCW 75.28.140(2) (trawl, other than Puget Sound) shall include a delivery ((permit under this section)) license.

Sec. 8. Section 75.28.130, chapter 12, Laws of 1955 as last amended by section 120, chapter 46, Laws of 1983 1st ex. sess. and RCW 75.28.130 are each amended to read as follows:

The following commercial fishing licenses are required for the licensee to use the specified gear to fish for shellfish in state waters. Unless adjusted by the director pursuant to the director's authority granted in section 19 of this 1989 act, the annual license fees are:

Gear	Resident	Nonresident
	Fee	Fee
(1) Ring net	\$ ((27-50)) 50	\$ ((45)) 100
(2) Shellfish pots (excluding crab)	\$ ((35)) 50	\$ ((60)) 100
((Each pot over 100	50-25	50-50))
(3) Crab pots (Puget Sound)	\$ ((35)) 50	\$ ((60)) 100
((Each pot over 100	50-25	50-50))
(4) Crab pots (other than Puget Sound)	\$200	\$400
(5) Shellfish diver (excluding clams)	\$ ((27-50)) 50	\$ ((55)) 100
(6) Squid gear, all types	\$100	\$200
(7) Ghost shrimp gear	\$100	\$200
(8) Commercial razor clam license	\$50	\$100
(9) Geoduck diver license	\$100	\$200
(10) Other shellfish gear	\$100	\$200

Sec. 9. Section 2, chapter 31, Laws of 1983 1st ex. sess. and RCW 75.28.134 are each amended to read as follows:

(1) In addition to a shellfish pot license, a Hood Canal shrimp endorsement is required to take shrimp commercially in that portion of Hood Canal lying south of the Hood Canal floating bridge. Unless adjusted by the director pursuant to the director's authority granted in section 19 of this 1989 act, the annual endorsement fee is ((one)) two hundred ((sixty-five)) twenty-five dollars for a resident and ((three)) four hundred ((forty)) fifty dollars for a nonresident.

(2) Not more than fifty shrimp pots may be used while commercially fishing for shrimp in that portion of Hood Canal lying south of the Hood Canal floating bridge.

Sec. 10. Section 75.28.140, chapter 12, Laws of 1955 as last amended by section 121, chapter 46, Laws of 1983 1st ex. sess. and RCW 75.28.140 are each amended to read as follows:

The following commercial fishing licenses are required for the licensee to use the specified gear to fish for shellfish and food fish other than salmon in state waters. Unless adjusted by the director pursuant to the director's authority granted in section 19 of this 1989 act, the annual license fees are:

Gear	Resident	Nonresident
	Fee	Fee
(1) Trawl (Puget Sound)	\$ ((87-50)) 100	\$ ((135-00)) 200
(2) Trawl (other than Puget Sound)	\$150	\$300

Sec. 11. Section 5, chapter 212, Laws of 1955 as amended by section 122, chapter 46, Laws of 1983 1st ex. sess. and RCW 75.28.255 are each amended to read as follows:

The following commercial fishing licenses are required for the licensee to fish for the specified species in state waters with gear authorized by rule of the director. Unless adjusted by the director pursuant to the director's authority granted in section 19 of this 1989 act, the annual license fees are:

Species	Resident	Nonresident
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	Fee	Fee
(1) Columbia River smelt	\$(200) 275	\$(200) 550
(2) Carp	\$(5) 50	\$(5) 100

Sec. 12. Section 75.28.280, chapter 12, Laws of 1955 as last amended by section 19, chapter 457, Laws of 1985 and RCW 75.28.280 are each amended to read as follows:

A mechanical harvester license is required to operate a mechanical or hydraulic device for commercially harvesting clams, other than geoduck clams, on a clam farm unless the requirements of RCW 75.20.100 are fulfilled for the proposed activity. Unless adjusted by the director pursuant to the director's authority granted in section 19 of this 1989 act, the annual license fee is ((three)) four hundred ten dollars for residents and eight hundred twenty dollars for nonresidents.

Sec. 13. Section 4, chapter 253, Laws of 1969 ex. sess. as last amended by section 130, chapter 46, Laws of 1983 1st ex. sess. and RCW 75.28.287 are each amended to read as follows:

(1) A geoduck tract license is required for the commercial harvest of geoducks from each subtidal tract for which harvest rights have been granted by the department of natural resources. Unless adjusted by the director pursuant to the director's authority granted in section 19 of this 1989 act, the annual license fee is one hundred thirty-five dollars for residents and two hundred seventy dollars for nonresidents.

(2) Every diver engaged in the commercial harvest of geoduck or other clams shall obtain a nontransferable geoduck diver license. ((The annual license fee is fifty dollars for residents and nonresidents:))

Sec. 14. Section 75.28.290, chapter 12, Laws of 1955 as last amended by section 131, chapter 46, Laws of 1983 1st ex. sess. and RCW 75.28.290 are each amended to read as follows:

An oyster reserve license is required for the commercial taking of shellfish from state oyster reserves. Unless adjusted by the director pursuant to the director's authority granted in section 19 of this 1989 act, the annual license fee is ((fifteen)) fifty dollars for residents and one hundred dollars for nonresidents.

NEW SECTION. Sec. 15. A new section is added to chapter 75.28 RCW to read as follows:

An oyster cultch permit is required for commercial cultching of oysters on state oyster reserves. The director shall require that ten percent of the cultch bags or other collecting materials be provided to the state after the oysters have set, for the purposes of increasing the supply of oysters on state oyster reserves and enhancing oyster supplies on public beaches.

Sec. 16. Section 75.28.300, chapter 12, Laws of 1955 as last amended by section 1, chapter 248, Laws of 1985 and by section 20, chapter 457, Laws of 1985 and RCW 75.28.300 are each reenacted and amended to read as follows:

A wholesale fish dealer's license is required for:

(1) A business in the state to engage in the commercial processing of food fish or shellfish, including custom canning or processing of personal use food fish or shellfish.

(2) A business in the state to engage in the wholesale selling, buying, or brokering of food fish or shellfish. A wholesale fish dealer's license is not required of those businesses which buy exclusively from Washington licensed wholesale dealers and sell solely at retail.

(3) Fishermen who land and sell their catch or harvest in the state to anyone other than a licensed wholesale dealer within or outside the state.

(4) A business to engage in the commercial manufacture or preparation of fertilizer, oil, meal, caviar, fish bait, or other byproducts from food fish or shellfish.

(5) A business employing a fish buyer as defined under RCW 75.28.340.

Unless adjusted by the director pursuant to the director's authority granted in section 19 of this 1989 act, the annual license fee is ((thirty-seven)) one hundred dollars ((and fifty cents)). A wholesale fish dealer's license is not required for persons engaged in the processing, wholesale selling, buying, or brokering of private sector cultured aquatic products as defined in RCW 15.85.020. However, if a means of identifying such products is required by rules adopted under RCW 15.85.060, the exemption from licensing requirements established by this subsection applies only if the aquatic products are identified in conformance with those rules.

Sec. 17. Section 2, chapter 248, Laws of 1985 and RCW 75.28.340 are each amended to read as follows:

(1) A fish buyer's ((permit)) license is required of and shall be carried by each individual engaged by a wholesale fish dealer ((as a fish buyer)) to purchase food fish or shellfish from a licensed commercial fisherman. A fish buyer may represent only one wholesale fish dealer.

(2) Unless adjusted by the director pursuant to the director's authority granted in section 19 of this 1989 act, the annual fee for a fish buyer's ((permit)) license is ((seven)) twenty dollars ((and fifty cents)).

((3) As used in this chapter, "fish buyer" means an individual who purchases food fish or shellfish and is a permit holder under this section:))

Sec. 18. Section 2, chapter 227, Laws of 1981 as amended by section 137, chapter 46, Laws of 1983 1st ex. sess. and RCW 75.28.690 are each amended to read as follows:

(1) A deckhand license is required for a crew member on a licensed salmon charter boat to sell salmon roe as provided in subsection (2) of this section. Unless adjusted by the director

pursuant to the director's authority granted in section 19 of this 1989 act, the annual license fee is ~~((ten))~~ twenty dollars.

(2) A deckhand on a licensed salmon charter boat may sell salmon roe taken from fish caught for personal use, subject to rules of the director and the following conditions:

(a) The salmon is taken while fishing on the charter boat;

(b) The roe is the property of the angler until the roe is given to the deckhand. The charter boat's passengers are notified of this fact by the deckhand;

(c) The roe is sold to a licensed wholesale dealer; and

(d) The deckhand is licensed as provided in subsection (1) of this section and has the license in possession whenever salmon roe is sold.

NEW SECTION, Sec. 19. A new section is added to chapter 75.28 RCW to read as follows:

Beginning on January 1, 1993, and January 1 of every third year thereafter, the director shall adjust all fees under this chapter in accordance with the implicit price deflator published by the United States department of commerce.

NEW SECTION, Sec. 20. The following acts or parts of acts are each repealed:

(1) Section 14, chapter 283, Laws of 1971 ex. sess., section 2, chapter 40, Laws of 1975-76 2nd ex. sess., section 111, chapter 46, Laws of 1983 1st ex. sess. and RCW 75.28.081;

(2) Section 2, chapter 300, Laws of 1983 and RCW 75.28.123;

(3) Section 75.28.285, chapter 12, Laws of 1955, section 1, chapter 27, Laws of 1965 ex. sess., section 3, chapter 31, Laws of 1983 1st ex. sess., section 127, chapter 46, Laws of 1983 1st ex. sess. and RCW 75.28.285; and

(4) Section 75.28.370, chapter 12, Laws of 1955, section 2, chapter 66, Laws of 1979, section 134, chapter 46, Laws of 1983 1st ex. sess. and RCW 75.28.370.

NEW SECTION, Sec. 21. This act shall take effect on January 1, 1990. The director of fisheries may immediately take such steps as are necessary to ensure that this act is implemented on its effective date."

On page 1, line 1 of the title, after "licenses;" strike the remainder of the title and insert "amending RCW 75.28.035, 75.28.095, 75.28.110, 75.28.113, 75.28.116, 75.28.120, 75.28.125, 75.28.130, 75.28.134, 75.28.140, 75.28.255, 75.28.280, 75.28.287, 75.28.290, 75.28.340, and 75.28.690; reenacting and amending RCW 75.28.300; adding new sections to chapter 75.28 RCW; repealing RCW 75.28.081, 75.28.123, 75.28.285, and 75.28.370; and providing an effective date." and the same is herewith transmitted.

W. D. Naismith, Assistant Secretary.

MOTION

Mr. R. King moved that the House refuse to concur in the Senate amendments to Substitute House Bill No. 2011 and ask the Senate for a conference thereon. The motion was carried.

APPOINTMENT OF CONFEREES

The Speaker (Mr. Wang presiding) appointed Representatives R. King, Morris and S. Wilson as conferees on Substitute House Bill No. 2011.

The Speaker (Mr. Wang presiding) called on Mr. R. King to preside.

SENATE AMENDMENTS TO HOUSE BILL

April 14, 1989

Mr. Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 1305 with the following amendments:

Strike everything after the enacting clause and insert the following:

"NEW SECTION, Sec. 1. (1) The legislature finds that chapter 9, Laws of 1982 2nd ex. sess. was intended to extend state public utility taxation to electrical energy generated in this state for eventual distribution outside this state. The legislature further finds that chapter 9, Laws of 1982 2nd ex. sess. was held unconstitutional by the Thurston county superior court in Washington Water Power v. State of Washington (memorandum opinion No. 83-2-00977-1). The purpose of Part I of this act is to recognize the effect of that decision by correcting the relevant RCW sections to read as though the legislature had not enacted chapter 9, Laws of 1982 2nd ex. sess., and thereby make clear the effect of subsequent amendments in Part II of this act.

(2) The purpose of Part II of this act is to provide a constitutional means of replacing the revenue lost as a result of the Washington water power decision.

PART I

Sec. 101. Section 82.04.120, chapter 15, Laws of 1961 as last amended by section 1, chapter 493, Laws of 1987 and RCW 82.04.120 are each amended to read as follows:

"To manufacture' embraces all activities of a commercial or industrial nature wherein labor or skill is applied, by hand or machinery, to materials so that as a result thereof a new, different or useful substance or article of tangible personal property is produced for sale or

commercial or industrial use, and shall include the production or fabrication of special made or custom made articles, and the generation or production of electrical energy for resale or consumption outside the state.

"To manufacture" shall not include conditioning of seed for use in planting or activities which consist of cutting, grading, or ice glazing seafood which has been cooked, frozen or canned outside this state.

Sec. 102. Section 82.16.010, chapter 15, Laws of 1961 as last amended by section 1, chapter 226, Laws of 1986 and RCW 82.16.010 are each amended to read as follows:

For the purposes of this chapter, unless otherwise required by the context:

(1) 'Railroad business' means the business of operating any railroad, by whatever power operated, for public use in the conveyance of persons or property for hire. It shall not, however, include any business herein defined as an urban transportation business.

(2) 'Express business' means the business of carrying property for public hire on the line of any common carrier operated in this state, when such common carrier is not owned or leased by the person engaging in such business.

(3) 'Railroad car business' means the business of renting, leasing or operating stock cars, furniture cars, refrigerator cars, fruit cars, poultry cars, tank cars, sleeping cars, parlor cars, buffet cars, tourist cars, or any other kinds of cars used for transportation of property or persons upon the line of any railroad operated in this state when such railroad is not owned or leased by the person engaging in such business.

(4) 'Water distribution business' means the business of operating a plant or system for the distribution of water for hire or sale.

(5) 'Light and power business' means the business of operating a plant or system for the generation, production or distribution of electrical energy for hire or sale.

(6) 'Telegraph business' means the business of affording telegraphic communication for hire.

(7) 'Gas distribution business' means the business of operating a plant or system for the production or distribution for hire or sale of gas, whether manufactured or natural.

(8) 'Motor transportation business' means the business (except urban transportation business) of operating any motor propelled vehicle by which persons or property of others are conveyed for hire, and includes, but is not limited to, the operation of any motor propelled vehicle as an auto transportation company (except urban transportation business), common carrier or contract carrier as defined by RCW 81.68.010 and 81.80.010: PROVIDED, That 'motor transportation business' shall not mean or include the transportation of logs or other forest products exclusively upon private roads or private highways.

(9) 'Urban transportation business' means the business of operating any vehicle for public use in the conveyance of persons or property for hire, insofar as (a) operating entirely within the corporate limits of any city or town, or within five miles of the corporate limits thereof, or (b) operating entirely within and between cities and towns whose corporate limits are not more than five miles apart or within five miles of the corporate limits of either thereof. Included herein, but without limiting the scope hereof, is the business of operating passenger vehicles of every type and also the business of operating cartage, pickup, or delivery services, including in such services the collection and distribution of property arriving from or destined to a point within or without the state, whether or not such collection or distribution be made by the person performing a local or interstate line-haul of such property.

(10) 'Public service business' means any of the businesses defined in subdivisions (1), (2), (3), (4), (5), (6), (7), (8), and (9) or any business subject to control by the state, or having the powers of eminent domain and the duties incident thereto, or any business hereafter declared by the legislature to be of a public service nature, except telephone business as defined in RCW 82.04.065. It includes, among others, without limiting the scope hereof: Airplane transportation, boom, dock, ferry, log patrol, pipe line, toll bridge, toll logging road, water transportation and wharf businesses.

(11) 'Tugboat business' means the business of operating tugboats, towboats, wharf boats or similar vessels in the towing or pushing of vessels, barges or rafts for hire.

(12) 'Gross income' means the value proceeding or accruing from the performance of the particular public service or transportation business involved, including operations incidental thereto, but without any deduction on account of the cost of the commodity furnished or sold, the cost of materials used, labor costs, interest, discount, delivery costs, taxes, or any other expense whatsoever paid or accrued and without any deduction on account of losses (~~PROVIDED, That gross income of a light and power business means those amounts or value accruing to a taxpayer from the last distribution of electrical energy which is a taxable event within this state.~~).

(13) The meaning attributed, in chapter 82.04 RCW, to the term 'tax year,' 'person,' 'value proceeding or accruing,' 'business,' 'engaging in business,' 'in this state,' 'within this state,' 'cash discount' and 'successor' shall apply equally in the provisions of this chapter.

Sec. 103. Section 82.16.050, chapter 15, Laws of 1961 as last amended by section 1, chapter 207, Laws of 1987 and RCW 82.16.050 are each amended to read as follows:

In computing tax there may be deducted from the gross income the following items:

(1) Amounts derived by municipally owned or operated public service businesses, directly from taxes levied for the support or maintenance thereof: PROVIDED, That this section shall not be construed to exempt service charges which are spread on the property tax rolls and collected as taxes;

(2) Amounts derived from the sale of commodities to persons in the same public service business as the seller, for resale as such within this state. This deduction is allowed only with respect to water distribution, light and power, gas distribution or other public service businesses which furnish water, electrical energy, gas or any other commodity(~~(-other than electrical energy-))~~) in the performance of public service businesses;

(3) Amounts actually paid by a taxpayer to another person taxable under this chapter as the latter's portion of the consideration due for services furnished jointly by both, if the total amount has been credited to and appears in the gross income reported for tax by the former;

(4) The amount of cash discount actually taken by the purchaser or customer;

(5) The amount of credit losses actually sustained by taxpayers whose regular books of accounts are kept upon an accrual basis;

(6) Amounts derived from business which the state is prohibited from taxing under the Constitution of this state or the Constitution or laws of the United States;

(7) Amounts derived from the distribution of water through an irrigation system, for irrigation purposes;

(8) Amounts derived from the transportation of commodities from 'points of origin in this state to final destination outside this state, or from points of origin outside this state to final destination in this state, with respect to which the carrier grants to the shipper the privilege of stopping the shipment in transit at some point in this state for the purpose of storing, manufacturing, milling, or other processing, and thereafter forwards the same commodity, or its equivalent, in the same or converted form, under a through freight rate from point of origin to final destination; and amounts derived from the transportation of commodities from points of origin in the state to an export elevator, wharf, dock or ship side on tidewater or navigable tributaries thereto from which such commodities are forwarded, without intervening transportation, by vessel, in their original form, to interstate or foreign destinations: PROVIDED, That no deduction will be allowed when the point of origin and the point of delivery to such an export elevator, wharf, dock, or ship side are located within the corporate limits of the same city or town;

(9) Amounts derived from the production, sale, or transfer of electrical energy for resale or consumption outside the state if the production or generation of such energy is subject to tax under the manufacturing classification of chapter 82.04 RCW: PROVIDED, That the exemption set forth in RCW 82.04.310 shall not be applicable to the generation or production of the electrical energy so produced, sold, or transferred: AND PROVIDED FURTHER, That no credit has been claimed as an offset to taxes imposed under RCW 82.04.240.

(10) Amounts derived from the distribution of water by a nonprofit water association and used for capital improvements by that nonprofit water association;

((+θ)) (11) Amounts paid by a sewerage collection business taxable under RCW 82.16.020(1)(a) to a person taxable under chapter 82.04 RCW for the treatment or disposal of sewage.

PART II

Sec. 201. Section 82.04.120, chapter 15, Laws of 1961 as last amended by section 101 of this act and RCW 82.04.120 are each reenacted and amended to read as follows:

To manufacture' embraces all activities of a commercial or industrial nature wherein labor or skill is applied, by hand or machinery, to materials so that as a result thereof a new, different or useful substance or article of tangible personal property is produced for sale or commercial or industrial use, and shall include the production or fabrication of special made or custom made articles(~~(-and the generation or production of electrical energy for resale or consumption outside the state))~~).

'To manufacture' shall not include conditioning of seed for use in planting or activities which consist of cutting, grading, or ice glazing seafood which has been cooked, frozen or canned outside this state.

Sec. 202. Section 82.04.310, chapter 15, Laws of 1961 and RCW 82.04.310 are each amended to read as follows:

This chapter shall not apply to any person in respect to a business activity with respect to which tax liability is specifically imposed under the provisions of chapter 82.16 RCW including amounts derived from the sale of commodities for which a deduction is allowed under RCW 82.16.050.

Sec. 203. Section 82.16.010, chapter 15, Laws of 1961 as last amended by section 102 of this act and RCW 82.16.010 are each reenacted and amended to read as follows:

For the purposes of this chapter, unless otherwise required by the context:

(1) 'Railroad business' means the business of operating any railroad, by whatever power operated, for public use in the conveyance of persons or property for hire. It shall not, however, include any business herein defined as an urban transportation business.

(2) 'Express business' means the business of carrying property for public hire on the line of any common carrier operated in this state, when such common carrier is not owned or leased by the person engaging in such business.

(3) 'Railroad car business' means the business of renting, leasing or operating stock cars, furniture cars, refrigerator cars, fruit cars, poultry cars, tank cars, sleeping cars, parlor cars, buffet cars, tourist cars, or any other kinds of cars used for transportation of property or persons upon the line of any railroad operated in this state when such railroad is not owned or leased by the person engaging in such business.

(4) 'Water distribution business' means the business of operating a plant or system for the distribution of water for hire or sale.

(5) 'Light and power business' means the business of operating a plant or system for the generation, production or distribution of electrical energy for hire or sale and/or for the wheeling of electricity for others.

(6) 'Telegraph business' means the business of affording telegraphic communication for hire.

(7) 'Gas distribution business' means the business of operating a plant or system for the production or distribution for hire or sale of gas, whether manufactured or natural.

(8) 'Motor transportation business' means the business (except urban transportation business) of operating any motor propelled vehicle by which persons or property of others are conveyed for hire, and includes, but is not limited to, the operation of any motor propelled vehicle as an auto transportation company (except urban transportation business), common carrier or contract carrier as defined by RCW 81.68.010 and 81.80.010: PROVIDED, That 'motor transportation business' shall not mean or include the transportation of logs or other forest products exclusively upon private roads or private highways.

(9) 'Urban transportation business' means the business of operating any vehicle for public use in the conveyance of persons or property for hire, insofar as (a) operating entirely within the corporate limits of any city or town, or within five miles of the corporate limits thereof, or (b) operating entirely within and between cities and towns whose corporate limits are not more than five miles apart or within five miles of the corporate limits of either thereof. Included herein, but without limiting the scope hereof, is the business of operating passenger vehicles of every type and also the business of operating cartage, pickup, or delivery services, including in such services the collection and distribution of property arriving from or destined to a point within or without the state, whether or not such collection or distribution be made by the person performing a local or interstate line-haul of such property.

(10) 'Public service business' means any of the businesses defined in subdivisions (1), (2), (3), (4), (5), (6), (7), (8), and (9) or any business subject to control by the state, or having the powers of eminent domain and the duties incident thereto, or any business hereafter declared by the legislature to be of a public service nature, except telephone business as defined in RCW 82.04.065. It includes, among others, without limiting the scope hereof: Airplane transportation, boom, dock, ferry, log patrol, pipe line, toll bridge, toll logging road, water transportation and wharf businesses.

(11) 'Tugboat business' means the business of operating tugboats, towboats, wharf boats or similar vessels in the towing or pushing of vessels, barges or rafts for hire.

(12) 'Gross income' means the value proceeding or accruing from the performance of the particular public service or transportation business involved, including operations incidental thereto, but without any deduction on account of the cost of the commodity furnished or sold, the cost of materials used, labor costs, interest, discount, delivery costs, taxes, or any other expense whatsoever paid or accrued and without any deduction on account of losses.

(13) The meaning attributed, in chapter 82.04 RCW, to the term 'tax year,' 'person,' 'value proceeding or accruing,' 'business,' 'engaging in business,' 'in this state,' 'within this state,' 'cash discount' and 'successor' shall apply equally in the provisions of this chapter.

Sec. 204. Section 82.16.020, chapter 15, Laws of 1961 as last amended by section 14, chapter 282, Laws of 1986 and RCW 82.16.020 are each amended to read as follows:

(1) There is levied and there shall be collected from every person a tax for the act or privilege of engaging within this state in any one or more of the businesses herein mentioned. The tax shall be equal to the gross income of the business, multiplied by the rate set out after the business, as follows:

(a) Railroad, express, railroad car, sewerage collection, (~~light and power~~) and telegraph businesses: Three and six-tenths percent;

(b) Light and power business: Three and sixty-two one-hundredths percent;

(c) Gas distribution business: Three and six-tenths percent;

~~((e))~~ (d) Urban transportation business: Six-tenths of one percent;

~~((d))~~ (e) Vessels under sixty-five feet in length, except tugboats, operating upon the waters within the state: Six-tenths of one percent;

~~((e))~~ (f) Motor transportation and tugboat businesses, and all public service businesses other than ones mentioned above: One and eight-tenths of one percent;

~~((f))~~ (g) Water distribution business: Four and seven-tenths percent.

(2) An additional tax is imposed equal to the rate specified in RCW 82.02.030 multiplied by the tax payable under subsection (1) of this section.

(3) Twenty percent of the moneys collected under subsection (1) of this section on water distribution businesses and sixty percent of the moneys collected under subsection (1) of this section on sewerage collection businesses shall be deposited in the public works assistance account created in RCW 43.155.050.

Sec. 205. Section 82.16.030, chapter 15, Laws of 1961 as amended by section 6, chapter 35, Laws of 1982 1st ex. sess. and RCW 82.16.030 are each amended to read as follows:

Every person engaging in businesses which are within the purview of two or more of schedules ((a), (b), (c), (d), and (e))) of RCW 82.16.020(1), shall be taxable under each schedule applicable to the businesses engaged in.

Sec. 206. Section 82.16.050, chapter 15, Laws of 1961 as last amended by section 103 of this act and RCW 82.16.050 are each reenacted and amended to read as follows:

In computing tax there may be deducted from the gross income the following items:

(1) Amounts derived by municipally owned or operated public service businesses, directly from taxes levied for the support or maintenance thereof: PROVIDED, That this section shall not be construed to exempt service charges which are spread on the property tax rolls and collected as taxes;

(2) Amounts derived from the sale of commodities to persons in the same public service business as the seller, for resale as such within this state. This deduction is allowed only with respect to water distribution, ~~((light and power;))~~ gas distribution or other public service businesses which furnish water, ~~((electrical energy;))~~ gas or any other commodity in the performance of public service businesses;

(3) Amounts actually paid by a taxpayer to another person taxable under this chapter as the latter's portion of the consideration due for services furnished jointly by both, if the total amount has been credited to and appears in the gross income reported for tax by the former;

(4) The amount of cash discount actually taken by the purchaser or customer;

(5) The amount of credit losses actually sustained by taxpayers whose regular books of accounts are kept upon an accrual basis;

(6) Amounts derived from business which the state is prohibited from taxing under the Constitution of this state or the Constitution or laws of the United States;

(7) Amounts derived from the distribution of water through an irrigation system, for irrigation purposes;

(8) Amounts derived from the transportation of commodities from points of origin in this state to final destination outside this state, or from points of origin outside this state to final destination in this state, with respect to which the carrier grants to the shipper the privilege of stopping the shipment in transit at some point in this state for the purpose of storing, manufacturing, milling, or other processing, and thereafter forwards the same commodity, or its equivalent, in the same or converted form, under a through freight rate from point of origin to final destination; and amounts derived from the transportation of commodities from points of origin in the state to an export elevator, wharf, dock or ship side on tidewater or navigable tributaries thereto from which such commodities are forwarded, without intervening transportation, by vessel, in their original form, to interstate or foreign destinations: PROVIDED, That no deduction will be allowed when the point of origin and the point of delivery to such an export elevator, wharf, dock, or ship side are located within the corporate limits of the same city or town;

(9) Amounts derived from the production, sale, or transfer of electrical energy for resale or consumption outside the state ~~((if the production or generation of such energy is subject to tax under the manufacturing classification of chapter 82.04 RCW: PROVIDED, That the exemption set forth in RCW 82.04.310 shall not be applicable to the generation or production of the electrical energy so produced, sold, or transferred: AND PROVIDED FURTHER, That no credit has been claimed as an offset to taxes imposed under RCW 82.04.248));~~

(10) Amounts derived from the distribution of water by a nonprofit water association and used for capital improvements by that nonprofit water association;

(11) Amounts paid by a sewerage collection business taxable under RCW 82.16.020(1)(a) to a person taxable under chapter 82.04 RCW for the treatment or disposal of sewage;

(12) Amounts derived from the sale of electrical energy for resale as such within this state. This deduction is allowed only to light and power businesses that furnish electrical energy in the performance of a public service business.

PART III

NEW SECTION. Sec. 301. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect immediately."

On page 1, line 1 of the title, after "taxation," strike the remainder of the title and insert "amending RCW 82.04.120, 82.16.010, 82.16.050, 82.04.310, 82.16.020, and 82.16.030; reenacting and amending RCW 82.04.120, 82.16.010, and 82.16.050; creating a new section; and declaring an emergency."

and the same is herewith transmitted.

W. D. Naismith, Assistant Secretary.

MOTION

Mr. Wang moved that the House refuse to concur in the Senate amendments to Substitute House Bill No. 1305 and ask the Senate for a conference thereon.

MOTION

Mr. R. Meyers moved that the House do concur in the Senate amendments to Substitute House Bill No. 1305.

Representatives R. Meyers and Fuhrman spoke in favor of the motion, and Mr. Wang spoke against it.

Mr. May demanded an electric roll call vote, and the demand was sustained.

ANNOUNCEMENT BY THE SPEAKER

The Speaker (Mr. R. King presiding) deferred further consideration of Substitute House Bill No. 1305.

SENATE AMENDMENTS TO HOUSE BILL

April 12, 1989

Mr. Speaker:

The Senate has passed HOUSE BILL NO. 2167 with the following amendments:

Strike everything after the enacting clause and insert the following:

NEW SECTION. Sec. 1. (1) The legislature finds that mobile home parks are an important part of housing in Washington state. Mobile homes allow many citizens to own a home who otherwise would not. Mobile home parks provide a place to locate mobile homes, and therefore, can be a source of affordable housing. Mobile home parks also provide community living opportunities which can enable senior citizens to live independently for as long as possible.

(2) The legislature also finds that local siting and zoning regulations for mobile home parks and land use decisions by some local jurisdictions prohibit or hinder the establishment or expansion of mobile home parks. In areas where mobile home parks are closing, such decisions increase the problem for tenants due to a lack of available spaces on which to move a mobile home.

(3) The purpose of this act is to encourage local jurisdictions to review their land use regulations and permit procedures pertaining to mobile home parks and to encourage the establishment or expansion of mobile home parks.

NEW SECTION. Sec. 2. A new section is added to chapter 35.63 RCW to read as follows:

Any city with a population of ten thousand or more or any county with a population of one hundred fifty thousand or more shall conduct a review of the need and demand for mobile home parks. The review shall be completed by May 31, 1990. A copy of the findings, conclusions, and recommendations resulting from the review shall be sent to the department of community development by June 30, 1990.

NEW SECTION. Sec. 3. A new section is added to chapter 35A.63 RCW to read as follows:

Each municipality with a population of ten thousand or more shall conduct a review of the need and demand for mobile home parks. The review shall be completed by May 31, 1990. A copy of the findings, conclusions, and recommendations resulting from the review shall be sent to the department of community development by June 30, 1990.

NEW SECTION. Sec. 4. A new section is added to chapter 36.70 RCW to read as follows:

Each county with a population of one hundred fifty thousand or more shall conduct a review of the need and demand for mobile home parks. The review shall be completed by May 31, 1990. A copy of the findings, conclusions, and recommendations resulting from the review shall be sent to the department of community development by June 30, 1990.

NEW SECTION. Sec. 5. A new section is added to chapter 35.22 RCW to read as follows:

If a first class city zones under its inherent charter authority and not under chapter 35.63 RCW, then each first class city shall conduct a review of the need and demand for mobile home parks. The review shall be completed by May 31, 1990. A copy of the findings, conclusions, and recommendations resulting from the review shall be sent to the department of community development by June 30, 1990.

NEW SECTION. Sec. 6. A new section is added to chapter 36.32 RCW to read as follows:

If a county operating under home rule charter zones under its inherent charter authority and not under chapter 35.63 RCW, nor chapter 36.70 RCW, the county shall conduct a review of the need and demand for mobile home parks. The review shall be completed by May 31, 1990. A copy of the findings, conclusions, and recommendations resulting from the review shall be sent to the department of community development by June 30, 1990.

Sec. 7. Section 2, chapter 280, Laws of 1988 and RCW 59.22.050 are each amended to read as follows:

(1) In order to provide general assistance to mobile home resident organizations, park owners, and landlords and tenants, the department shall establish an office of mobile home

affairs which will serve as the coordinating office within state government for matters relating to mobile homes or manufactured housing.

This office will provide an ombudsman service to mobile home park owners and mobile home tenants with respect to problems and disputes between park owners and park residents and to provide technical assistance to resident organizations or persons in the process of forming a resident organization pursuant to chapter 59.22 RCW. The office will keep records of its activities in this area.

(2) In addition, the office shall develop recommendations based on the information provided by the cities and counties under sections 2 through 7 of this act to (a) increase the availability of mobile home park spaces; (b) stabilize rent levels through traditional market forces of supply and demand; and (c) allow senior citizens on fixed incomes to continue living in their mobile homes, including the possibility of direct subsidies. The recommendations shall provide a balance between the mobile home park owners' legitimate costs of doing business and need to receive a reasonable rate of return on their investments, and the limited ability of tenants to absorb rental rate increases.

(3) In developing these recommendations the office shall:

(a) Review the ordinances of local government to assess their impact on the availability of mobile home rental spaces;

(b) Consult with federal, state, and local agencies, senior citizen organizations, the real estate industry, and other groups as it considers necessary;

(c) Use, to the fullest extent possible, the services, facilities, information, and advice of public and private agencies, organizations, and individuals in order to avoid duplication of effort and expense;

(d) Hold public hearings to allow public input and involvement; and

(e) Appoint a technical advisory committee, if necessary, to advise the commission in the performance of its duties. The membership of the advisory committee shall be balanced to reflect the views of all interested parties.

NEW SECTION. Sec. 8. A new section is added to chapter 43.63A RCW to read as follows:

The department of community development shall: (1) Report to the housing committee in the house of representatives and the economic development and labor committee in the senate the results of the local reviews provided for in sections 2 through 7 of this act by July 31, 1990; (2) develop, in consultation with the Washington association of counties, the association of Washington cities, the Washington mobile park owners association, and the mobile home tenants association of Washington, a model ordinance for the siting of mobile home parks. The model ordinance shall be completed by January 31, 1990; and (3) make recommendations to the housing committee in the house of representatives and the economic development and labor committee in the senate for the increased availability of mobile home park spaces as provided in section 7 of this act.

NEW SECTION. Sec. 9. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 10. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect immediately."

On page 1, line 1 of the title, after "parks;" strike the remainder of the title and insert "amending RCW 59.22.050; adding a new section to chapter 35.63 RCW; adding a new section to chapter 35.22 RCW; adding a new section to chapter 35A.63 RCW; adding a new section to chapter 36.32 RCW; adding a new section to chapter 36.70 RCW; adding a new section to chapter 43.63A RCW; creating a new section; and declaring an emergency."

and the same is herewith transmitted.

W. D. Naismith, Assistant Secretary.

MOTION

Ms. Nutley moved that the House refuse to concur in the Senate amendments to House Bill No. 2167 and ask the Senate for a conference thereon. The motion was carried.

APPOINTMENT OF CONFEREES

The Speaker (Mr. R. King presiding) appointed Representatives Nutley, Leonard and Winsley as conferees on House Bill No. 2167.

SENATE AMENDMENTS TO HOUSE BILL

April 4, 1989

Mr. Speaker:

The Senate has passed HOUSE BILL NO. 2060 with the following amendments:

Strike everything after the enacting clause and insert the following:

*NEW SECTION. Sec. 1. A new section is added to chapter 51.16 RCW to read as follows:

(1) The department shall assess premiums, under the provisions of this section, for certain horse racing employments licensed in accordance with chapter 67.16 RCW. This premium assessment shall be for the purpose of providing industrial insurance coverage for employees of trainers licensed under chapter 67.16 RCW, including but not limited to exercise riders, pony riders, and grooms, and includes all on or off track employment. For the purposes of sections 1 through 7 of this act a hotwalker shall be considered a groom. The department may adopt rules under chapter 34.05 RCW to carry out the purposes of this section, including rules providing for alternative reporting periods and payment due dates for coverage under this section.

(2) The department shall compute industrial insurance premium rates on a per license basis, which premiums shall be assessed at the time of each issuance or renewal of the license for owners, trainers, and grooms in amounts established by department rule for coverage under this section. This premium assessment shall be for the purpose of providing industrial insurance coverage for workers licensed under chapter 67.16 RCW, including but not limited to exercise riders, pony riders, and grooms. Premium assessments shall be determined in accordance with the requirements of this title, except that assessments shall not be experience rated and shall be fixed at the basic manual rate. However, rates may vary according to differences in working conditions at major tracks and fair tracks.

(3) For the purposes of paying premiums and assessments under this section and making reports under this title, individuals licensed as trainers by the Washington horse racing commission shall be considered employers. The premium assessment for a groom's license shall be paid by the trainer responsible for signing the groom's license application and shall be payable at the time of license issuance or renewal.

(4) Premium assessments under this section shall be collected by the Washington horse racing commission and deposited in the industrial insurance trust funds as provided under department rules.

NEW SECTION. Sec. 2. A new section is added to chapter 67.16 RCW to read as follows:

(1) In addition to the license fees authorized by this chapter, the commission shall collect the industrial insurance premium assessments required under section 1 of this act from trainers and grooms. The industrial insurance premium assessments required under section 1 of this act shall be retroactive to January 1, 1989, and shall be collected from all licensees whose licenses were issued after that date. The department shall adopt such rules as are necessary to ensure that no licensee licensed prior to the effective date of this act shall pay more than the assessment fixed at the basic manual rate. The commission shall deposit the industrial insurance premium assessments in the industrial insurance trust fund as required by rules adopted by the department of labor and industries.

(2) In addition to the license fees to be imposed on owner licenses as authorized by this chapter, the commission shall collect the industrial insurance premium assessments required under section 1 of this act, to apply retroactively to all licenses issued prior to the effective date of this act and after January 1, 1989. The assessment on each owner's license shall not imply that an owner is an employer, but shall be required as part of the privilege of holding an owner's license. The fee to be assessed on owner licenses as required by section 1 of this act shall in no case exceed one hundred fifty dollars. The commission shall deposit the industrial insurance premium assessments collected in the industrial insurance trust fund as required by rules adopted by the department of labor and industries.

Sec. 3. Section 51.16.140, chapter 23, Laws of 1961 as last amended by section 29, chapter 350, Laws of 1977 ex. sess. and RCW 51.16.140 are each amended to read as follows:

(1) Every employer who is not a self-insurer shall deduct from the pay of each of his or her workers one-half of the amount he or she is required to pay, for medical benefits within each risk classification. Such amount shall be periodically determined by the director and reported by him or her to all employers under this title: PROVIDED, That the state governmental unit shall pay the entire amount into the medical aid fund for volunteers, as defined in RCW 51.12.035, and the state apprenticeship council shall pay the entire amount into the medical aid fund for registered apprentices or trainees, for the purposes of RCW 51.12.130. The deduction under this section is not authorized for premiums assessed under section 1 of this 1989 act.

(2) It shall be unlawful for the employer, unless specifically authorized by this title, to deduct or obtain any part of the premium or other costs required to be by him or her paid from the wages or earnings of any of his or her workers, and the making of or attempt to make any such deduction shall be a gross misdemeanor.

Sec. 4. Section 9, chapter 14, Laws of 1980 and RCW 51.32.073 are each amended to read as follows:

(1) Except as provided in subsection (2) of this section, each employer shall retain from the earnings of each worker that amount as shall be fixed from time to time by the director, the basis for measuring said amount to be determined by the director. The money so retained shall be matched in an equal amount by each employer, and all such moneys shall be remitted to the department in such manner and at such intervals as the department directs and shall be placed in the supplemental pension fund: PROVIDED, That the state apprenticeship council shall pay the entire amount into the supplemental pension fund for registered apprentices or trainees during their participation in supplemental and related instruction classes. The moneys

so collected shall be used exclusively for the additional payments from the supplemental pension fund prescribed in this title and for the amount of any increase payable under the provisions of RCW 51.32.075, as now or hereafter amended, and shall be no more than necessary to make such payments on a current basis. The department may require a self-insurer to make any additional payments which are payable from the supplemental pension fund and thereafter such self-insurer shall be reimbursed therefrom.

(2) None of the amount assessed for the supplemental pension fund under section 1 of this 1989 act may be retained from the earnings of workers covered under section 1 of this 1989 act.

Sec. 5. Section 4, chapter 55, Laws of 1933 as last amended by section 2, chapter 146, Laws of 1985 and RCW 67.16.020 are each amended to read as follows:

It shall be the duty of the commission, as soon as it is possible after its organization, to prepare and promulgate a complete set of rules and regulations to govern the race meets in this state. It shall determine and announce the place, time and duration of race meets for which license fees are exacted; and it shall be the duty of each person holding a license under the authority of this chapter, and every owner, trainer, jockey, and attendant at any race course in this state, to comply with all rules and regulations promulgated and all orders issued by the commission. It shall be unlawful for any person to hold any race meet without having first obtained and having in force and effect a license issued by the commission as in this chapter provided; and it shall be unlawful for any owner, trainer or jockey to participate in race meets in this state without first securing a license therefor from the state racing commission, the fee for which shall be set by the commission which shall offset the cost of administration and shall not be for a period exceeding ~~((three))~~ one year(s).

NEW SECTION. Sec. 6. The house commerce and labor committee and the senate economic development and labor committee, in conjunction with the horse racing commission and the department of labor and industries, shall conduct a study of industrial insurance coverage of the horse racing industry, specifically including coverage for jockeys. The committees shall report the results of the study to the house of representatives and the senate by December 1, 1989.

NEW SECTION. Sec. 7. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect April 1, 1989."

On page 1, line 1 of the title, after "industry;" strike the remainder of the title and insert "amending RCW 51.16.140, 51.32.073, and 67.16.020; adding a new section to chapter 51.16 RCW; adding a new section to chapter 67.16 RCW; creating a new section; providing an effective date; and declaring an emergency."

and the same is herewith transmitted.

V. D. Naismith, Assistant Secretary.

MOTION

Mr. Vekich moved that the House refuse to concur in the Senate amendments to House Bill No. 2060 and ask the Senate for a conference thereon. The motion was carried.

APPOINTMENT OF CONFEREES

The Speaker (Mr. R. King presiding) appointed Representatives Leonard, Rector and Patrick as conferees on House Bill No. 2060.

SUBSTITUTE HOUSE BILL NO. 1305 AS AMENDED BY THE SENATE, by Committee on Revenue (originally sponsored by Representatives Wang, Holland and Appelwick; by request of Department of Revenue)

Correcting the public utility tax in response to a 1986 Thurston county superior court decision.

The House resumed consideration of the Senate amendments to Substitute House Bill No. 1305. (For previous action, see today's Journal, Afternoon Session.)

The Speaker (Mr. R. King presiding) stated the question before the House to be the motion by Representative R. Meyers to concur in the Senate amendments to Substitute House Bill No. 1305.

With consent of the House, Mr. May withdrew his demand for an electric roll call vote.

Mr. Holland spoke against the motion to concur.

A division was called. The Speaker (Mr. R. King presiding) called upon the House to divide. The result of the division was: Yeas - 60; Nays -37. The motion was carried.

MOTION FOR RECONSIDERATION

Ms. Hine, having voted on the prevailing side, moved that the House immediately reconsider the vote by which the motion to concur in the Senate amendments to Substitute House Bill No. 1305 carried. The motion was carried.

The Speaker (Mr. R. King presiding) declared the House to be at ease until 7:00 p.m.

EVENING SESSION

The Speaker (Mr. O'Brien presiding) called the House to order at 7:21 p.m.

With consent of the House, Representative Wang was excused.

There being no objection, the House reverted to the fifth order of business.

REPORTS OF STANDING COMMITTEES

April 17, 1989

HB 1484 Prime Sponsor, Representative H. Sommers: Authorizing the issuance of state general obligation bonds to finance projects in capital and operating budgets for the 1989-91 biennium. Reported by Committee on Capital Facilities & Financing

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives H. Sommers, Chair; Rasmussen, Vice Chair; Schoon, Ranking Republican Member; Beck, Betzozoff, Bowman, Braddock, Bristow, Fraser, Jacobsen, Peery, Wang and Winsley.

April 17, 1989

2SSB 5400 Prime Sponsor, Committee on Ways & Means: Regarding mental health systems. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass with the following amendments by Committee on Appropriations and without amendments by Committee on Human Services:

Strike everything after the enacting clause and insert the following:

*Sec. 1. Section 2, chapter 204, Laws of 1982 as amended by section 1, chapter 274, Laws of 1986 and RCW 71.24.015 are each amended to read as follows:

It is the intent of the legislature to establish a community mental health program which shall help people experiencing mental illness to retain a respected and productive position in the community. This will be accomplished through programs which provide(s) for:

(1) Access to mental health services for adults and children of the state who are acutely mentally ill, seriously disturbed, or chronically mentally ill, which services recognize the special needs of underserved populations, including minorities, children, the elderly, disabled, and low-income persons. It is also the purpose of this chapter to ensure that children in need of mental health care and treatment receive the care and treatment appropriate to their developmental level, and to enable treatment decisions to be made in response to clinical needs and in accordance with sound professional judgment while also recognizing parents' rights to participate in treatment decisions for their children;

(2) Accountability of services through state-wide standards for ~~((management))~~ monitoring((;)) and reporting of information;

(3) Minimum service delivery standards;

(4) Priorities for the use of available resources for the care of the mentally ill;

(5) Coordination of services within the department, including those divisions within the department that provide services to children, between the department and the office of the superintendent of public instruction, and among state mental hospitals, county authorities, community mental health services, and other support services, which ~~((may))~~ shall to the maximum extent feasible also include the families of the mentally ill, and other service providers; and

(6) Coordination of services aimed at reducing duplication in service delivery and promoting complementary services among all entities that provide mental health services to adults and children.

It is the policy of the state to encourage the provision of a full range of treatment and rehabilitation services in the state for mental disorders. The legislature intends to encourage the development of county-based services with adequate local flexibility to assure eligible people in need of care access to the least-restrictive treatment alternative appropriate to their needs, and the availability of treatment components to assure continuity of care. To this end, counties

are encouraged to enter into joint operating agreements with other counties to form regional systems of care which integrate planning, administration, and service delivery duties assigned to counties under chapters 71.05 and 71.24 RCW to consolidate administration, reduce administrative layering, and reduce administrative costs.

It is further the intent of the legislature to integrate the provision of services to provide continuity of care through all phases of treatment. To this end the legislature intends to promote active engagement with mentally ill persons and collaboration between families and service providers.

Sec. 2. Section 3, chapter 204, Laws of 1982 as amended by section 2, chapter 274, Laws of 1986 and RCW 71.24.025 are each amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) 'Acutely mentally ill' means a condition which is limited to a short-term severe crisis episode of:

(a) A mental disorder as defined in RCW 71.05.020(2) or, in the case of a child, as defined in RCW 71.34.020(12);

(b) Being gravely disabled as defined in RCW 71.05.020(1) or, in the case of a child, as defined in RCW 71.34.020(8); or

(c) Presenting a likelihood of serious harm as defined in RCW 71.05.020(3) or, in the case of a child, as defined in RCW 71.34.020(11).

(2) 'Available resources' means those funds which shall be appropriated under this chapter by the legislature during any biennium for the purpose of providing community mental health programs under RCW 71.24.045. When regional support networks are established or after July 1, 1995, 'available resources' means federal funds, except those provided according to Title XIX of the social security act, and state funds appropriated under this chapter or chapter 71.05 RCW by the legislature during any biennium for the purpose of providing residential services, resource management services, community support services, and other mental health services. This does not include funds appropriated for the purpose of operating and administering the state psychiatric hospitals, except as negotiated according to section 5(1)(d) of this act.

(3) 'Licensed service provider' means an entity licensed (~~by the department~~) according to this chapter or chapter 71.05 RCW that meets state minimum standards or individuals licensed under chapter 18.57, 18.71, 18.83, or 18.88 RCW.

(4) 'Child' means a person under the age of eighteen years.

(5) 'Chronically mentally ill person' means a child or adult who has a mental disorder, in the case of a child as defined by chapter 71.34 RCW, and meets at least one of the following criteria:

(a) Has undergone two or more episodes of hospital care for a mental disorder within the preceding two years or, in the case of a child, has been placed by the department or its designee two or more times outside of the home, where the placements are related to a mental disorder, as defined in chapter 71.34 RCW, and where the placements progress toward a more restrictive setting. Placements by the department include but are not limited to placements by child protective services and child welfare services;

(b) Has experienced a continuous psychiatric hospitalization or residential treatment exceeding six months' duration within the preceding year;

(c) Has been unable to engage in any substantial gainful activity by reason of any mental disorder which has lasted for a continuous period of not less than twelve months. 'Substantial gainful activity' shall be defined by the department by rule consistent with Public Law 92-603, as amended, and shall include school attendance in the case of a child; or

(d) In the case of a child, has been subjected to continual distress as indicated by repeated physical or sexual abuse or neglect.

(6) 'Community mental health program' means all mental health services established by a county authority. After July 1, 1995, or when the regional support networks are established, 'community mental health program' means all activities or programs using available resources.

(7) 'Community support services' means services for acutely and chronically mentally ill persons and includes: (a) Discharge planning for clients leaving state mental hospitals, other acute care inpatient facilities, inpatient psychiatric facilities for persons under twenty-one years of age, and other children's mental health residential treatment facilities; (b) sufficient contacts with clients, families, schools, or significant others to provide for an effective program of community maintenance; and (c) medication monitoring. After July 1, 1995, or when regional support networks are established, for adults and children 'community support services' means services authorized, planned, and coordinated through resource management services including, at least, assessment, diagnosis, emergency crisis intervention available twenty-four hours, seven days a week, prescreening determinations for mentally ill persons being considered for placement in nursing homes as required by federal law, screening for patients being considered for admission to residential services, investigation, legal, and other nonresidential services under chapter 71.05 RCW, case management services, psychiatric

treatment including medication supervision, counseling, psychotherapy, assuring transfer of relevant patient information between service providers, other services determined by regional support networks, and maintenance of a patient tracking system for chronically mentally ill persons.

~~((8))~~ (8) 'County authority' means the board of county commissioners, county council, or county executive having authority to establish a community mental health program, or two or more of the county authorities specified in this subsection which have entered into an agreement to provide a community mental health program.

~~((9))~~ (9) 'Department' means the department of social and health services.

~~((10))~~ (10) 'Mental health services' means community services pursuant to RCW 71.24.035(5)(b) and other services provided by the state for the mentally ill. When regional support networks are established, or after July 1, 1995, 'mental health services' shall include all services provided by regional support networks.

~~((11))~~ (11) 'Mentally ill persons' and 'the mentally ill' mean persons and conditions defined in subsections (1), (5), and ~~((12))~~ (15) of this section.

~~((13))~~ (12) 'Regional support network' means a county authority or group of county authorities recognized by the secretary that enter into joint operating agreements to contract with the secretary pursuant to this chapter.

~~((14))~~ (13) 'Residential services' means a facility or distinct part thereof which provides food (~~clothing~~;) and shelter, and may include ~~(day)~~ treatment services ~~(as defined in RCW 71.24.045 for acutely mentally ill, chronically mentally ill, or seriously disturbed persons as defined in this section. Such facilities include, but are not limited to, congregate care facilities providing mental health client services as stipulated by contract with the department beginning January 1, 1982).~~

When regional support networks are established, or after July 1, 1995, for adults and children 'residential services' means a complete range of residences and supports authorized by resource management services and which may involve a facility, a distinct part thereof, or services which support community living, for acutely mentally ill persons, chronically mentally ill persons, or seriously disturbed persons determined by the regional support network to be at risk of becoming acutely or chronically mentally ill. The services shall include at least evaluation and treatment services as defined in chapter 71.05 RCW, acute crisis respite care, long-term adaptive and rehabilitative care, and supervised and supported living services, and shall also include any residential services developed to service mentally ill persons in nursing homes.

(14) 'Resource management services' mean the planning, coordination, and authorization of residential services and community support services administered pursuant to an individual service plan for acutely mentally ill adults and children, chronically mentally ill adults and children, or seriously disturbed adults and children determined by the regional support network at their sole discretion to be at risk of becoming acutely or chronically mentally ill. Resource management services include seven day a week, twenty-four hour a day availability of information regarding mentally ill adults' and children's enrollment in services and their individual service plan to county-designated mental health professionals, evaluation and treatment facilities, and others as determined by the regional support network.

~~((15))~~ (15) 'Seriously disturbed person' means a person who:

(a) Is gravely disabled or presents a likelihood of serious harm to ~~((himself))~~ oneself or others as a result of a mental disorder as defined in chapter 71.05 RCW;

(b) Has been on conditional release status at some time during the preceding two years from an evaluation and treatment facility or a state mental health hospital;

(c) Has a mental disorder which causes major impairment in several areas of daily living;

(d) Exhibits suicidal preoccupation or attempts; or

(e) Is a child diagnosed by a mental health professional, as defined in RCW 71.05.020, as experiencing a mental disorder which is clearly interfering with the child's functioning in family or school or with peers or is clearly interfering with the child's personality development and learning.

~~((16))~~ (16) 'Secretary' means the secretary of social and health services.

~~((17))~~ (17) 'State minimum standards' means: (a) Minimum requirements for ~~((management and))~~ delivery of mental health services as established by departmental rules and necessary to implement this chapter, including but not limited to ~~((county administration;))~~ licensing service providers ~~((information, accountability, contracts;))~~ and services; ~~((and))~~ (b) minimum service requirements for licensed service providers for the provision of mental health services as established by departmental rules pursuant to chapter ~~((34.04))~~ 34.05 RCW as necessary to implement this chapter, including, but not limited to: Qualifications for staff providing services directly to mentally ill persons; the intended result of each service ~~((for those priority groups identified in RCW 71.24.035(5)(b));)~~; and the rights and responsibilities of persons receiving mental health services pursuant to this chapter; (c) minimum requirements for residential services as established by the department in rule based on clients' functional abilities and not solely on their diagnoses, limited to health and safety, staff qualifications, and program outcomes. Minimum requirements for residential services are those developed in collaboration

with consumers, families, counties, regulators, and residential providers serving the mentally ill. Minimum requirements encourage the development of broad-range residential programs, including integrated housing and cross-systems programs where appropriate, and do not unnecessarily restrict programming flexibility; and (d) minimum standards for community support services and resource management services, including at least qualifications for resource management services, client tracking systems, and the transfer of patient information between service providers.

Sec. 3. Section 4, chapter 204, Laws of 1982 as last amended by section 1, chapter 105, Laws of 1987 and RCW 71.24.035 are each amended to read as follows:

(1) The department is designated as the state mental health authority.

(2) The secretary may provide for public, client, and licensed service provider participation in developing the state mental health program.

(3) The secretary shall provide for participation in developing the state mental health program for children and other underserved populations, by including ~~((children's))~~ representatives on any committee established to provide oversight to the state mental health program.

(4) The secretary shall be designated as the county authority if a county fails to meet state minimum standards or refuses to exercise responsibilities under RCW 71.24.045.

(5) The secretary shall:

(a) Develop a biennial state mental health program that incorporates county biennial needs assessments and county mental health service plans and state services for mentally ill adults and children. The secretary may also develop a six-year state mental health plan;

(b) Assure that any county community mental health program provides access to treatment for the county's residents in the following order of priority: (i) The acutely mentally ill; (ii) the chronically mentally ill; and (iii) the seriously disturbed. Such programs shall provide:

(A) Outpatient services;

(B) Emergency care services for twenty-four hours per day;

(C) Day treatment for mentally ill persons which includes training in basic living and social skills, supported work, vocational rehabilitation, and day activities. Such services may include therapeutic treatment. In the case of a child, day treatment includes age-appropriate basic living and social skills, educational and prevocational services, day activities, and therapeutic treatment;

(D) Screening for patients being considered for admission to state mental health facilities to determine the appropriateness of admission;

(E) Consultation and education services; and

(F) Community support services ~~((for acutely and chronically mentally ill persons which include: (i) Discharge planning for clients leaving state mental hospitals, other acute care inpatient facilities, inpatient psychiatric facilities for persons under twenty-one years of age, and other children's mental health residential treatment facilities; (ii) sufficient contacts with clients, families, schools, or significant others to provide for an effective program of community maintenance; and (iii) medication monitoring;));~~

(c) Develop and promulgate rules establishing state minimum standards for the ~~((management and))~~ delivery of mental health services including, but not limited to:

(i) Licensed service providers;

(ii) ~~((County administration))~~ Regional support networks; and

(iii) ~~((information required to assure accountability of services delivered to the mentally ill; and~~

~~((iv))~~ Residential and inpatient services, ~~((if a county chooses to provide such optional services))~~ evaluation and treatment services and facilities under chapter 71.05 RCW, resource management services, and community support services;

(d) ~~((Assure coordination of services consistent with state minimum standards for individuals who are released from a state hospital into the community to assure a continuum of care;~~

~~((e))~~ Assure that the special needs of minorities, the elderly, disabled, children, and low-income persons are met within the priorities established in ~~((subsection (5)(b) of))~~ this section;

~~((f))~~ (e) Establish a standard contract or contracts, consistent with state minimum standards, which shall be used by the counties;

~~((g))~~ (f) Establish, to the extent possible, a standardized auditing procedure which minimizes paperwork requirements of county authorities and licensed service providers;

~~((h))~~ (g) Develop and maintain an information system to be used by the state ~~((and))~~, counties, and regional support networks when they are established which shall include a tracking method which allows the department and regional support networks to identify mental health clients' participation in any mental health service or public program on an immediate basis. The information system shall not include individual patient's case history files. Confidentiality of client information and records shall be maintained as provided in this chapter and in RCW 71.05.390, 71.05.400, 71.05.410, 71.05.420, 71.05.430, and 71.05.440. The system shall be fully operational no later than January 1, 1993: PROVIDED, HOWEVER, That when a regional support network is established, the department shall have an operational interim tracking system for that network that will be adequate for the regional support network to perform its required duties under this chapter;

~~((#)) (h) License service providers who meet state minimum standards;~~

~~((f) Establish criteria to evaluate the performance of counties in administering mental health programs as established under this chapter. Evaluation of community mental health services shall include all categories of illnesses treated, all types of treatment given, the number of people treated, and costs related thereto; and~~

~~(*) (i) Certify regional support networks that meet state minimum standards;~~

~~(j) Periodically inspect certified regional support networks and licensed service providers at reasonable times and in a reasonable manner; and~~

~~(k) Fix fees to be paid by evaluation and treatment centers to the secretary for the required inspections;~~

~~(l) Monitor and audit counties, regional support networks, and licensed service providers as needed to assure compliance with contractual agreements authorized by this chapter;~~

~~(m) Prior to September 1, ((1982)) 1989, adopt such rules as are necessary to implement the department's responsibilities under this chapter pursuant to chapter ((34.04)) 34.05 RCW: PROVIDED, That such rules shall be submitted to the appropriate committees of the legislature for review and comment prior to adoption; and~~

~~(n) Beginning July 1, 1989, and continuing through July 1, 1993, track by region and county the use and cost of state hospital and local evaluation and treatment facilities for seventy-two hour detention, fourteen, ninety, and one hundred eighty day commitments pursuant to chapter 71.05 RCW, voluntary care in state hospitals, and voluntary community inpatient care covered by the medical assistance program. Service use and cost reports shall be provided to regions in a timely fashion at six-month intervals.~~

~~(6) The secretary shall use available resources appropriated specifically for community mental health programs only for programs under RCW 71.24.045. After July 1, 1995, or when regional support networks are established, available resources may be used only for regional support networks.~~

~~(7) Each certified regional support network and licensed service provider shall file with the secretary, on request, such data, statistics, schedules, and information as the secretary reasonably requires. A certified regional support network or licensed service provider which, without good cause, fails to furnish any data, statistics, schedules, or information as requested, or files fraudulent reports thereof, may have its certification or license revoked or suspended.~~

~~(8) The secretary may suspend, revoke, limit, or restrict a certification or license, or refuse to grant a certification or license for failure to conform to the law, applicable rules and regulations, or applicable standards, or failure to meet the minimum standards established pursuant to this section.~~

~~(9) The superior court may restrain any regional support network or service provider from operating without certification or a license or any other violation of this section. The court may also review, pursuant to procedures contained in chapter 34.05 RCW, any denial, suspension, limitation, restriction, or revocation of certification or license, and grant other relief required to enforce the provisions of this chapter.~~

~~(10) Upon petition by the secretary, and after hearing held upon reasonable notice to the facility, the superior court may issue a warrant to an officer or employee of the secretary authorizing him or her to enter at reasonable times, and examine the records, books, and accounts of any regional support network or service provider refusing to consent to inspection or examination by the authority.~~

~~(11) The secretary shall adopt such rules as may be necessary to effectuate the intent and purposes of this chapter, which shall include but not be limited to certification and licensing and other action relevant to certifying regional support networks and licensing service providers.~~

~~(12) Notwithstanding the existence or pursuit of any other remedy, the secretary may, in the manner provided by law, upon the advice of the attorney general who shall represent the secretary in the proceedings, maintain an action in the name of the state for an injunction or other process against any person or governmental unit to restrain or prevent the establishment, conduct, or operation of a regional support network or service provider without certification or a license under this chapter.~~

~~(13) The standards for certification of evaluation and treatment facilities shall include standards relating to maintenance of good physical and mental health and other services to be afforded persons pursuant to this chapter and chapter 71.05 RCW, and shall otherwise assure the effectuation of the purposes and intent of this chapter and chapter 71.05 RCW.~~

~~(14)(a) The department, in consultation with affected parties, shall establish a distribution formula that reflects county needs assessments based on the number of persons who are acutely mentally ill, chronically mentally ill, and seriously disturbed as defined in chapter 71.24 RCW. The formula shall take into consideration the impact on counties of demographic factors in counties which result in concentrations of priority populations as defined in ((chapter 71.24 RCW)) subsection (15) of this section. These factors shall include the population concentrations resulting from commitments under the involuntary treatment act, chapter 71.05 RCW, to state psychiatric hospitals, as well as concentration in urban areas, at border crossings at state boundaries, and other significant demographic and workload factors.~~

(b) The department shall submit a proposed distribution formula in accordance with this section to the ways and means and ~~((human services))~~ health care and corrections committees of the senate and to the ways and means and human services committees of the house of representatives by ~~((January 1, 1988))~~ October 1, 1989. The formula shall also include a projection of the funding allocations that will result for each county, which specifies allocations according to priority populations, including the allocation for services to children and other underserved populations.

(15) To supersede duties assigned under subsection (5) (a) and (b) of this section, and to assure a county-based, integrated system of care for acutely mentally ill adults and children, chronically mentally ill adults and children, and seriously disturbed adults and children who are determined by regional support networks at their sole discretion to be at risk of becoming acutely or chronically mentally ill, the secretary shall encourage the development of regional support networks as follows:

By December 1, 1989, the secretary shall recognize regional support networks requested by counties or groups of counties.

All counties wishing to be recognized as a regional support network on December 1, 1989, shall submit their intentions regarding participation in the regional support networks by October 30, 1989, along with preliminary plans. Counties wishing to be recognized as a regional support network by January 1, 1993, shall submit their intentions by November 30, 1992, along with preliminary plans. The secretary shall assume all duties assigned to the nonparticipating counties under chapters 71.05 and 71.24 RCW on July 1, 1995. Such responsibilities shall include those which would have been assigned to the nonparticipating counties under regional support networks.

The implementation of regional support networks, or the secretary's assumption of all responsibilities under chapters 71.05 and 71.24 RCW, shall be included in all state and federal plans affecting the state mental health program including at least those required by this chapter, the medicaid program, and P.L. 99-660. Nothing in these plans shall be inconsistent with the intent and requirements of this chapter.

(16) The secretary shall:

(a) Disburse the first funds for the regional support networks that are ready to begin implementation by January 1, 1990, or within sixty days of approval of the biennial contract. The department must either approve or reject the biennial contract within sixty days of receipt.

(b) Enter into biennial contracts with regional support networks to begin implementation between January 1, 1990, and March 1, 1990, and complete implementation by June 1995. The contracts shall be consistent with available resources and plans submitted by participating regional support networks, and approved by the department.

(c) By July 1, 1993, allocate one hundred percent of available resources to regional support networks created by January 1, 1990, in a single grant. Regional support networks created by January 1, 1993, shall receive a single block grant by July 1, 1995. The grants shall include funds currently provided for all residential services, all services pursuant to chapter 71.05 RCW, and all community support services and shall be distributed in accordance with a formula submitted to the legislature by January 1, 1993, in accordance with subsection (14) of this section.

(d) By January 1, 1990, allocate available resources to regional support networks for community support services, resource management services, and residential services excluding evaluation and treatment facilities provided pursuant to chapter 71.05 RCW in a single grant using the distribution formula established in subsection (14) of this section.

(e) By March 1, 1990, or within sixty days of approval of the contract continuing through July 1, 1993, provide grants as specifically appropriated by the legislature to regional support networks for evaluation and treatment facilities for persons detained or committed for periods up to seventeen days according to chapter 71.05 RCW. For regional support networks created by January 1, 1993, provide grants as specifically appropriated by the legislature to regional support networks for evaluation and treatment facilities for persons detained or committed for periods up to seventeen days according to chapter 71.05 RCW through July 1, 1995.

(f) Notify regional support networks of their allocation of available resources at least sixty days prior to the start of a new biennial contract period.

(g) Study and report to the legislature by December 1, 1989, on expanding the use of federal Title XIX funds and the definition of institutions for mental diseases to provide services to persons who are acutely mentally ill, chronically mentally ill, or at risk of becoming so. The study shall also include an assessment of the impact of Title XIX funds and the definition of institutions for mental diseases on the use of state funds to provide needed mental health services to the chronically mentally ill.

(h) Deny funding allocations to regional support networks based solely upon formal findings of noncompliance with the terms of the regional support network's contract with the department. Written notice and at least thirty days for corrective action must precede any such action. In such cases, regional support networks shall have full rights to appeal under chapter 34.05 RCW.

(i) Identify in its departmental biennial operating and capital budget requests the funds requested by regional support networks to implement their responsibilities under this chapter.

(j) Contract to provide or, if requested, make grants to counties to provide technical assistance to county authorities or groups of county authorities to develop regional support networks.

(17) The department of social and health services, in cooperation with the state congressional delegation, shall actively seek waivers of federal requirements and such modifications of federal regulations as are necessary to allow federal medicaid reimbursement for services provided by free-standing evaluation and treatment facilities certified under chapter 71.05 RCW. The department shall periodically report its efforts to the health care and corrections committee of the senate and the human services committee of the house of representatives.

(18) The secretary shall establish a task force to examine the recruitment, training, and compensation of qualified mental health professionals in the community, which shall include the advantages and disadvantages of establishing a training academy, loan forgiveness program, or educational stipends offered in exchange for commitments of employment in mental health. The task force shall report back to the appropriate committees of the legislature by January 1, 1990.

Sec. 4. Section 5, chapter 204, Laws of 1982 as amended by section 5, chapter 274, Laws of 1986 and RCW 71.24.045 are each amended to read as follows:

The county authority shall:

(1) Submit biennial needs assessments beginning January 1, 1983, and mental health service plans which incorporate all services provided for by the county authority consistent with state minimum standards and which provide access to treatment for the county's residents including children and other underserved populations who are acutely mentally ill, chronically mentally ill, or seriously disturbed. The county program shall provide:

(a) Outpatient services;

(b) Emergency care services for twenty-four hours per day;

(c) Day treatment for mentally ill persons which includes training in basic living and social skills, supported work, vocational rehabilitation, and day activities. Such services may include therapeutic treatment. In the case of a child, day treatment includes age-appropriate basic living and social skills, educational and prevocational services, day activities, and therapeutic treatment;

(d) Screening for patients being considered for admission to state mental health facilities to determine appropriateness of admission;

(e) Consultation and education services;

(f) Residential and inpatient services, if the county chooses to provide such optional services; and

(g) Community support services ~~((for acutely and chronically mentally ill persons which include: (i) Discharge planning for clients leaving state mental hospitals, other acute care inpatient facilities, inpatient psychiatric facilities for persons under twenty-one years of age, and other children's mental health residential treatment facilities; (ii) sufficient contacts with clients, schools, families, or significant others to provide for an effective program of community maintenance; and (iii) medication monitoring)).~~

The county shall develop the biennial needs assessment based on clients to be served, services to be provided, and the cost of those services, and may include input from the public, clients, and licensed service providers. Each county authority may appoint a county mental health advisory board which shall review and provide comments on plans and policies developed by the county authority under this chapter. The composition of the board shall be broadly representative of the demographic character of the county and the mentally ill persons served therein. Length of terms of board members shall be determined by the county authority;

(2) Contract as needed with licensed service providers. The county authority may, in the absence of a licensed service provider entity, become a licensed service provider entity pursuant to minimum standards required for licensing by the department for the purpose of providing services not available from licensed service providers;

(3) Operate as a licensed service provider if it deems that doing so is more efficient and cost effective than contracting for services. When doing so, the county authority shall comply with rules promulgated by the secretary that shall provide measurements to determine when a county provided service is more efficient and cost effective. ~~((Whenever a county authority chooses to operate as a licensed service provider, the secretary shall act as the county authority for that service.))~~

(4) Monitor and perform biennial fiscal audits of licensed service providers who have contracted with the county to provide services required by this chapter. The monitoring and audits shall be performed by means of a formal process which insures that the licensed service providers and professionals designated in this subsection meet the terms of their contracts, including the minimum standards of ~~((management and))~~ service delivery as established by the department;

(5) Assure that the special needs of minorities, the elderly, disabled, children, and low-income persons are met within the priorities established in ((RCW 71.24.035(5)(b))) this chapter;

(6) Maintain patient tracking information in a central location ((for the chronically mentally ill)) as required for resource management services;

(7) Use not more than two percent of state-appropriated community mental health funds, which shall not include federal funds, to administer community mental health programs under RCW 71.24.155: PROVIDED, That county authorities serving a county or combination of counties whose population is equal to or greater than that of a county of the first class may be entitled to sufficient state-appropriated community mental health funds to employ up to one full-time employee or the equivalent thereof in addition to the two percent limit established in this subsection when such employee is providing staff services to a county mental health advisory board;

(8) Coordinate services for individuals who have received services through the community mental health system and who become patients at a state mental hospital.

NEW SECTION, Sec. 5. A new section is added to chapter 71.24 RCW to read as follows:

A county authority or a group of county authorities whose combined population is no less than forty thousand may enter into a joint operating agreement to form a regional support network. The roles and responsibilities of county authorities shall be determined by the terms of that agreement and the provisions of law. The state mental health authority may not determine the roles and responsibilities of county authorities as to each other under regional support networks by rule, except to assure that all duties required of regional support networks are assigned and that a single authority has final responsibility for all available resources and performance under the regional support network's contract with the secretary.

(1) Regional support networks shall within three months of recognition submit an overall six-year operating and capital plan, timeline, and budget and submit progress reports and an updated two-year plan biennially thereafter, to assume within available resources all of the following duties by July 1, 1995, instead of those presently assigned to counties under RCW 71.24.045(1):

(a) Administer and provide for the availability of all resource management services, residential services, and community support services.

(b) Administer and provide for the availability of all investigation, transportation, court-related, and other services provided by the state or counties pursuant to chapter 71.05 RCW.

(c) By July 1, 1993, provide within the boundaries of each regional support network evaluation and treatment services for at least eighty-five percent of persons detained or committed for periods up to seventeen days according to chapter 71.05 RCW. Regional support networks with populations of less than one hundred fifty thousand may contract to purchase evaluation and treatment services from other networks. For regional support networks that are created after June 30, 1991, the requirements of (c) of this subsection must be met by July 1, 1995.

(d) By July 1, 1993, administer a portion of funds appropriated by the legislature to house mentally ill persons in state institutions from counties within the boundaries of any regional support network, with the exception of mentally ill offenders, and provide for the care of all persons needing evaluation and treatment services for periods up to seventeen days according to chapter 71.05 RCW in appropriate residential services, which may include state institutions. The regional support networks shall reimburse the state for use of state institutions at a rate equal to that assumed by the legislature when appropriating funds for such care at state institutions during the biennium when reimbursement occurs. The duty of a state hospital to accept persons for evaluation and treatment under chapter 71.05 RCW is limited by the responsibilities assigned to regional support networks under this section. For regional support networks that are created after June 30, 1991, the requirements of (d) of this subsection must be met by July 1, 1995.

(e) In the 1991-93 biennium, regional support networks which were recognized in 1989 shall include within their contracts measurable progress toward implementing evaluation and treatment goals, including agreements to reduce the overall number of detentions and agreements to divert a portion of short-term commitments from state hospitals established in the regional network plan: PROVIDED, That such agreements will not be required until the 1991 legislature has reviewed the feasibility and practicality of such agreements and has concurred with the appropriateness of such agreements.

(f) Administer and provide for the availability of all other mental health services, which shall include patient counseling, day treatment, consultation, education services, and mental health services to children as provided in this chapter.

(g) Establish standards and procedures for reviewing individual service plans and determining when that person may be discharged from resource management services.

(2) Regional support networks shall assume all duties assigned to county authorities by this chapter and chapter 71.05 RCW.

(3) A regional support network may request that any state-owned land, building, facility, or other capital asset which was ever purchased, deeded, given, or placed in trust for the care of the mentally ill and which is within the boundaries of a regional support network be made

available to support the operations of the regional support network. State agencies managing such capital assets shall give first priority to requests for their use pursuant to this chapter.

(4) Each regional support network shall appoint a mental health advisory board which shall review and provide comments on plans and policies developed under this chapter. The composition of the board shall be broadly representative of the demographic character of the region and the mentally ill persons served therein. Length of terms of board members shall be determined by the regional support network.

(5) Regional support networks shall assume all duties specified in their plans and joint operating agreements through biennial contractual agreements with the secretary.

(6) Counties or groups of counties participating in a regional support network are not subject to RCW 71.24.045(7). The office of financial management shall consider information gathered in studies required in this chapter and information about the experience of other states to propose a mental health services administrative cost lid to the 1991 legislature which shall include administrative costs of licensed service providers, the state psychiatric hospitals and the department.

(7) The first regional support network contract may include a pilot project to: Establish standards and procedures for (a) making referrals for comprehensive medical examinations and treatment programs for those whose mental illness is caused or exacerbated by organic disease, and (b) training staff in recognizing the relationship between mental illness and organic disease.

Sec. 6. Section 16, chapter 111, Laws of 1967 ex. sess. as amended by section 10, chapter 204, Laws of 1982 and RCW 71.24.160 are each amended to read as follows:

The county authority shall make satisfactory showing to the secretary that state funds shall in no case be used to replace local funds from any source being used to finance mental health services prior to January 1, ~~((1982))~~ 1990.

Sec. 7. Section 7, chapter 142, Laws of 1973 1st ex. sess. as amended by section 5, chapter 215, Laws of 1979 ex. sess. and RCW 71.05.020 are each amended to read as follows:

For the purposes of this chapter:

(1) 'Gravely disabled' means a condition in which a person, as a result of a mental disorder: (a) is in danger of serious physical harm resulting from a failure to provide for his essential human needs of health or safety, or (b) manifests severe deterioration in routine functioning evidenced by repeated and escalating loss of cognitive or volitional control over his or her actions and is not receiving such care as is essential for his or her health or safety;

(2) 'Mental disorder' means any organic, mental, or emotional impairment which has substantial adverse effects on an individual's cognitive or volitional functions;

(3) 'Likelihood of serious harm' means either: (a) A substantial risk that physical harm will be inflicted by an individual upon his own person, as evidenced by threats or attempts to commit suicide or inflict physical harm on one's self, (b) a substantial risk that physical harm will be inflicted by an individual upon another, as evidenced by behavior which has caused such harm or which places another person or persons in reasonable fear of sustaining such harm, or (c) a substantial risk that physical harm will be inflicted by an individual upon the property of others, as evidenced by behavior which has caused substantial loss or damage to the property of others;

(4) 'Peace officer' means a law enforcement official of a public agency or governmental unit, and includes persons specifically given peace officer powers by any state law, local ordinance, or judicial order of appointment;

(5) 'Judicial commitment' means a commitment by a court pursuant to the provisions of this chapter;

(6) 'Public agency' means any evaluation and treatment facility or institution, hospital, or sanitarium which is conducted for, or includes a department or ward conducted for, the care and treatment of persons who are mentally ill or deranged, if the agency is operated directly by, federal, state, county, or municipal government, or a combination of such governments;

(7) 'Private agency' means any person, partnership, corporation, or association not defined as a public agency, whether or not financed in whole or in part by public funds, which constitutes an evaluation and treatment facility or private institution, hospital, or sanitarium, which is conducted for, or includes a department or ward conducted for the care and treatment of persons who are mentally ill;

(8) 'Attending staff' means any person on the staff of a public or private agency having responsibility for the care and treatment of a patient;

(9) 'Department' means the department of social and health services of the state of Washington;

(10) 'Resource management services' has the meaning given in chapter 71.24 RCW;

(11) 'Secretary' means the secretary of the department of social and health services, or his designee;

~~((++))~~ (12) 'Mental health professional' means a psychiatrist, psychologist, psychiatric nurse, or social worker, and such other mental health professionals as may be defined by rules and regulations adopted by the secretary pursuant to the provisions of this chapter;

~~((12))~~ (13) 'Professional person' shall mean a mental health professional, as above defined, and shall also mean a physician, registered nurse, and such others as may be defined by rules and regulations adopted by the secretary pursuant to the provisions of this chapter;

~~((13))~~ (14) 'Psychiatrist' means a person having a license as a physician and surgeon in this state who has in addition completed three years of graduate training in psychiatry in a program approved by the American medical association or the American osteopathic association;

~~((14))~~ (15) 'Psychologist' means a person who has been licensed as a psychologist pursuant to chapter 18.83 RCW;

~~((15))~~ (16) 'Social worker' means a person with a master's or further advanced degree from an accredited school of social work or a degree from a graduate school deemed equivalent under rules and regulations adopted by the secretary;

~~((16))~~ (17) 'Evaluation and treatment facility' means any facility which can provide directly, or by direct arrangement with other public or private agencies, emergency evaluation and treatment, outpatient care, and short term inpatient care to persons suffering from a mental disorder, and which is certified as such by the department of social and health services: PROVIDED, That a physically separate and separately operated portion of a state hospital may be designated as an evaluation and treatment facility: PROVIDED FURTHER, That a facility which is part of, or operated by, the department of social and health services or any federal agency will not require certification: AND PROVIDED FURTHER, That no correctional institution or facility, or jail, shall be an evaluation and treatment facility within the meaning of this chapter.

NEW SECTION. Sec. 8. A new section is added to chapter 71.05 RCW to read as follows:

The legislature intends that the procedures and services authorized in this chapter be integrated with those in chapter 71.24 RCW to the maximum extent necessary to assure a continuum of care to persons who are mentally ill or who have mental disorders, as defined in either or both this chapter and chapter 71.24 RCW. To this end, regional support networks established in accordance with chapter 71.24 RCW shall institute procedures which require timely consultation with resource management services by county-designated mental health professionals and evaluation and treatment facilities to assure that determinations to detain, commit, treat, or release persons with mental disorders under this chapter are made only after appropriate information regarding such person's treatment history and current treatment plan has been sought from resource management services.

Sec. 9. Section 22, chapter 142, Laws of 1973 1st ex. sess. as amended by section 10, chapter 145, Laws of 1974 ex. sess. and RCW 71.05.170 are each amended to read as follows:

Whenever the designated county mental health professional petitions for detention of a person whose actions constitute a likelihood of serious harm to himself or others, or who is gravely disabled, the facility providing seventy-two hour evaluation and treatment must immediately accept on a provisional basis the petition and the person. The facility shall then evaluate the person's condition and admit or release such person in accordance with RCW 71.05.210. The facility shall notify in writing the court and the designated county mental health professional of the date and time of the initial detention of each person involuntarily detained in order that a probable cause hearing shall be held no later than seventy-two hours after detention.

The duty of a state hospital to accept persons for evaluation and treatment under this section may be limited by chapter 71.24 RCW.

NEW SECTION. Sec. 10. As used in this chapter or chapter 71.24 or 10.77 RCW, the following words and phrases shall have the meanings indicated.

(1) 'Registration records' include all the records of the department, regional support networks, treatment facilities, and other persons providing services to the department, county departments, or facilities which identify individuals who are receiving or who at any time have received services for mental illness.

(2) 'Treatment records' include registration and all other records concerning individuals who are receiving or who at any time have received services for mental illness, which are maintained by the department, by regional support networks and their staffs, and by treatment facilities. Treatment records do not include notes or records maintained for personal use by an individual providing treatment services for the department, regional support networks, or a treatment facility if the notes or records are not available to others.

NEW SECTION. Sec. 11. (1) Informed consent for disclosure of information from court or treatment records to an individual, agency, or organization must be in writing and must contain the following information:

(a) The name of the individual, agency, or organization to which the disclosure is to be made;

(b) The name of the individual whose treatment record is being disclosed;

(c) The purpose or need for the disclosure;

(d) The specific type of information to be disclosed;

(e) The time period during which the consent is effective;

(f) The date on which the consent is signed; and

(g) The signature of the individual or person legally authorized to give consent for the individual.

(2) The files and records of court proceedings under chapter 71.05 RCW shall be closed but shall be accessible to any individual who is the subject of a petition and to the individual's attorney, guardian ad litem, resource management services, or service providers authorized to receive such information by resource management services.

NEW SECTION, Sec. 12. (1) Except as otherwise provided by law, all treatment records shall remain confidential. Treatment records may be released only to the persons designated in this section, or to other persons designated in an informed written consent of the patient.

(2) Treatment records of an individual may be released without informed written consent in the following circumstances:

(a) To an individual, organization, or agency as necessary for management or financial audits, or program monitoring and evaluation. Information obtained under this subsection shall remain confidential and may not be used in a manner that discloses the name or other identifying information about the individual whose records are being released.

(b) To the department, the director of regional support networks, or a qualified staff member designated by the director only when necessary to be used for billing or collection purposes. The information shall remain confidential.

(c) For purposes of research as permitted in chapter 42.48 RCW.

(d) Pursuant to lawful order of a court.

(e) To qualified staff members of the department, to the director of regional support networks, to resource management services responsible for serving a patient, or to service providers designated by resource management services as necessary to determine the progress and adequacy of treatment and to determine whether the person should be transferred to a less restrictive or more appropriate treatment modality or facility. The information shall remain confidential.

(f) Within the treatment facility where the patient is receiving treatment, confidential information may be disclosed to individuals employed, serving in bona fide training programs, or participating in supervised volunteer programs, at the facility when it is necessary to perform their duties.

(g) Within the department as necessary to coordinate treatment for mental illness, developmental disabilities, alcoholism, or drug abuse of individuals who are under the supervision of the department.

(h) To a licensed physician who has determined that the life or health of the individual is in danger and that treatment without the information contained in the treatment records could be injurious to the patient's health. Disclosure shall be limited to the portions of the records necessary to meet the medical emergency.

(i) To a facility that is to receive an individual who is involuntarily committed under chapter 71.05 RCW, or upon transfer of the individual from one treatment facility to another. The release of records under this subsection shall be limited to the treatment records required by law, a record or summary of all somatic treatments, and a discharge summary. The discharge summary may include a statement of the patient's problem, the treatment goals, the type of treatment which has been provided, and recommendation for future treatment, but may not include the patient's complete treatment record.

(j) Notwithstanding the provisions of RCW 71.05.390(7), to a correctional facility or a corrections officer who is responsible for the supervision of an individual who is receiving inpatient or outpatient evaluation or treatment. Every person who is under the supervision of the department of corrections who receives evaluation or treatment under chapter 9.94A RCW shall be notified of the provisions of this section by the individual's corrections officer. Release of records under this section is limited to:

(i) An evaluation report provided pursuant to a written supervision plan.

(ii) The discharge summary, including a record or summary of all somatic treatments, at the termination of any treatment provided as part of the supervision plan.

(iii) When an individual is returned from a treatment facility to a correctional facility, the information provided under (j)(iv) of this subsection.

(iv) Any information necessary to establish or implement changes in the individual's treatment plan or the level or kind of supervision as determined by resource management services. In cases involving a person transferred back to a correctional facility, disclosure shall be made to clinical staff only. In cases involving a person under supervision of the department of corrections, disclosure shall be made to the supervising corrections officer only.

(k) To the individual's counsel or guardian ad litem, without modification, at any time in order to prepare for involuntary commitment or recommitment proceedings, reexaminations, appeals, or other actions relating to detention, admission, commitment, or patient's rights under chapter 71.05 RCW.

(l) To a corrections officer of the department who has custody of or is responsible for the supervision of an individual who is transferred or discharged from a treatment facility.

(m) To staff members of the protection and advocacy agency or to staff members of a private, nonprofit corporation for the purpose of protecting and advocating the rights of persons

with mental illness or developmental disabilities. Resource management services may limit the release of information to the name, birthdate, and county of residence of the patient, information regarding whether the patient was voluntarily admitted, or involuntarily committed, the date and place of admission, placement, or commitment, the name and address of a guardian of the patient, and the date and place of the guardian's appointment. Any staff member who wishes to obtain additional information shall notify the patient's resource management services in writing of the request and of the resource management services' right to object. The staff member shall send the notice by mail to the guardian's address. If the guardian does not object in writing within fifteen days after the notice is mailed, the staff member may obtain the additional information. If the guardian objects in writing within fifteen days after the notice is mailed, the staff member may not obtain the additional information.

(3) Whenever federal law or federal regulations restrict the release of information contained in the treatment records of any patient who receives treatment for alcoholism or drug dependency, the department may restrict the release of the information as necessary to comply with federal law and regulations.

NEW SECTION. Sec. 13. (1) Procedures shall be established by resource management services to provide reasonable and timely access to individual treatment records. However, access may not be denied at any time to records of all medications and somatic treatments received by the individual.

(2) Following discharge, the individual shall have a right to a complete record of all medications and somatic treatments prescribed during admission or commitment and to a copy of the discharge summary prepared at the time of his or her discharge. A reasonable and uniform charge for reproduction may be assessed.

(3) Treatment records may be modified prior to inspection to protect the confidentiality of other patients or the names of any other persons referred to in the record who gave information on the condition that his or her identity remain confidential. Entire documents may not be withheld to protect such confidentiality.

(4) At the time of discharge all individuals shall be informed by resource management services of their rights as provided in sections 10 through 18 of this act.

NEW SECTION. Sec. 14. Each time written information is released from a treatment record, the record's custodian shall make a notation in the record including the following: The name of the person to whom the information was released; the identification of the information released; the purpose of the release; and the date of the release. The patient shall have access to this release data.

NEW SECTION. Sec. 15. Nothing in this act shall be construed to interfere with communications between physicians or psychologists and patients and attorneys and clients.

NEW SECTION. Sec. 16. Any person, including the state or any political subdivision of the state, violating sections 10 through 18 of this act shall be subject to the provisions of RCW 71.05.440.

NEW SECTION. Sec. 17. Any person who requests or obtains confidential information pursuant to sections 10 through 18 of this act under false pretenses shall be guilty of a gross misdemeanor.

NEW SECTION. Sec. 18. The department shall adopt rules to implement sections 10 through 17 of this act.

Sec. 19. Section 2, chapter 107, Laws of 1987, section 1, chapter 337, Laws of 1987, section 16, chapter 370, Laws of 1987, section 1, chapter 404, Laws of 1987 and section 10, chapter 411, Laws of 1987 and RCW 42.17.310 are each reenacted and amended to read as follows:

(1) The following are exempt from public inspection and copying:

(a) Personal information in any files maintained for students in public schools, patients or clients of public institutions or public health agencies, or welfare recipients (~~prisoners, probationers, or parolees~~).

(b) Personal information in files maintained for employees, appointees, or elected officials of any public agency to the extent that disclosure would violate their right to privacy.

(c) Information required of any taxpayer in connection with the assessment or collection of any tax if the disclosure of the information to other persons would (i) be prohibited to such persons by RCW 82.32.330 or (ii) violate the taxpayer's right to privacy or result in unfair competitive disadvantage to the taxpayer.

(d) Specific intelligence information and specific investigative records compiled by investigative, law enforcement, and penology agencies, and state agencies vested with the responsibility to discipline members of any profession, the nondisclosure of which is essential to effective law enforcement or for the protection of any person's right to privacy.

(e) Information revealing the identity of persons who file complaints with investigative, law enforcement, or penology agencies, other than the public disclosure commission, if disclosure would endanger any person's life, physical safety, or property: PROVIDED, That if at the time the complaint is filed the complainant indicates a desire for disclosure or nondisclosure, such desire shall govern: PROVIDED, FURTHER, That all complaints filed with the public disclosure commission about any elected official or candidate for public office must be made in writing and signed by the complainant under oath.

(f) Test questions, scoring keys, and other examination data used to administer a license, employment, or academic examination.

(g) Except as provided by chapter 8.26 RCW, the contents of real estate appraisals, made for or by any agency relative to the acquisition or sale of property, until the project or prospective sale is abandoned or until such time as all of the property has been acquired or the property to which the sale appraisal relates is sold, but in no event shall disclosure be denied for more than three years after the appraisal.

(h) Valuable formulae, designs, drawings, and research data obtained by any agency within five years of the request for disclosure when disclosure would produce private gain and public loss.

(i) Preliminary drafts, notes, recommendations, and intra-agency memorandums in which opinions are expressed or policies formulated or recommended except that a specific record shall not be exempt when publicly cited by an agency in connection with any agency action.

(j) Records which are relevant to a controversy to which an agency is a party but which records would not be available to another party under the rules of pretrial discovery for causes pending in the superior courts.

(k) Records, maps, or other information identifying the location of archaeological sites in order to avoid the looting or depredation of such sites.

(l) Any library record, the primary purpose of which is to maintain control of library materials, or to gain access to information, which discloses or could be used to disclose the identity of a library user.

(m) Financial information supplied by or on behalf of a person, firm, or corporation for the purpose of qualifying to submit a bid or proposal for (a) a ferry system construction or repair contract as required by RCW 47.60.680 through 47.60.750 or (b) highway construction or improvement as required by RCW 47.28.070.

(n) Railroad company contracts filed with the utilities and transportation commission under RCW 81.34.070, except that the summaries of the contracts are open to public inspection and copying as otherwise provided by this chapter.

(o) Financial and commercial information and records supplied by private persons pertaining to export services provided pursuant to chapter 53.31 RCW.

(p) Financial disclosures filed by private vocational schools under chapter 28C.10 RCW.

(q) Records filed with the utilities and transportation commission or attorney general under RCW 80.04.095 that a court has determined are confidential under RCW 80.04.095.

(r) Financial and commercial information and records supplied by businesses during application for loans or program services provided by chapters 43.31, 43.63A, and 43.168 RCW.

(s) Membership lists or lists of members or owners of interests of units in timeshare projects, subdivisions, camping resorts, condominiums, land developments, or common-interest communities affiliated with such projects, regulated by the department of licensing, in the files or possession of the department.

(t) Except as provided under section 2 of this 1987 act (1987 c 404 § 2), all applications for public employment, including the names of applicants, resumes, and other related materials submitted with respect to an applicant.

(u) The residential addresses and residential telephone numbers of employees or volunteers of a public agency which are held by the agency in personnel records, employment or volunteer rosters, or mailing lists of employees or volunteers.

(v) The residential addresses and residential telephone numbers of the customers of a public utility contained in the records or lists held by the public utility of which they are customers.

(w) Information obtained by the board of pharmacy as provided in RCW 69.45.090.

(2) Except for information described in subsection (1)(c)(i) of this section and confidential income data exempted from public inspection pursuant to RCW 84.40.020, the exemptions of this section are inapplicable to the extent that information, the disclosure of which would violate personal privacy or vital governmental interests, can be deleted from the specific records sought. No exemption may be construed to permit the nondisclosure of statistical information not descriptive of any readily identifiable person or persons.

(3) Inspection or copying of any specific records exempt under the provisions of this section may be permitted if the superior court in the county in which the record is maintained finds, after a hearing with notice thereof to every person in interest and the agency, that the exemption of such records is clearly unnecessary to protect any individual's right of privacy or any vital governmental function.

(4) Agency responses refusing, in whole or in part, inspection of any public record shall include a statement of the specific exemption authorizing the withholding of the record (or part) and a brief explanation of how the exemption applies to the record withheld.

NEW SECTION. Sec. 20. A new section is added to chapter 72.23 RCW to read as follows:

(1) It is the intent of the legislature to improve the quality of service at state hospitals, eliminate overcrowding, and more specifically define the role of the state hospitals. The legislature intends that eastern and western state hospitals shall become clinical centers for handling the

most complicated long-term care needs. Over the next six years, their involvement in providing short-term and acute care shall be diminished in accordance with the revised responsibilities for mental health care under chapter 71.24 RCW. The legislature finds that establishment of the eastern state hospital board, the western state hospital board, and institutes for the study and treatment of mental disorders at both eastern state hospital and western state hospital will be instrumental in implementing the legislative intent.

(2)(a) The eastern state hospital board and the western state hospital board are each established. Members of the boards shall be appointed by the governor with the consent of the senate. Each board shall include:

(i) The director of the institute for the study and treatment of mental disorders established at the hospital;

(ii) One family member of a current or recent hospital resident;

(iii) One consumer of services;

(iv) One community mental health service provider;

(v) Two citizens with no financial or professional interest in mental health services;

(vi) One representative of the regional support network in which the hospital is located;

(vii) One representative from the staff who is a physician;

(viii) One representative from the nursing staff;

(ix) One representative from the other professional staff;

(x) One representative from the nonprofessional staff; and

(xi) One representative of a minority community.

(b) At least one representative listed in (a) (viii), (ix), or (x) of this subsection shall be a union member.

(c) Members shall serve four-year terms. Members of the board shall be reimbursed for travel expenses as provided in RCW 43.03.050 and 43.03.060 and shall receive compensation as provided in RCW 43.03.240.

(3) The boards established under this section shall:

(a) Monitor the operation and activities of the hospital;

(b) Review and advise on the hospital budget;

(c) Make recommendations to the governor and the legislature for improving the quality of service provided by the hospital;

(d) Monitor and review the activities of the hospital in implementing the intent of the legislature set forth in this section;

(e) Report periodically to the governor and the legislature on the implementation of the legislative intent set forth in this section; and

(f) Consult with the secretary regarding persons the secretary may select as the superintendent of the hospital whenever a vacancy occurs.

(4)(a) There is established at eastern state hospital and western state hospital, institutes for the study and treatment of mental disorders. The institutes shall be operated by joint operating agreements between state colleges and universities and the department of social and health services. The institutes are intended to:

(i) Promote recruitment and retention of highly qualified professionals at the state hospitals;

(ii) Improve clinical care by exploring new, innovative, and scientifically based treatment models for persons presenting particularly difficult and complicated clinical syndromes;

(iii) Provide expanded training opportunities for existing staff at the state hospitals;

(iv) Promote bilateral understanding of treatment orientation, possibilities, and challenges between state hospital professionals and community mental health professionals.

(b) To accomplish these purposes the institutes may, within funds appropriated for this purpose:

(i) Enter joint operating agreements with state universities or other institutions of higher education to accomplish the placement and training of students and faculty in psychiatry, psychology, social work, occupational therapy, nursing, and other relevant professions at the state hospitals;

(ii) Design and implement clinical research projects to improve the quality and effectiveness of state hospital services and operations;

(iii) Enter into agreements with community mental health service providers to accomplish the exchange of professional staff between the state hospitals and community mental health service providers;

(iv) Establish a student loan forgiveness program to retain qualified professionals at the state hospitals when the superintendent has determined a shortage of such professionals exists.

(c) Notwithstanding any other provisions of law to the contrary, the institutes may enter into agreements with the department or the state hospitals which may involve changes in staffing necessary to implement improved patient care programs contemplated by this section.

(d) The institutes are authorized to seek and accept public or private gifts, grants, contracts, or donations to accomplish their purposes under this section.

(5) The department shall review the diagnoses and treatment history of hospital patients and create a plan to locate inappropriately placed persons into medicaid reimbursable nursing homes or other nonhospital settings. The plan shall be submitted to the legislature by June 30, 1990.

NEW SECTION. Sec. 21. The department of health, if created, or the office of financial management shall conduct a study of equitable and timely compensation for involuntary psychiatric services through a review of medical assistance rates paid to hospitals. The department, or office of financial management, shall submit a report and recommendations to the department of social and health services and appropriate legislative committees by December 1, 1989.

NEW SECTION. Sec. 22. Sections 10 through 18 of this act shall take effect on July 1, 1995, or when regional support networks are established.

NEW SECTION. Sec. 23. Sections 10 through 18 of this act are each added to chapter 71.05 RCW.

NEW SECTION. Sec. 24. The following acts or parts of acts are each repealed:

(1) Section 4, chapter 274, Laws of 1986 and RCW 71.24.039; and

(2) Section 59, chapter 142, Laws of 1973 1st ex. sess. and RCW 71.05.540.

NEW SECTION. Sec. 25. If specific funding for the purposes of this act, referencing this act by bill number, is not provided by June 30, 1989, in the omnibus appropriations act, this act shall be null and void.

NEW SECTION. Sec. 26. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect immediately."

On page 1, line 1 of the title, after "systems;" strike the remainder of the title and insert "amending RCW 71.24.015, 71.24.025, 71.24.035, 71.24.045, 71.24.160, 71.05.020, and 71.05.170; reenacting and amending RCW 42.17.310; adding a new section to chapter 71.24 RCW; adding new sections to chapter 71.05 RCW; adding a new section to chapter 72.23 RCW; creating new sections; repealing RCW 71.24.039 and 71.05.540; prescribing penalties; providing an effective date; and declaring an emergency."

Signed by Representatives Locke, Chair; Grant, Vice Chair; H. Sommers, Vice Chair; Silver, Ranking Republican Member; Youngsman, Assistant Ranking Republican Member; Appelwick, Belcher, Braddock, Brekke, Bristow, Doty, Ebersole, Ferguson, Hine, Holland, May, McLean, Padden, Peery, Rust, Sayan, Spanel, Valle, Wang and Wineberry.

Absent: Representatives Bowman, Brough, Dorn, Nealey and Sprengle.

April 17, 1989

SSB 5521 Prime Sponsor, Committee on Ways & Means: Adopting the capital budget. Reported by Committee on Capital Facilities & Financing

MAJORITY recommendation: Do pass with the following amendments:

Strike everything after the enacting clause and insert the following:

"**NEW SECTION.** Sec. 1. A capital budget is hereby adopted and, subject to the provisions set forth in this act, the several dollar amounts hereinafter specified, or so much thereof as shall be sufficient to accomplish the purposes designated, are hereby appropriated and authorized to be incurred for capital projects during the period ending June 30, 1991, out of the several funds specified in this act.

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NEW SECTION. Sec. 2. As used in this act, the following phrases have the following meanings:

'CEP & RI Acct' means Charitable, Educational, Penal, and Reformatory Institutions Account;

'CWU Cap Proj Acct' means Central Washington University Capital Projects Account;

'Cap Bldg Constr Acct' means Capitol Building Construction Account;

'Cap Purch & Dev Acct' means Capitol Purchase and Development Account;

'Capital improvements' or 'capital projects' means acquisition of sites, easements, rights of way, or improvements thereon and appurtenances thereto, construction and initial equipment, reconstruction, demolition, or major alterations of new or presently owned capital assets;

'Common School Constr Fund' means Common School Construction Fund;

'DSHS Constr Acct' means State Social and Health Services Construction Account;

'ESS Rail Assis Acct' means essential rail assistance account;

'ESS Rail Bank Acct' means essential rail bank account;

'EWU Cap Proj Acct' means Eastern Washington University Capital Projects Account;

'East Cap Devel Acct' means east campus development account;

'Fish Cap Proj Acct' means Fisheries Capital Projects Account;

'For Dev Acct' means Forest Development Account;

'Game Spec Wildlife Acct' means Game Special Wildlife Account;

'H Ed Constr Acct' means Higher Education Construction Account 1979;

'H Ed Reimb S/T bonds Acct' means Higher Education Reimbursable Short-Term Bonds Account;

'Hndcp Fac Constr Acct' means Handicapped Facilities Construction Account;

'K-12 Education Acct' means the 'children's initiative fund—K-12 education account' created by Initiative 102 if Initiative 102 is enacted;

'L & I Constr Acct' means Labor and Industries Construction Account;

'LIRA' means State and Local Improvement Revolving Account;

'LIRA, DSHS Fac' means Local Improvements Revolving Account—Department of Social and Health Services Facilities;

'LIRA, Public Rec Fac' means State and Local Improvement Revolving Account—Public Recreation Facilities;

'LIRA, Waste Disp Fac' means State and Local Improvement Revolving Account—Waste Disposal Facilities;

'LIRA, Waste Fac 1980' means State and Local Improvement Revolving Account—Waste Disposal Facilities 1980;

'LIRA, Water Sup Fac' means State and Local Improvement Revolving Account—Water supply facilities;

'Lapse' or 'revert' means the amount shall return to an unappropriated status;

'Local Jail Imp & Constr Acct' means Local Jail Improvement and Construction Account;

'ORA' means Outdoor Recreation Account;

'ORV' means off road vehicle;

'Provided solely' means the specified amount may be spent only for the specified purpose. Unless otherwise specifically authorized in this act, any portion of an amount provided solely for a specified purpose which is unnecessary to fulfill the specified purpose shall revert;

'Res Mgmt Cost Acct' means Resource Management Cost Account;

'Sal Enhmt Constr Acct' means Salmon Enhancement Construction Account;

'St Bldg Constr Acct' means State Building Construction Account;

'St Fac Renew Acct' means State Facilities Renewal Account;

'St H Ed Constr Acct' means State Higher Education Construction Account;

'State Emerg Water Proj Rev' means Emergency Water Project Revolving Account—
State;

'TESC Cap Proj Acct' means The Evergreen State College Capital Projects Account;

'UW Bldg Acct' means University of Washington Building Account;

'Unemp Comp Admin Acct' means Unemployment Compensation Administration Account;

'WA St Dev Loan Acct' means Washington State Development Loan Account;

'WSU Bldg Acct' means Washington State University Building Account;

'WVU Cap Proj Acct' means Western Washington University Capital Projects Account.

PART 1

GENERAL GOVERNMENT

NEW SECTION. Sec. 101. FOR THE SECRETARY OF STATE

Renovate essential records protection facility—Birch Bay (88-2-001)

	Reappropriation	Appropriation
St Bldg Constr Acct	60,000	
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
52,000		112,000

NEW SECTION. Sec. 102. FOR THE SECRETARY OF STATE

Design and construct regional branch archive facility (90-1-003)

	Reappropriation	Appropriation
St Bldg Constr Acct		3,039,000
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
49,000	7,069,000	10,123,000

NEW SECTION. Sec. 103. FOR THE SECRETARY OF STATE

Acquisition and installation of moveable archive vault #2 shelving (90-2-002)

	Reappropriation	Appropriation
St Bldg Constr Acct		152,000
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
		152,000

NEW SECTION. Sec. 104. FOR THE OFFICE OF FINANCIAL MANAGEMENT

Local jail facilities (88-2-001)

	Reappropriation	Appropriation
Local Jail Imp & Con Acct	150,615	
St Bldg Constr Acct	1,060,789	
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
3,827,596		5,039,000

NEW SECTION. Sec. 105. FOR THE OFFICE OF FINANCIAL MANAGEMENT

Branch campuses: Planning (90-5-001)

The appropriation in this section is subject to the following conditions and limitations: The office of financial management shall contract with the higher education coordinating board which, in cooperation with the public higher education institutions and the office of financial management, shall plan for the orderly development of branch campuses through the year 2010. The plan shall be submitted to the office of financial management and the legislature by December 1, 1989, and shall contain, but not be limited to, the following:

(1) A distribution of projected enrollments among sectors of higher education and among main campus and branch campus sites through the year 2010;

(2) A review of the programs and courses to be offered at the branch campus sites and the Spokane Intercollegiate Research and Technology Institute;

(3) A recommendation on the most effective organizational and management structure for the branch campuses and the Spokane Intercollegiate Research and Technology Institute;

(4) A recommendation on the most efficient configuration of facilities required to fulfill the multiple functions and programs of higher education in Spokane; and

(5) An estimate of facility requirements and costs necessary to accommodate estimated enrollments and program offerings at each branch campus.

For purposes of the plan, the higher education coordinating board shall include in any review, analysis, or recommendations for branch campus sites, the enrollments, programs, and facilities of Eastern Washington University and the Spokane Intercollegiate Research and Technology Institute located in Spokane.

	Reappropriation	Appropriation
St Bldg Constr Acct		1,000,000
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
		1,000,000

NEW SECTION. Sec. 106. FOR THE OFFICE OF FINANCIAL MANAGEMENT

Branch campuses: Site acquisition and development (90-5-002)

The appropriation in this section is subject to the following conditions and limitations:

(1) A maximum of \$15,000,000 is provided for land purchase and site planning for university branch campuses. This appropriation shall not be expended prior to receiving approval

from the higher education coordinating board in accordance with RCW 28B.80.340, and consultation with the chairpersons of the ways and means committee of the senate and the capital facilities and financing committee of the house of representatives;

(2) Nothing in this legislative appropriation or other legislative correspondence or communication is to be interpreted as an endorsement or acceptance of the architectural conceptual drawing for six buildings for Washington State University's branch campus in Spokane or the Spokane University District; and

(3) \$30,000,000 is provided for university branch campus development. This appropriation shall not be expended prior to completion of the higher education coordinating board's branch campus plan as outlined in section 105 of this act and specific legislative approval of each project in a law enacted by the legislature.

St Bldg Constr Acct	Reappropriation	Appropriation
<u>Prior Biennia</u>		45,000,000
<u>Future Biennia</u>		<u>Total</u>
100,000,000		145,000,000

NEW SECTION, Sec. 107. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION
Energy retrofit projects-Birch Bay (83-4-015)

Cap Bldg Constr Acct	Reappropriation	Appropriation
<u>Prior Biennia</u>	314,700	
<u>Future Biennia</u>		<u>Total</u>
715,300		1,030,000

NEW SECTION, Sec. 108. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION
Temple of Justice renovation (86-1-011)

St Bldg Constr Acct	Reappropriation	Appropriation
<u>Prior Biennia</u>	3,700,000	
<u>Future Biennia</u>		<u>Total</u>
11,660,000		15,360,000

NEW SECTION, Sec. 109. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION
Boiler plant structural repairs (88-1-003)

Cap Bldg Constr Acct	Reappropriation	Appropriation
<u>Prior Biennia</u>	337,000	
<u>Future Biennia</u>		<u>Total</u>
15,000		352,000

NEW SECTION, Sec. 110. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION
Life/safety projects-Buildings (88-1-006)

Cap Bldg Constr Acct	Reappropriation	Appropriation
<u>Prior Biennia</u>	113,000	
<u>Future Biennia</u>		<u>Total</u>
1,014,000		1,127,000

NEW SECTION, Sec. 111. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION
Northern State-Life Safety Repair (88-1-007)

St Bldg Constr Acct	Reappropriation	Appropriation
<u>Prior Biennia</u>	256,418	
<u>Future Biennia</u>		<u>Total</u>
68,582		325,000

NEW SECTION, Sec. 112. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION
Archives renovation (88-2-004)

Cap Purch & Dev Acct	Reappropriation	Appropriation
St Bldg Constr Acct	20,000	
<u>Prior Biennia</u>	10,000	
<u>Future Biennia</u>		<u>Total</u>
530,000		560,000

NEW SECTION, Sec. 113. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION
Campus repairs-Inadequate building systems (88-2-008)

Cap Bldg Constr Acct	Reappropriation	Appropriation
Cap Purch & Dev Acct	50,000	
St Bldg Constr Acct	50,000	
<u>Prior Biennia</u>	1,825,000	
<u>Future Biennia</u>		<u>Total</u>
5,442,000		7,367,000

NEW SECTION, Sec. 114. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION
Campus property protection (88-3-012)

St Bldg Constr Acct	Reappropriation	Appropriation
<u>Prior Biennia</u>	350,000	
<u>Future Biennia</u>		<u>Total</u>
410,000		760,000

NEW SECTION, Sec. 115. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION
East Campus programming and planning (88-3-042)

St Bldg Constr Acct	Reappropriation	Appropriation
	90,000	
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
910,000		1,000,000
<u>NEW SECTION, Sec. 116. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION</u>		
Highway-License Building renovation (88-5-011)		
Cap Purch & Devel Acct	Reappropriation	Appropriation
St Bldg Constr Acct	449,000	
	51,000	
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
		500,000
<u>NEW SECTION, Sec. 117. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION</u>		
Emergency repairs (90-1-001)		
Cap Bldg Constr Acct	Reappropriation	Appropriation
		250,000
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
	500,000	750,000
<u>NEW SECTION, Sec. 118. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION</u>		
Small repairs and improvements (90-1-002)		
Cap Bldg Constr Acct	Reappropriation	Appropriation
		450,000
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
	900,000	1,350,000
<u>NEW SECTION, Sec. 119. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION</u>		
Campus asbestos program (90-1-004)		
St Bldg Constr Acct	Reappropriation	Appropriation
		200,000
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
	210,000	410,000
<u>NEW SECTION, Sec. 120. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION</u>		
Minor works: Northern state repairs (90-1-012)		
The appropriations in this section are subject to the following conditions and limitations:		
(1) The appropriation from the charitable, educational, penal, and reformatory institutions account shall be used solely for developing a long-range plan for the use of the Northern State Hospital facility. The plan shall be developed cooperatively with the department of social and health services and in consultation with affected local communities. The study shall be submitted to the office of financial management and the legislature by January 8, 1990.		
(2) The appropriation from the state building construction account shall be used for asbestos abatement in residence facilities currently in use.		
CEP & RI Acct	Reappropriation	Appropriation
St Bldg Constr Acct		100,000
		960,000
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
		1,060,000
<u>NEW SECTION, Sec. 121. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION</u>		
Boiler plant structural repairs (90-1-016)		
St Bldg Constr Acct	Reappropriation	Appropriation
		730,000
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
		730,000
<u>NEW SECTION, Sec. 122. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION</u>		
Asbestos inventory and inspection program (90-01-023)		
The appropriation in this section is subject to the following conditions and limitations: The department shall:		
(1) Develop guidelines for asbestos surveys in all state-owned buildings.		
(2) Review and approve state agency asbestos survey policies and procedures.		
(3) Establish and maintain a central file of asbestos surveys of state-owned buildings.		
St Bldg Constr Acct	Reappropriation	Appropriation
		200,000
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
		200,000
<u>NEW SECTION, Sec. 123. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION</u>		
Minor works: Sidewalk and street repairs (90-2-005)		
Cap Bldg Constr Acct	Reappropriation	Appropriation
		500,000
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
	200,000	700,000
<u>NEW SECTION, Sec. 124. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION</u>		

Minor works: Building exterior repairs and renovation (90-2-006)

Cap Bldg Constr Acct	Reappropriation	Appropriation
<u>Prior Biennia</u>		1,426,000
	<u>Future Biennia</u>	<u>Total</u>
	1,340,000	2,766,000

NEW SECTION, Sec. 125. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION

Minor works: Elevator/escalator repair (90-2-007)

St Bldg Constr Acct	Reappropriation	Appropriation
<u>Prior Biennia</u>		614,000
	<u>Future Biennia</u>	<u>Total</u>
	1,400,000	2,014,000

NEW SECTION, Sec. 126. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION

Minor works: Electrical repairs (90-2-008)

Cap Bldg Constr Acct	Reappropriation	Appropriation
<u>Prior Biennia</u>		797,000
	<u>Future Biennia</u>	<u>Total</u>
	901,000	1,698,000

NEW SECTION, Sec. 127. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION

Minor works: Mechanical system repairs (90-2-009)

St Bldg Constr Acct	Reappropriation	Appropriation
<u>Prior Biennia</u>		2,000,000
	<u>Future Biennia</u>	<u>Total</u>
	2,341,000	4,431,020

NEW SECTION, Sec. 128. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION

Minor works: Interior building repair (90-2-010)

Motor transport Acct	Reappropriation	Appropriation
St Bldg Constr Acct		262,000
<u>Prior Biennia</u>		1,125,000
	<u>Future Biennia</u>	<u>Total</u>
	1,329,000	2,716,000

NEW SECTION, Sec. 129. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION

Capitol Lake repairs and preservation (90-3-013)

The appropriation in this section is subject to the following conditions and limitations:

(1) \$100,000 of this appropriation is provided solely for shoreline repairs.

(2) \$200,000 is provided solely for a study of the feasibility of developing a fresh-water wetland in the middle and south basins of Capitol Lake. The department of general administration shall contract with a qualified state agency, firm, or individual to conduct the feasibility study.

Cap Bldg Constr Acct	Reappropriation	Appropriation
<u>Prior Biennia</u>		300,000
	<u>Future Biennia</u>	<u>Total</u>
		300,000

NEW SECTION, Sec. 130. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION

Facilities management system (90-4-018)

The appropriation in this section is subject to the following conditions and limitations: The department shall establish and maintain a central inventory of all state-owned land and facilities. The data elements of the inventory shall be developed in cooperation with the office of financial management.

St Bldg Constr Acct	Reappropriation	Appropriation
<u>Prior Biennia</u>		200,000
	<u>Future Biennia</u>	<u>Total</u>
		200,000

NEW SECTION, Sec. 131. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION

Construction of archives storage building (90-4-024)

St Bldg Constr Acct	Reappropriation	Appropriation
<u>Prior Biennia</u>		2,015,000
	<u>Future Biennia</u>	<u>Total</u>
		2,015,000

NEW SECTION, Sec. 132. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION

East campus development (90-5-003)

The appropriation in this section is subject to the following conditions and limitations: This appropriation is provided solely to design and construct a natural resources building and parking facility on a site directly east of the old Thurston County courthouse. Prior to the start of construction, the department shall prepare a parking and traffic plan for the building.

East Cap Devel Acct	Reappropriation	Appropriation
<u>Prior Biennia</u>		73,000,000
	<u>Future Biennia</u>	<u>Total</u>
		73,000,000

NEW SECTION, Sec. 133. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION
 Dawley property acquisition (90-5-011)

	Reappropriation	Appropriation
St Bldg Constr Acct		1,311,000
<u>Prior Biennia</u>		<u>Total</u>
<u>Future Biennia</u>		1,311,000

NEW SECTION, Sec. 134. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION
 Preplans and surveys (90-5-022)

	Reappropriation	Appropriation
Cap Bldg Constr Acct		143,000
<u>Prior Biennia</u>		<u>Total</u>
<u>Future Biennia</u>		143,000

NEW SECTION, Sec. 135. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION
 Capitol Campus master plan (90-5-025)

	Reappropriation	Appropriation
Cap Bldg Constr Acct		500,000
<u>Prior Biennia</u>		<u>Total</u>
<u>Future Biennia</u>		500,000

NEW SECTION, Sec. 136. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION
 Capitol campus fire, safety, and temperature control system

	Reappropriation	Appropriation
Cap Bldg Constr Acct		850,000
<u>Prior Biennia</u>		<u>Total</u>
<u>Future Biennia</u>		850,000

NEW SECTION, Sec. 137. FOR THE DEPARTMENT OF INFORMATION SERVICES

Washington higher education telecommunication system

The appropriation in this section is subject to the following conditions and limitations:

(1) \$4,064,000 is provided solely for equipment and construction for the expansion of the Washington higher education telecommunications system ("WHETS") for Washington State University.

(2) \$174,000 is provided solely for planning of future channel expansion of WHETS and extension of WHETS to other users, such as regional universities, community colleges, public schools, and state agencies.

	Reappropriation	Appropriation
St Bldg Constr Acct		4,238,000
<u>Prior Biennia</u>		<u>Total</u>
<u>Future Biennia</u>	9,950,000	14,188,000

NEW SECTION, Sec. 138. FOR THE MILITARY DEPARTMENT
 Tacoma Armory rehabilitation phase 3 (86-1-001)

	Reappropriation	Appropriation
St Bldg Constr Acct	218,166	
<u>Prior Biennia</u>		<u>Total</u>
2,081,088		2,299,254

NEW SECTION, Sec. 139. FOR THE MILITARY DEPARTMENT

Constr watercraft supt training complex (86-1-003)

The appropriation in this section is subject to the following conditions and limitations: The office of financial management shall not allot any portion of this appropriation unless it first determines that the agreement between the military department and the federal department of defense for the release of the property on Ruston Way in Tacoma provides that ownership of the property will be conveyed in fee simple to the state.

	Reappropriation	Appropriation
General fund—Federal		6,885,000
<u>Prior Biennia</u>		<u>Total</u>
1,640,000	5,500,000	16,225,000

NEW SECTION, Sec. 140. FOR THE MILITARY DEPARTMENT
 Minor works: Support fed service agreement (86-1-004)

	Reappropriation	Appropriation
General fund—Federal		3,189,000
St Bldg Constr Acct		1,063,000
<u>Prior Biennia</u>		<u>Total</u>
<u>Future Biennia</u>	8,884,000	13,136,000

NEW SECTION, Sec. 141. FOR THE MILITARY DEPARTMENT
 Minor works (86-1-005)

	Reappropriation	Appropriation
St Bldg Constr Acct	100,000	425,000
<u>Prior Biennia</u>		<u>Total</u>
2,099,000	1,100,000	3,724,000

NEW SECTION, Sec. 142. FOR THE MILITARY DEPARTMENT

Small repairs and improvements (86-2-006)		
St Bldg Constr Acct	Reappropriation	Appropriation
<u>Prior Biennia</u>		375,000
812,000	<u>Future Biennia</u>	<u>Total</u>
	1,150,000	2,337,000
<u>NEW SECTION, Sec. 143. FOR THE MILITARY DEPARTMENT</u>		
Construct Kent Armory (86-3-007)		
General fund—Federal	Reappropriation	Appropriation
St Bldg Constr Acct	488,013	600,000
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
3,000,987		4,089,000
<u>NEW SECTION, Sec. 144. FOR THE MILITARY DEPARTMENT</u>		
Life/Safety code compliance (88-1-005)		
St Bldg Constr Acct	Reappropriation	Appropriation
<u>Prior Biennia</u>		800,000
	<u>Future Biennia</u>	<u>Total</u>
	1,600,000	2,400,000
<u>NEW SECTION, Sec. 145. FOR THE MILITARY DEPARTMENT</u>		
Repair/replace leaking underground tanks (88-2-008)		
St Bldg Constr Acct	Reappropriation	Appropriation
<u>Prior Biennia</u>	205,000	345,000
82,000	<u>Future Biennia</u>	<u>Total</u>
	430,000	1,062,000
<u>NEW SECTION, Sec. 146. FOR THE MILITARY DEPARTMENT</u>		
Roof renovation (88-3-006)		
St Bldg Constr Acct	Reappropriation	Appropriation
<u>Prior Biennia</u>	125,000	700,000
575,000	<u>Future Biennia</u>	<u>Total</u>
	900,000	2,300,000
<u>NEW SECTION, Sec. 147. FOR THE MILITARY DEPARTMENT</u>		
Exterior painting of facilities (88-3-007)		
St Bldg Constr Acct	Reappropriation	Appropriation
<u>Prior Biennia</u>	5,000	258,000
253,000	<u>Future Biennia</u>	<u>Total</u>
	500,000	1,016,000
<u>NEW SECTION, Sec. 148. FOR THE MILITARY DEPARTMENT</u>		
Facility HVAC renovation (88-4-004)		
St Bldg Constr Acct	Reappropriation	Appropriation
<u>Prior Biennia</u>		280,000
	<u>Future Biennia</u>	<u>Total</u>
	434,000	714,000
<u>NEW SECTION, Sec. 149. FOR THE MILITARY DEPARTMENT</u>		
Energy conservation projects (88-4-010)		
St Bldg Constr Acct	Reappropriation	Appropriation
<u>Prior Biennia</u>	125,000	
951,000	<u>Future Biennia</u>	<u>Total</u>
		1,076,000
<u>NEW SECTION, Sec. 150. FOR THE MILITARY DEPARTMENT</u>		
Project preplanning (88-5-004)		
St Bldg Constr Acct	Reappropriation	Appropriation
<u>Prior Biennia</u>		198,000
174,000	<u>Future Biennia</u>	<u>Total</u>
	341,000	713,000
PART 2		
HUMAN RESOURCES		
<u>NEW SECTION, Sec. 201. FOR THE DEPARTMENT OF COMMUNITY DEVELOPMENT</u>		
Fire service training center—Minor works (87-4-002)		
St Bldg Constr Acct	Reappropriation	Appropriation
<u>Prior Biennia</u>	145,000	
26,000	<u>Future Biennia</u>	<u>Total</u>
		171,000
<u>NEW SECTION, Sec. 202. FOR THE DEPARTMENT OF COMMUNITY DEVELOPMENT</u>		
Capitalize development loan fund (88-2-002)		

The appropriation in this section is subject to the following conditions and limitations: The department of community development shall report to the legislature by January 8, 1990, on the number and types of loans awarded from the appropriation and the anticipated loan repayment rates on current and prior loans.

WA St Dev Loan Acct	Reappropriation	Appropriation
<u>Prior Biennia</u>		2,000,000
7,970,000	<u>Future Biennia</u>	<u>Total</u>
	10,000,000	26,070,000

NEW SECTION, Sec. 203. FOR THE DEPARTMENT OF COMMUNITY DEVELOPMENT
 Endangered landmark buildings (88-2-009)

The appropriation in this section is subject to the following conditions and limitations:

(1) \$600,000 is provided solely to be used by the department to purchase and hold for brief periods landmark buildings which might otherwise be lost or altered, and to resell those buildings with the proceeds from the sale deposited in the endangered landmark preservation fund.

(2) This appropriation is contingent on an equal amount being provided from nonstate sources on a project by project basis.

(3) If legislation creating the landmarks preservation fund and establishing the endangered landmarks preservation program in statute is not adopted by the legislature by July 1, 1990, the appropriation in this section shall lapse.

St Bldg Constr Acct	Reappropriation	Appropriation
<u>Prior Biennia</u>	600,000	
	<u>Future Biennia</u>	<u>Total</u>
		600,000

NEW SECTION, Sec. 204. FOR THE DEPARTMENT OF COMMUNITY DEVELOPMENT

Grays Harbor dredging (88-3-006)

The appropriation in this section is subject to the following conditions and limitations:

(1) The appropriation in this section is provided solely for the state's share of costs for Grays Harbor dredging, dike construction, bridge relocation, and related expenses.

(2) This appropriation is contingent on \$40,000,000 from the United States army corps of engineers and \$10,000,000 from local government funds being provided for the project.

(3) The Port of Grays Harbor shall make the best possible effort to acquire additional project funding from sources other than those in subsections (1) and (2) of this section. Any money, up to \$10,000,000 provided from sources other than those in subsections (1) and (2) of this section, shall be used to reimburse or replace state building construction fund money.

(4) This appropriation shall be disbursed to the Port of Grays Harbor by the department of community development in amounts proportionate to the disbursements of nonstate funds identified in subsection (2) of this section.

(5) If the Port of Grays Harbor does not receive at least \$13,000,000 of the \$40,000,000 United States army corps of engineers share of this project by June 30, 1990, the appropriation in this section shall lapse.

St Bldg Constr Acct	Reappropriation	Appropriation
<u>Prior Biennia</u>	10,000,000	
	<u>Future Biennia</u>	<u>Total</u>
		10,000,000

NEW SECTION, Sec. 205. FOR THE DEPARTMENT OF COMMUNITY DEVELOPMENT
 Capitalize housing trust fund (88-5-015)

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

(1) These appropriations shall be used solely for capital costs associated with the purposes of the housing trust fund under RCW 43.185.050. These moneys shall be used for loans or grants for capital projects state-wide that will provide housing for persons or families with special housing needs and with incomes at or below fifty percent of the median family income for the county or standard metropolitan statistical area where the project is located. At least thirty percent of the moneys used for loans or grants shall go to projects located in rural areas.

(2) The department shall to the maximum extent feasible use the appropriation as leverage to obtain other funds for capital costs associated with the purposes of the housing trust fund under chapter 43.185 RCW.

St Bldg Constr Acct	Reappropriation	Appropriation
<u>Prior Biennia</u>	2,000,000	15,000,000
	<u>Future Biennia</u>	<u>Total</u>
	20,000,000	37,000,000

NEW SECTION, Sec. 206. FOR THE DEPARTMENT OF COMMUNITY DEVELOPMENT
 Tacoma Union Station (88-5-016)

The appropriation in this section is subject to the following conditions and limitations:

(1) \$1,000,000 is provided solely to prevent further deterioration of the Tacoma Union Station building. This may include, but is not limited to, providing a fire detection system, removing safety hazards, and programming necessary to implement these works.

(2) A maximum of \$500,000 may be used for planning regarding future use of the Tacoma Union Station property to promote state economic development.

(3) The amounts provided in subsections (1) and (2) of this section are contingent on a written legal agreement between the city of Tacoma and the state that (a) requires state approval of future uses and disposition of the Tacoma Union Station property and (b) gives the

state the right of first refusal to assume the city of Tacoma's option to purchase the Tacoma Union Station property currently owned by the Burlington Northern company.

(4) \$500,000 is provided solely for architectural plans and construction specifications for a state museum on the Union Station property.

(5) \$400,000 is provided solely for purchase of the Union Station property. The amount provided in this subsection is contingent on a like amount being provided for this purpose from nonstate sources.

(6) \$2,000,000 is provided solely for restoration of the rotunda of the Union Station building. The amount provided in this subsection is contingent on the city's agreement to exercise its option to purchase Union Station and the city's agreement to grant to the state the right of first refusal to assume the city's option to purchase the property should the city decide to withdraw from the project.

(7) The amounts provided in subsections (4), (5), and (6) of this section are provided contingent on a written legal agreement between the city of Tacoma and the state that:

(a) The city shall obtain the state's approval for all decisions with respect to:

(i) Determining final ownership of Union Station itself;

(ii) Identifying appropriate uses for the site; and

(iii) Selecting consultants retained by the city under its contract with the state;

(b) The city shall consult with the state and, unless prohibited from doing so by terms of the United States general services administration lease, shall follow the state's recommendations in other significant decisions concerning the development of the Union Station properties, including but not limited to:

(i) Planning the development and redevelopment of the site to accommodate appropriate uses;

(ii) Obtaining financing for acquisition, development, or redevelopment of the property; and

(iii) Acquiring, leasing, subleasing, and/or reselling the property;

(c) If the city finds that it is not possible to follow the state's recommendations, the city shall advise the state and allow the state a reasonable opportunity to comment; and

(d) The city shall obtain a public access easement from the United States general services administration or any other owner or lessee that will allow public access through the rotunda to the facilities of any state agency, subject to such reasonable limitations as required by the federal courts for safe and efficient operation.

(8) If the appropriation in this section is not expended, or if the conditions and limitations in subsections (3) and (7) of this section are not met, by June 30, 1990, the appropriation in this section shall lapse.

St Bldg Constr Acct	Reappropriation		Appropriation
	Prior Biennia	Future Biennia	Total
	1,000,000	3,400,000	4,400,000

NEW SECTION, Sec. 207. FOR THE DEPARTMENT OF COMMUNITY DEVELOPMENT

San Juan County Courthouse (88-5-017)

The appropriation in this section is subject to the following conditions and limitations:

(1) This appropriation is contingent on the provision of an equal amount of money from nonstate sources.

(2) If the appropriation in this section is not expended, or if the conditions and limitations in subsection (1) of this section are not met, by June 30, 1990, the appropriation in this section shall lapse.

St Bldg Constr Acct	Reappropriation		Appropriation
	Prior Biennia	Future Biennia	Total
		100,000	100,000

NEW SECTION, Sec. 208. FOR THE DEPARTMENT OF COMMUNITY DEVELOPMENT

Columbia County Courthouse (89-4-004)

The appropriation in this section is subject to the following conditions and limitations:

(1) \$400,000 is provided to repair and restore the Columbia county courthouse.

(2) This appropriation shall be matched by \$700,000 in private donations and local funds from Columbia county.

(3) If the appropriation in this section is not expended, or if the conditions and limitations in subsection (2) of this section are not met, by June 30, 1990, the appropriation in this section shall lapse.

St Bldg Constr Acct	Reappropriation		Appropriation
	Prior Biennia	Future Biennia	Total
		400,000	400,000

NEW SECTION, Sec. 209. FOR THE DEPARTMENT OF COMMUNITY DEVELOPMENT

Spokane public facilities (89-5-005)

The appropriation in this section is subject to the following conditions and limitations:

(1) The appropriation is provided solely for the purposes of RCW 36.100.030 and 36.100.060.

(2) The appropriation may be spent only if the Spokane public facilities district has been created.

(3) The appropriation may be spent only if the local bonds needed to construct a Spokane trade, sports, and convention center have been authorized pursuant to chapter 36.100 RCW.

(4) If the appropriation in this section is not expended, or if the conditions and limitations in subsections (1), (2), and (3) of this section are not met, by December 31, 1991, the appropriation in this section shall lapse.

	Reappropriation	Appropriation
St Bldg Constr Acct	1,000,000	
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
		1,000,000

NEW SECTION, Sec. 210. FOR THE DEPARTMENT OF COMMUNITY DEVELOPMENT

Construct fire service training center station (90-1-005)

	Reappropriation	Appropriation
St Bldg Constr Acct		2,000,000
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
15,740		2,015,740

NEW SECTION, Sec. 211. FOR THE DEPARTMENT OF COMMUNITY DEVELOPMENT

Public works trust fund (90-2-001)

The appropriations in this section are subject to the following conditions and limitations: The appropriations are provided solely for public works projects recommended by the public works board and approved by the legislature under chapter 43.155 RCW.

	Reappropriation	Appropriation
Pub Works Asst Acct	61,627,871	78,241,000
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
32,446,397	168,562,493	327,623,873

NEW SECTION, Sec. 212. FOR THE DEPARTMENT OF COMMUNITY DEVELOPMENT

Emergency management building minor renovation (90-2-003)

The appropriation in this section is subject to the following conditions and limitations: This appropriation shall be used solely to provide handicapped access and improve insulation.

	Reappropriation	Appropriation
St Bldg Constr Acct		80,000
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
		80,000

NEW SECTION, Sec. 213. FOR THE DEPARTMENT OF COMMUNITY DEVELOPMENT

Fire service training center minor works (90-2-004)

	Reappropriation	Appropriation
St Bldg Constr Acct		441,887
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
		441,887

NEW SECTION, Sec. 214. FOR THE DEPARTMENT OF COMMUNITY DEVELOPMENT

Tall ship tourist attraction

The appropriation in this section is subject to the following conditions and limitations:

(1) This appropriation shall be used for the Grays Harbor historical seaport authority to construct a tall ship tourist attraction.

(2) Expenditure of moneys from this appropriation is contingent on the expenditure for the same purpose of at least two dollars from nonstate sources for each dollar spent from this appropriation.

	Reappropriation	Appropriation
St Bldg Constr Acct		1,750,000
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
		1,750,000

NEW SECTION, Sec. 215. FOR THE DEPARTMENT OF COMMUNITY DEVELOPMENT

Asian Counseling and Referral Service

The appropriation in this section is subject to the following conditions and limitations:

(1) This appropriation shall be used for building renovation costs only.

(2) This appropriation is contingent on the expenditure for the same purpose of at least two dollars from nonstate sources for each dollar spent from this appropriation.

	Reappropriation	Appropriation
St Bldg Constr Acct		100,000
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
		100,000

NEW SECTION, Sec. 216. FOR THE DEPARTMENT OF COMMUNITY DEVELOPMENT

Thorp Grist Mill restoration

The appropriation in this section is subject to the following conditions and limitations:

Expenditure of moneys from this appropriation is contingent on the expenditure for the same

purpose of at least two dollars from nonstate sources for each dollar spent from this appropriation.

	Reappropriation	Appropriation
St Bldg Constr Acct		30,000
<u>Prior Biennia</u>		<u>Total</u>
<u>Future Biennia</u>		30,000

NEW SECTION, Sec. 217. FOR THE DEPARTMENT OF COMMUNITY DEVELOPMENT
Nordic Heritage Museum: Building acquisition and improvements

The appropriation in this section is subject to the following conditions and limitations: This appropriation is contingent on the expenditure for the same purpose of at least two dollars from nonstate sources for each dollar spent from this appropriation.

	Reappropriation	Appropriation
St Bldg Constr Acct		200,000
<u>Prior Biennia</u>		<u>Total</u>
<u>Future Biennia</u>		200,000

NEW SECTION, Sec. 218. FOR THE DEPARTMENT OF LABOR AND INDUSTRIES
Property acquisition, design and construct office facility (90-5-001)

	Reappropriation	Appropriation
L & I Constr Acct		63,000,000
<u>Prior Biennia</u>		<u>Total</u>
<u>Future Biennia</u>		63,000,000

NEW SECTION, Sec. 219. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES
Lakeland Village: Construct habilitation center (79-1-009)

	Reappropriation	Appropriation
DSHS Constr Acct	450,000	
<u>Prior Biennia</u>		<u>Total</u>
5,965,662		6,415,662

NEW SECTION, Sec. 220. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES
Rainier School: Renovate Evergreen Center (79-1-017)

	Reappropriation	Appropriation
St Bldg Constr Acct	4,400,000	
DSHS Constr Acct	150,000	
<u>Prior Biennia</u>		<u>Total</u>
983,824		5,533,824

NEW SECTION, Sec. 221. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES
Referendum #37 (79-3-001)

The appropriation in this section is subject to the following conditions and limitations: In addition to previously approved projects, \$29,000 shall be used to construct an addition to a training center in Skamania county to serve up to ten more developmentally disabled children under four years old. This amount may be expended only if the final application for the project is submitted by December 31, 1989, and approved by March 31, 1990.

	Reappropriation	Appropriation
Handicap Fac Constr Acct	350,000	
Improve—DSHS Fac Acct	23,500	
<u>Prior Biennia</u>		<u>Total</u>
2,937,539		3,311,039

NEW SECTION, Sec. 222. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES
State mental health residences (79-3-002)

The appropriation in this section is subject to the following conditions and limitations: A maximum of \$40,000 of the funds provided may be spent for renovation or other costs necessary to establish a self-supporting day care center for children of state employees at Eastern State Hospital. A maximum of \$280,000 of the funds provided in this section is provided solely for participation by the department of social and health services in a project to construct a multipurpose child care center at the Everett community college.

	Reappropriation	Appropriation
Improve—DSHS Fac Acct	230,000	90,000
<u>Prior Biennia</u>		<u>Total</u>
974,177		1,294,177

NEW SECTION, Sec. 223. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES
Western State Hospital: Complete artwork (79-4-005)

	Reappropriation	Appropriation
DSHS Constr Acct	40,000	
<u>Prior Biennia</u>		<u>Total</u>
108,045		148,045

NEW SECTION, Sec. 224. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES
Western State Hospital: Fire safety (83-1-006)

	Reappropriation	Appropriation
DSHS Constr Acct	25,000	

	<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
	189,203		214,203
	<u>NEW SECTION, Sec. 225. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES</u>		
	<u>Frances Haddon Morgan Center: Renovate Marion School (83-1-015)</u>		
		Reappropriation	Appropriation
St Bldg Constr Acct		150,000	
	<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
	1,319,000		1,469,000
	<u>NEW SECTION, Sec. 226. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES</u>		
	<u>Eastern State Hospital: Renovate wards, phase 1 (83-2-016)</u>		
		Reappropriation	Appropriation
DSHS Constr Acct		100,000	
	<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
	3,175,000		3,275,000
	<u>NEW SECTION, Sec. 227. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES</u>		
	<u>Western State Hospital: Renovate wards, phase 2 (83-2-017)</u>		
		Reappropriation	Appropriation
DSHS Constr Acct		2,300,000	
	<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
	11,598,000		13,898,000
	<u>NEW SECTION, Sec. 228. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES</u>		
	<u>Mission Creek: Renovate main buildings (86-1-202)</u>		
		Reappropriation	Appropriation
St Fac Renew Acct		165,000	
	<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
	1,882,999		2,047,999
	<u>NEW SECTION, Sec. 229. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES</u>		
	<u>Fircrest Schools: Construct food service (86-1-403)</u>		
		Reappropriation	Appropriation
DSHS Constr Acct		200,000	
	<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
	3,896,302		4,096,302
	<u>NEW SECTION, Sec. 230. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES</u>		
	<u>Referendum 27 and 38 (86-2-099)</u>		
	The appropriation in this section is subject to the following conditions and limitations: This appropriation is provided solely for drought-related municipal and industrial water supply projects. Up to sixteen full-time equivalent staff per year may be funded from the reappropriation of Referendum 38 for the purpose of reviewing local water improvement accounts.		
		Reappropriation	Appropriation
LIRA Water Supp Fac		22,000,000	
	<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
	23,134,000		45,134,000
	<u>NEW SECTION, Sec. 231. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES</u>		
	<u>Western State Hospital: Renovate wards, phase 3 (88-1-307)</u>		
		Reappropriation	Appropriation
St Bldg Constr Acct		375,000	
	<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
	210,900		585,900
	<u>NEW SECTION, Sec. 232. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES</u>		
	<u>CSTC: Renovate residences to high school (88-1-318)</u>		
		Reappropriation	Appropriation
St Bldg Constr Acct		160,000	
	<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
	165,000		325,000
	<u>NEW SECTION, Sec. 233. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES</u>		
	<u>Western State Hospital: Sanitary sewer (88-2-400)</u>		
		Reappropriation	Appropriation
St Bldg Constr Acct		2,650,000	
	<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
	2,229,000		4,879,000
	<u>NEW SECTION, Sec. 234. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES</u>		
	<u>Minor capital renewal: Fire safety (90-1-004)</u>		
		Reappropriation	Appropriation
CEP & RI Acct			600,000
St Bldg Constr Acct		810,000	
	<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
	335,000	1,200,000	2,945,000
	<u>NEW SECTION, Sec. 235. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES</u>		

Minor capital renewal: Hazardous substance (90-1-005)		
	Reappropriation	Appropriation
CEP & RI Acct		500,000
St Bldg Constr Acct	450,000	
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
527,000	1,392,500	2,869,500
<u>NEW SECTION, Sec. 236. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES</u>		
Emergency capital repairs (90-1-007)		
	Reappropriation	Appropriation
CEP & RI Acct		250,000
St Bldg Constr Acct	220,000	
St Fac Renew Acct	160,000	
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
864,502	500,000	1,994,502
<u>NEW SECTION, Sec. 237. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES</u>		
Echo Glen: Renovate eleven living units (90-1-210)		
	Reappropriation	Appropriation
St Bldg Constr Acct		2,964,000
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
		2,964,000
<u>NEW SECTION, Sec. 238. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES</u>		
Western State Hospital: Ward renovations, phase 4 (90-1-312)		
The appropriation in this section is subject to the following conditions and limitations:		
\$1,000,000 is intended for planning to accelerate the next phase of this renovation project.		
	Reappropriation	Appropriation
St Bldg Constr Acct		6,192,000
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
		6,192,000
<u>NEW SECTION, Sec. 239. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES</u>		
Eastern State Hospital: Ward renovations, phase 2 (90-1-339)		
	Reappropriation	Appropriation
St Bldg Constr Acct		4,510,400
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
		4,510,400
<u>NEW SECTION, Sec. 240. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES</u>		
Minor capital renewal: Utilities and facilities (90-2-001)		
	Reappropriation	Appropriation
CEP & RI Acct		750,000
St Bldg Constr Acct	450,000	
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
608,000	2,100,000	3,908,000
<u>NEW SECTION, Sec. 241. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES</u>		
Minor capital renewal: Roads and grounds (90-2-002)		
	Reappropriation	Appropriation
CEP & RI Acct		500,000
St Bldg Constr Acct	500,000	
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
122,000	1,200,000	2,322,000
<u>NEW SECTION, Sec. 242. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES</u>		
Minor capital renewal: Roofs (90-2-003)		
	Reappropriation	Appropriation
St Bldg Constr Acct	200,000	700,000
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
940,000	2,000,000	3,840,000
<u>NEW SECTION, Sec. 243. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES</u>		
Small repairs and improvements (90-2-008)		
	Reappropriation	Appropriation
CEP & RI Acct		190,000
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
	415,000	605,000
<u>NEW SECTION, Sec. 244. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES</u>		
Minor projects: Bureau of Alcohol and Substance Abuse (90-2-010)		
	Reappropriation	Appropriation
CEP & RI Acct		442,400
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
	100,000	542,400
<u>NEW SECTION, Sec. 245. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES</u>		

Minor projects: Juvenile rehabilitation division (90-2-020)		
	Reappropriation	Appropriation
CEP & RI Acct		270,100
St Bldg Constr Acct	340,000	
St Fac Renew Acct	650,000	
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
2,375,000	300,000	3,935,100
<u>NEW SECTION.</u> Sec. 246. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES		
Minor projects: Mental health division (90-2-030)		
	Reappropriation	Appropriation
St Bldg Constr Acct	200,000	600,000
St Fac Renew Acct	110,000	
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
1,514,042	700,000	3,124,042
<u>NEW SECTION.</u> Sec. 247. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES		
Minor projects: Mental health division (2) (90-2-032)		
	Reappropriation	Appropriation
CEP & RI Acct		75,000
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
	250,000	325,000
<u>NEW SECTION.</u> Sec. 248. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES		
Minor projects: Developmental disabilities division (90-2-040)		
	Reappropriation	Appropriation
CEP & RI Acct		21,200
St Bldg Constr Acct	245,000	517,600
St Fac Renew Acct	80,000	
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
2,078,999	550,000	3,492,799
<u>NEW SECTION.</u> Sec. 249. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES		
Minor projects: Health division (90-2-050)		
	Reappropriation	Appropriation
CEP & RI Acct		358,900
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
	100,000	358,900
<u>NEW SECTION.</u> Sec. 250. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES		
Lakeland Village: Steam plant replacement (90-2-425)		
	Reappropriation	Appropriation
St Bldg Constr Acct		4,063,000
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
		4,063,000
<u>NEW SECTION.</u> Sec. 251. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES		
Minor capital renewal, mental health division (90-2-060)		
The appropriation in this section is subject to the following conditions and limitations: This appropriation is provided solely for minor building renewal projects at Western and Eastern state hospitals, which may include remodeling existing state buildings for use as employee child care facilities.		
	Reappropriation	Appropriation
St Bldg Constr Acct		1,000,000
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
		1,000,000
<u>NEW SECTION.</u> Sec. 252. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES		
Resource conservation (90-4-006)		
	Reappropriation	Appropriation
St Bldg Constr Acct	150,000	
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
165,045		315,045
<u>NEW SECTION.</u> Sec. 253. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES		
Preplanning (90-4-009)		
	Reappropriation	Appropriation
CEP & RI Acct		215,400
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
	329,500	544,900
<u>NEW SECTION.</u> Sec. 254. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES		
Food bank facility: Fircrest (90-5-011)		
	Reappropriation	Appropriation
St Bldg Constr Acct		788,000
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
		788,000

NEW SECTION. Sec. 255. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES
 Eastern State Hospital: Electrical System Replacement (90-2-345)

	Reappropriation	Appropriation
St Bldg Constr Acct		1,371,600
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
		1,371,600

NEW SECTION. Sec. 256. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES
 Child care facilities

The appropriation in this section is subject to the following conditions and limitations:

(1) This appropriation is provided solely for the child care coordinating committee to award grants to state agencies, institutions of higher education, state employees, or groups of state employees for the purpose of making capital improvements to start or renovate child care centers for state employees.

(2) The child care coordinating committee shall adopt rules for awarding the grants that include an application process that encourages state agencies and employees to submit innovative and competitive proposals for the grants.

(3) The child care coordinating committee shall report to the legislature by January 8, 1991, describing the number and types of grants awarded under this appropriation and making recommendations for future child care facility grants.

	Reappropriation	Appropriation
St Bldg Constr Acct		600,000
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
		600,000

NEW SECTION. Sec. 257. FOR THE DEPARTMENT OF VETERANS' AFFAIRS
 Food services renovation (88-1-014)

	Reappropriation	Appropriation
CEP & RI Acct		282,700
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
		282,700

NEW SECTION. Sec. 258. FOR THE DEPARTMENT OF VETERANS' AFFAIRS
 Soldiers Home—Preplan a thirty bed Alzheimer's unit (88-5-020)

The appropriation in this section is subject to the following conditions and limitations:

(1) The department shall participate in the long-term care study to be conducted by the department of social and health services as required by Engrossed Substitute Senate Bill No. 5352.

(2) The department shall prepare a policy on admissions to the veterans' home and soldiers' home. The policy shall identify priority populations and establish procedures to ensure the highest priority group of veterans are served. The department shall report to the house of representatives capital facilities and operations committee and senate ways and means committee on the admission policy by December 1, 1989.

	Reappropriation	Appropriation
CEP & RI Acct		33,700
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
		1,942,400

NEW SECTION. Sec. 259. FOR THE DEPARTMENT OF VETERANS' AFFAIRS
 Minor projects—Asbestos (90-1-003)

	Reappropriation	Appropriation
CEP & RI Acct		300,000
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
		300,000

NEW SECTION. Sec. 260. FOR THE DEPARTMENT OF VETERANS' AFFAIRS
 Minor projects—Roads and walkways (90-1-005)

	Reappropriation	Appropriation
CEP & RI Acct		100,000
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
		100,000

NEW SECTION. Sec. 261. FOR THE DEPARTMENT OF VETERANS' AFFAIRS
 Air quality, Building 9 (90-1-009)

	Reappropriation	Appropriation
CEP & RI Acct		313,200
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
		313,200

NEW SECTION. Sec. 262. FOR THE DEPARTMENT OF VETERANS' AFFAIRS
 Small projects (90-1-011)

	Reappropriation	Appropriation
CEP & RI Acct		39,800
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
		39,800

NEW SECTION, Sec. 263. FOR THE DEPARTMENT OF VETERANS' AFFAIRS

Minor projects—Building remodel (90-2-008)

Reappropriation Appropriation
256,000

CEP & RI Acct

Prior BienniaFuture BienniaTotal
256,000NEW SECTION, Sec. 264. FOR THE DEPARTMENT OF VETERANS' AFFAIRS

Minor projects—Utilities and energy projects (90-4-006)

Reappropriation Appropriation
544,000

CEP & RI Acct

Prior BienniaFuture BienniaTotal
544,000NEW SECTION, Sec. 265. FOR THE DEPARTMENT OF VETERANS' AFFAIRS

Minor projects—Building study (90-5-012)

Reappropriation Appropriation
35,000

CEP & RI Acct

Prior BienniaFuture BienniaTotal
35,000NEW SECTION, Sec. 266. FOR THE DEPARTMENT OF VETERANS' AFFAIRS

Steam distribution system (92-2-024)

Reappropriation Appropriation
22,200

CEP & RI Acct

Prior BienniaFuture BienniaTotal
917,900NEW SECTION, Sec. 267. FOR THE DEPARTMENT OF CORRECTIONS

Washington Corrections Center enlarge, remodel six hundred beds (83-3-029)

Reappropriation Appropriation
32,961

St Bldg Constr Acct

Prior BienniaFuture BienniaTotal
1,371,014

1,338,053

NEW SECTION, Sec. 268. FOR THE DEPARTMENT OF CORRECTIONS

Washington State Reformatory facility improvements (83-3-048)

Reappropriation Appropriation
6,500,000

St Bldg Constr Acct

DSHS Constr Acct

Prior BienniaFuture BienniaTotal
39,633,303

8,033,303

16,000,000

NEW SECTION, Sec. 269. FOR THE DEPARTMENT OF CORRECTIONS

Washington State Penitentiary improve security, facilities, utilities (83-3-052)

Reappropriation Appropriation
400,000

St Bldg Constr Acct

DSHS Constr Acct

Prior BienniaFuture BienniaTotal
16,691,413

6,317,413

2,476,000

NEW SECTION, Sec. 270. FOR THE DEPARTMENT OF CORRECTIONS

McNeil Island Corrections Center renovation of utilities (86-1-002)

Reappropriation Appropriation
4,000,000

St Bldg Constr Acct

St Fac Renew Acct

Prior BienniaFuture BienniaTotal
13,959,000

3,724,000

4,674,000

NEW SECTION, Sec. 271. FOR THE DEPARTMENT OF CORRECTIONS

McNeil Island Corrections Center repairs to transportation system, including parking and a materials forwarding facility at Western State Hospital (86-1-004)

Reappropriation Appropriation
985,000

St Bldg Constr Acct

St Fac Renew Acct

Prior BienniaFuture BienniaTotal
13,896,000

1,408,000

7,081,000

NEW SECTION, Sec. 272. FOR THE DEPARTMENT OF CORRECTIONS

McNeil Island Corrections Center building fire/safety (86-1-008)

Reappropriation Appropriation
2,500,000

St Bldg Constr Acct

St Fac Renew Acct

Prior BienniaFuture BienniaTotal
8,315,000

1,665,000

967,000

NEW SECTION, Sec. 273. FOR THE DEPARTMENT OF CORRECTIONS

State-wide minor projects (86-2-005)		
	Reappropriation	Appropriation
St Bldg Constr Acct	1,000,000	
St Fac Renew Acct	300,000	
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
2,879,000		4,179,000
<u>NEW SECTION, Sec. 274. FOR THE DEPARTMENT OF CORRECTIONS</u>		
State-wide small repairs and improvements (86-2-006)		
	Reappropriation	Appropriation
St Bldg Constr Acct	250,000	
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
296,000		546,000
<u>NEW SECTION, Sec. 275. FOR THE DEPARTMENT OF CORRECTIONS</u>		
Life safety code compliance (88-1-002)		
	Reappropriation	Appropriation
St Bldg Constr Acct	700,000	
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
840,000		1,540,000
<u>NEW SECTION, Sec. 276. FOR THE DEPARTMENT OF CORRECTIONS</u>		
State-wide wastewater system improvements (88-1-017)		
	Reappropriation	Appropriation
St Bldg Constr Acct	440,000	605,000
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
268,000		1,313,000
<u>NEW SECTION, Sec. 277. FOR THE DEPARTMENT OF CORRECTIONS</u>		
State-wide water system improvements (88-1-018)		
	Reappropriation	Appropriation
St Bldg Constr Acct	250,000	939,000
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
172,000		1,361,000
<u>NEW SECTION, Sec. 278. FOR THE DEPARTMENT OF CORRECTIONS</u>		
McNeil Island Corrections Center implement master plan (88-2-003)		
The appropriation in this section is subject to the following conditions and limitations: The money in this appropriation shall not be expended until the office of financial management has determined that satisfactory progress has been made on receiving approval of the environmental impact statement, selecting mainland parking facility, and selecting mainland ferry terminal.		
	Reappropriation	Appropriation
St Bldg Constr Acct		4,377,000
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
621,000	28,000,000	32,998,000
<u>NEW SECTION, Sec. 279. FOR THE DEPARTMENT OF CORRECTIONS</u>		
Pre-release facility relocation (88-2-004)		
	Reappropriation	Appropriation
St Bldg Constr Acct	4,200,000	
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
262,000		4,462,000
<u>NEW SECTION, Sec. 280. FOR THE DEPARTMENT OF CORRECTIONS</u>		
Eastern Washington prerelease, site preparation (88-2-005)		
	Reappropriation	Appropriation
St Bldg Constr Acct	340,000	
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
671,000		1,011,000
<u>NEW SECTION, Sec. 281. FOR THE DEPARTMENT OF CORRECTIONS</u>		
Washington Corrections Center for Women implement master plan (88-2-006)		
	Reappropriation	Appropriation
St Bldg Constr Acct	460,000	1,000,000
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
155,000	5,800,000	7,415,000
<u>NEW SECTION, Sec. 282. FOR THE DEPARTMENT OF CORRECTIONS</u>		
Washington Corrections Center reroof building (88-3-019)		
	Reappropriation	Appropriation
St Bldg Constr Acct	1,000,000	
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
65,000		1,065,000
<u>NEW SECTION, Sec. 283. FOR THE DEPARTMENT OF CORRECTIONS</u>		
State-wide asbestos removal/encapsulation (90-1-001)		
	Reappropriation	Appropriation

St Bldg Constr Acct			2,500,000
<u>Prior Biennia</u>	<u>Future Biennia</u>		<u>Total</u>
	5,000,000		7,500,000
<u>NEW SECTION, Sec. 284. FOR THE DEPARTMENT OF CORRECTIONS</u>			
Hazardous materials management (90-1-004)			
	Reappropriation	Appropriation	879,000
St Bldg Constr Acct			
<u>Prior Biennia</u>	<u>Future Biennia</u>		<u>Total</u>
	604,000		1,483,000
<u>NEW SECTION, Sec. 285. FOR THE DEPARTMENT OF CORRECTIONS</u>			
WCC and WCCW perimeter security upgrade (90-1-007)			
	Reappropriation	Appropriation	1,652,000
St Bldg Constr Acct			
<u>Prior Biennia</u>	<u>Future Biennia</u>		<u>Total</u>
	3,277,000		4,929,000
<u>NEW SECTION, Sec. 286. FOR THE DEPARTMENT OF CORRECTIONS</u>			
State-wide minor projects (90-1-009)			
	Reappropriation	Appropriation	1,000,000
CEP & RI Acct			4,349,000
St Bldg Constr Acct			
<u>Prior Biennia</u>	<u>Future Biennia</u>		<u>Total</u>
	8,000,000		13,349,000
<u>NEW SECTION, Sec. 287. FOR THE DEPARTMENT OF CORRECTIONS</u>			
State-wide small repairs and improvements (90-1-010)			
	Reappropriation	Appropriation	756,000
St Bldg Constr Acct			
<u>Prior Biennia</u>	<u>Future Biennia</u>		<u>Total</u>
			756,000
<u>NEW SECTION, Sec. 288. FOR THE DEPARTMENT OF CORRECTIONS</u>			
State-wide emergency repairs projects (90-1-013)			
	Reappropriation	Appropriation	750,000
CEP & RI Acct			
<u>Prior Biennia</u>	<u>Future Biennia</u>		<u>Total</u>
	1,500,000		2,250,000
<u>NEW SECTION, Sec. 289. FOR THE DEPARTMENT OF CORRECTIONS</u>			
Washington Corrections Center Reception Center upgrade (90-2-012)			
	Reappropriation	Appropriation	26,000
CEP & RI Acct			236,000
St Bldg Constr Acct			
<u>Prior Biennia</u>	<u>Future Biennia</u>		<u>Total</u>
	14,400,000		14,662,000
<u>NEW SECTION, Sec. 290. FOR THE DEPARTMENT OF CORRECTIONS</u>			
WSP—Expand medium security complex (MSC) industries building (90-2-016)			
	Reappropriation	Appropriation	1,213,000
St Bldg Constr Acct			
<u>Prior Biennia</u>	<u>Future Biennia</u>		<u>Total</u>
			1,213,000
<u>NEW SECTION, Sec. 291. FOR THE DEPARTMENT OF CORRECTIONS</u>			
State-wide roof repair (90-3-011)			
	Reappropriation	Appropriation	1,500,000
St Bldg Constr Acct			
<u>Prior Biennia</u>	<u>Future Biennia</u>		<u>Total</u>
			1,500,000
<u>NEW SECTION, Sec. 292. FOR THE DEPARTMENT OF CORRECTIONS</u>			
Community corrections preplanning for construction—Work release (90-4-005)			
	Reappropriation	Appropriation	218,000
CEP & RI Acct			
<u>Prior Biennia</u>	<u>Future Biennia</u>		<u>Total</u>
	7,790,000		8,008,000
<u>NEW SECTION, Sec. 293. FOR THE DEPARTMENT OF EMPLOYMENT SECURITY</u>			
Port Angeles—Job Service Center (90-2-001)			
	Reappropriation	Appropriation	900,000
Unemploy Comp Admin—State			
<u>Prior Biennia</u>	<u>Future Biennia</u>		<u>Total</u>
			900,000

PART 3
NATURAL RESOURCES

NEW SECTION, Sec. 301. FOR THE WASHINGTON STATE ENERGY OFFICE

Energy conservation projects (90-4-001)

The appropriation in this section is subject to the following conditions and limitations: The department shall contract with the following agencies for the amounts specified to undertake energy conservation projects. Each contract shall require the agencies listed below to deposit into the energy conservation account an amount equal to the contract amount. The payback period shall be determined by the department, but shall not exceed six years.

(1) No more than \$1,033,000 shall be expended for energy conservation projects for Military Department facilities;

(2) No more than \$361,600 shall be expended for energy conservation projects for the department of social and health services;

(3) No more than \$552,000 shall be expended for energy conservation projects for The Evergreen State College.

	Reappropriation	Appropriation
St Bldg Constr Acct		1,946,600
<u>Prior Biennia</u>		<u>Total</u>
	<u>Future Biennia</u>	4,145,600
	2,199,000	

NEW SECTION, Sec. 302. FOR THE DEPARTMENT OF ECOLOGY

Referendum 26—Waste disposal facilities; special program, state-wide (74-5-004)

The appropriation in this section is subject to the following conditions and limitations: In making grants or loans from this appropriation for waste reduction and recycling projects, the department shall give priority to food and yard wastes projects.

	Reappropriation	Appropriation
LIRA—Waste Disp Fac	23,753,701	
<u>Prior Biennia</u>		<u>Total</u>
	<u>Future Biennia</u>	230,777,304
	207,023,603	

NEW SECTION, Sec. 303. FOR THE DEPARTMENT OF ECOLOGY

Referendum 27 and 38—Water supply facilities; special program, state-wide (74-5-006)

The appropriation in this section is subject to the following conditions and limitations: A maximum of \$75,000 of this reappropriation may be expended for modification of the gate on the Lake Osoyoos international water control structure authorized by chapter 76, Laws of 1982.

	Reappropriation	Appropriation
LIRA Water Sup Fac	29,423,518	
<u>Prior Biennia</u>		<u>Total</u>
	<u>Future Biennia</u>	67,000,635
	25,812,996	

NEW SECTION, Sec. 304. FOR THE DEPARTMENT OF ECOLOGY

State emergency water project revolving account; special program, state-wide (76-5-003)

	Reappropriation	Appropriation
St Emer Water Proj Rev	4,003,787	
<u>Prior Biennia</u>		<u>Total</u>
	<u>Future Biennia</u>	22,188,089
	14,096,717	

NEW SECTION, Sec. 305. FOR THE DEPARTMENT OF ECOLOGY

Padilla Bay Research Reserve—Land acquisition/special program (80-2-002)

	Reappropriation	Appropriation
General Fund—Federal	112,362	
<u>Prior Biennia</u>		<u>Total</u>
	<u>Future Biennia</u>	1,313,539
	1,201,177	

NEW SECTION, Sec. 306. FOR THE DEPARTMENT OF ECOLOGY

Referendum 39—Waste disposal facilities, 1980; special program, state-wide (82-5-005)

The appropriation in this section is subject to the following conditions and limitations:

(1) No expenditure from this appropriation shall be made for any grant valued over fifty million dollars to a city or county for solid waste disposal facilities unless the following conditions are met:

(a) The city or county agrees to comply with all the terms of the grant contract between the city or county and the department of ecology;

(b) The city or county agrees to implement curbside collection of recyclable materials as prescribed in the grant contract; and

(c) The city or county does not begin construction of the solid waste disposal facility until it has obtained a permit for prevention of significant deterioration as required by the federal clean air act.

(2) In making grants or loans from this appropriation for waste reduction and recycling projects, the department shall give priority to food and yard waste projects.

	Reappropriation	Appropriation
LIRA Waste Fac—1980	126,900,046	
<u>Prior Biennia</u>		<u>Total</u>
	<u>Future Biennia</u>	451,870,946
	324,970,900	

NEW SECTION. Sec. 307. FOR THE DEPARTMENT OF ECOLOGY

Water quality account: special programs, state-wide (86-5-007)

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

(1) In awarding grants, extending grant payments, or making loans from this appropriation for facilities that discharge directly into marine waters, the department shall:

(a) Give first priority to secondary wastewater treatment facilities that are mandated by both federal and state law;

(b) Give second priority to projects that reduce combined sewer overflows; and

(c) Encourage economies that are derived from any simultaneous projects that achieve the purposes of both (a) and (b) of this subsection.

(2) The following limitations shall apply to the department's total distribution of funds appropriated under this section:

(a) Not more than fifty percent for water pollution control facilities which discharge directly into marine waters;

(b) Not more than twenty percent for water pollution control activities that prevent or mitigate pollution of underground waters and facilities that protect federally designated sole source aquifers with at least two-thirds for the Spokane-Rathdrum Prairie aquifer;

(c) Not more than ten percent for water pollution control activities that protect freshwater lakes and rivers including but not limited to Lake Chelan and the Yakima and Columbia rivers;

(d) Not more than ten percent for activities which control nonpoint source water pollution;

(e) Ten percent and such sums as may be remaining from the categories specified in (a) through (d) of this subsection for water pollution control activities or facilities as determined by the department.

(3) In determining compliance schedules for the greatest reasonable reduction of combined sewer overflows, the department shall consider the amount of grant or loan moneys available to assist local governments in the planning, design, acquisition, construction, and improvement of combined sewer overflow facilities.

Water Quality Acct	Reappropriation	Appropriation
	67,050,663	112,529,625
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
8,838,172	177,177,999	365,596,459

NEW SECTION. Sec. 308. FOR THE STATE PARKS AND RECREATION COMMISSION

Yakima Greenway acquisition (81-3-098)

ORA—State	Reappropriation	Appropriation
	75,272	
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
17,795		93,067

NEW SECTION. Sec. 309. FOR THE STATE PARKS AND RECREATION COMMISSION

State-wide—Water supply facilities (86-1-002)

St Bldg Constr Acct	Reappropriation	Appropriation
	380,062	
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
684,584		1,064,646

NEW SECTION. Sec. 310. FOR THE STATE PARKS AND RECREATION COMMISSION

State-wide—Sewage treatment facilities (86-1-003)

LIRA Waste Fac—1980	Reappropriation	Appropriation
	309,103	
St Bldg Constr Acct		
	50,000	
ORA—Federal		
	23,049	
ORA—State		
	24,024	
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
359,335		765,511

NEW SECTION. Sec. 311. FOR THE STATE PARKS AND RECREATION COMMISSION

State-wide—Boating repairs (86-1-020)

St Bldg Constr Acct	Reappropriation	Appropriation
	12,000	
ORA—State		
	72,577	
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
330,274		414,851

NEW SECTION. Sec. 312. FOR THE STATE PARKS AND RECREATION COMMISSION

State-wide—Boating renovation (86-1-021)

St Bldg Constr Acct	Reappropriation	Appropriation
	2,901	
ORA—State		
	68,323	
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
62,280		133,504

NEW SECTION. Sec. 313. FOR THE STATE PARKS AND RECREATION COMMISSION

Beacon Rock—Replace floats and piling, renovate shear boom (86-1-022)		
	Reappropriation	Appropriation
ORA—Federal	6,000	
ORA—State	46,651	
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
235,509		288,160
NEW SECTION, Sec. 314. FOR THE STATE PARKS AND RECREATION COMMISSION		
State-wide—Energy conservation and landscape repairs (86-1-026)		
	Reappropriation	Appropriation
St Bldg Constr Acct	116,827	
ORA—State	3,479	
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
155,752		276,058
NEW SECTION, Sec. 315. FOR THE STATE PARKS AND RECREATION COMMISSION		
State-wide—Energy conservation and landscape renovation (86-1-027)		
	Reappropriation	Appropriation
St Bldg Constr Acct	135,222	
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
351,998		487,220
NEW SECTION, Sec. 316. FOR THE STATE PARKS AND RECREATION COMMISSION		
Iron Horse—Trail safety and bridge repair/acquisition (86-1-030)		
The appropriations in this section are subject to the following conditions and limitations: Unless House Bill No. 1512 is enacted by June 30, 1989, with an initial appropriation for this project from the trust land purchase account, the reappropriation from the trust land purchase account in this section shall be null and void.		
	Reappropriation	Appropriation
St Bldg Constr Acct	63,591	
Trust Land Pur Acct	200,000	
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
144,123		407,714
NEW SECTION, Sec. 317. FOR THE STATE PARKS AND RECREATION COMMISSION		
Fort Worden—Point Wilson bank protection, phase 2 (86-1-032)		
	Reappropriation	Appropriation
St Bldg Constr Acct	85,000	
ORA—Federal	73,663	
ORA—State	95,204	
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
43,133	124,600	421,600
NEW SECTION, Sec. 318. FOR THE STATE PARKS AND RECREATION COMMISSION		
State-wide—Boating improvements (86-3-005)		
	Reappropriation	Appropriation
ORA—Federal	36,700	
ORA—State	57,000	
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
115,300		209,000
NEW SECTION, Sec. 319. FOR THE STATE PARKS AND RECREATION COMMISSION		
Mount Spokane—Entrance road development (86-3-034)		
	Reappropriation	Appropriation
Mot Veh Fund	8,003	
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
169,830		177,833
NEW SECTION, Sec. 320. FOR THE STATE PARKS AND RECREATION COMMISSION		
West Hylebos—Acquisition and development (86-4-013)		
	Reappropriation	Appropriation
St Bldg Constr Acct	195,595	
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
177		195,772
NEW SECTION, Sec. 321. FOR THE STATE PARKS AND RECREATION COMMISSION		
Ilahaee—Replace breakwater, ramps (87-1-024)		
	Reappropriation	Appropriation
ORA—Federal	6,534	
ORA—State	15,289	
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
196,355		218,178
NEW SECTION, Sec. 322. FOR THE STATE PARKS AND RECREATION COMMISSION		
Sacaajawea—Boat launch reconstruction (87-1-025)		
	Reappropriation	Appropriation
ORA—State	14,207	

	<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
	127,513		141,720
	<u>NEW SECTION. Sec. 323. FOR THE STATE PARKS AND RECREATION COMMISSION</u>		
	Lake Sylvia—Dam safety renovation and repair, phase 2 (87-1-028)		
		Reappropriation	Appropriation
St Bldg Constr Acct		5,802	165,000
	<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
	136,198		307,000
	<u>NEW SECTION. Sec. 324. FOR THE STATE PARKS AND RECREATION COMMISSION</u>		
	Kopachuck—Shoreline protection (87-1-031)		
		Reappropriation	Appropriation
ORA—State		43,889	
	<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
	58,000		101,889
	<u>NEW SECTION. Sec. 325. FOR THE STATE PARKS AND RECREATION COMMISSION</u>		
	Moran—Mountain Lake CCC building renovation (87-1-049)		
		Reappropriation	Appropriation
St Bldg Constr Acct		149,999	
	<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
	6,000		155,999
	<u>NEW SECTION. Sec. 326. FOR THE STATE PARKS AND RECREATION COMMISSION</u>		
	Deception Pass—Renovate CCC buildings 2 and 3, Rosario (87-1-050)		
		Reappropriation	Appropriation
St Bldg Constr Acct		200,014	
	<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
	7,400		207,414
	<u>NEW SECTION. Sec. 327. FOR THE STATE PARKS AND RECREATION COMMISSION</u>		
	Fort Worden—Phased weatherization of facilities (87-2-016)		
		Reappropriation	Appropriation
St Bldg Constr Acct		160,088	
	<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
	289,912		450,000
	<u>NEW SECTION. Sec. 328. FOR THE STATE PARKS AND RECREATION COMMISSION</u>		
	Flaming geyser—Bridge relocation and installation, phase 2 (87-2-029)		
		Reappropriation	Appropriation
St Bldg Constr Acct			31,000
ORA—Federal		180,272	
ORA—State		171,897	
	<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
	10,728	625,000	1,018,897
	<u>NEW SECTION. Sec. 329. FOR THE STATE PARKS AND RECREATION COMMISSION</u>		
	Covenant Beach—Acquisition and relocation (87-2-039)		
		Reappropriation	Appropriation
St Bldg Constr Acct		94,520	
	<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
	169,416		263,936
	<u>NEW SECTION. Sec. 330. FOR THE STATE PARKS AND RECREATION COMMISSION</u>		
	Auburn Game Farm—Initial park development (87-3-012)		
		Reappropriation	Appropriation
St Bldg Constr Acct		451,922	
	<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
	77,246		529,168
	<u>NEW SECTION. Sec. 331. FOR THE STATE PARKS AND RECREATION COMMISSION</u>		
	Green River Gorge—Acquisition, phased project (87-5-010)		
		Reappropriation	Appropriation
St Bldg Constr Acct		596,306	263,000
	<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
	395,694		1,255,000
	<u>NEW SECTION. Sec. 332. FOR THE STATE PARKS AND RECREATION COMMISSION</u>		
	State-wide—Potable water supply, omnibus facility contingency (88-1-002)		
		Reappropriation	Appropriation
St Bldg Constr Acct		65,085	
LIRA—Water Sup Fac		43,404	
	<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
	36,511		145,000
	<u>NEW SECTION. Sec. 333. FOR THE STATE PARKS AND RECREATION COMMISSION</u>		
	State-wide—Potable water supply, omnibus minor projects (88-1-003)		

	Reappropriation	Appropriation
St Bldg Constr Acct	366,115	
LIRA—Water Sup Fac	244,000	
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
82,885		693,000
<u>NEW SECTION, Sec. 334. FOR THE STATE PARKS AND RECREATION COMMISSION</u>		
Sequim Bay—Reservoir cover (88-1-004)		
	Reappropriation	Appropriation
St Bldg Constr Acct	23,415	
LIRA—Water Sup Fac	23,000	
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
85,585		132,000
<u>NEW SECTION, Sec. 335. FOR THE STATE PARKS AND RECREATION COMMISSION</u>		
Sequim Bay—Renovate park water system (88-1-005)		
	Reappropriation	Appropriation
St Bldg Constr Acct	45,517	
LIRA—Water Sup Fac	30,345	
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
114,138		190,000
<u>NEW SECTION, Sec. 336. FOR THE STATE PARKS AND RECREATION COMMISSION</u>		
Moran—Renovate potable water system (88-1-006)		
	Reappropriation	Appropriation
St Bldg Constr Acct	153,000	
LIRA—Water Sup Fac	101,358	
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
28,642		283,000
<u>NEW SECTION, Sec. 337. FOR THE STATE PARKS AND RECREATION COMMISSION</u>		
State-wide—Sewer facilities, omnibus facility contingency (88-1-007)		
	Reappropriation	Appropriation
LIRA Waste Fac—1980	153,657	
St Bldg Constr Acct	51,520	
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
92,823		298,000
<u>NEW SECTION, Sec. 338. FOR THE STATE PARKS AND RECREATION COMMISSION</u>		
State-wide—Sewer facilities, omnibus minor projects (88-1-008)		
	Reappropriation	Appropriation
LIRA Waste Fac—1980	225,998	
St Bldg Constr Acct	75,333	
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
34,669		336,000
<u>NEW SECTION, Sec. 339. FOR THE STATE PARKS AND RECREATION COMMISSION</u>		
State-wide—Boat pumpout facilities (88-1-009)		
	Reappropriation	Appropriation
LIRA Waste Fac—1980	30,712	
St Bldg Constr Acct	440,235	1,000,000
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
78,053		1,549,000
<u>NEW SECTION, Sec. 340. FOR THE STATE PARKS AND RECREATION COMMISSION</u>		
Ocean City—Connect to municipal sewer system (88-1-010)		
	Reappropriation	Appropriation
LIRA Waste Fac—1980	276,084	
St Bldg Constr Acct	93,000	
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
12,916		382,000
<u>NEW SECTION, Sec. 341. FOR THE STATE PARKS AND RECREATION COMMISSION</u>		
State-wide—Boat traffic control markers and devices (88-1-013)		
	Reappropriation	Appropriation
ORA—State	42,604	
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
67,396		110,000
<u>NEW SECTION, Sec. 342. FOR THE STATE PARKS AND RECREATION COMMISSION</u>		
St. Edward—Main electrical code compliance (88-1-027)		
	Reappropriation	Appropriation
St Bldg Constr Acct	103,000	
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
21,000		124,000
<u>NEW SECTION, Sec. 343. FOR THE STATE PARKS AND RECREATION COMMISSION</u>		
Fort Worden—Electrical service renovation to 7.200 volts (88-1-030)		

St Bldg Constr Acct	Reappropriation	Appropriation
	299,036	
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
25,964		325,000
<u>NEW SECTION, Sec. 344. FOR THE STATE PARKS AND RECREATION COMMISSION</u>		
St Edward: Lighted entrance trail and comfort station (88-1-041)	Reappropriation	Appropriation
		222,000
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
		222,000
<u>NEW SECTION, Sec. 345. FOR THE STATE PARKS AND RECREATION COMMISSION</u>		
State-wide—Boating facilities, omnibus facilities contingency (88-2-011)	Reappropriation	Appropriation
	176,846	
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
44,154		221,000
<u>NEW SECTION, Sec. 346. FOR THE STATE PARKS AND RECREATION COMMISSION</u>		
State-wide—Boating facilities, omnibus minor projects (88-2-012)	Reappropriation	Appropriation
	647,581	
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
321,419		969,000
<u>NEW SECTION, Sec. 347. FOR THE STATE PARKS AND RECREATION COMMISSION</u>		
Centennial facilities—Contingency request (88-2-020)	Reappropriation	Appropriation
	5,000	
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
35,000		40,000
<u>NEW SECTION, Sec. 348. FOR THE STATE PARKS AND RECREATION COMMISSION</u>		
Fort Columbia—Renovate historic buildings/Chinook displays (88-2-021)	Reappropriation	Appropriation
	57,000	
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
41,000		98,000
<u>NEW SECTION, Sec. 349. FOR THE STATE PARKS AND RECREATION COMMISSION</u>		
State-wide—Park facilities renovation, omnibus facilities contingency (88-2-025)	Reappropriation	Appropriation
	288,734	
St Bldg Constr Acct		
LIRA, Pub Rec Fac	31,077	
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
344,266		664,077
<u>NEW SECTION, Sec. 350. FOR THE STATE PARKS AND RECREATION COMMISSION</u>		
Camp Wooten—Replace men's comfort station #23, add showers (88-2-041)	Reappropriation	Appropriation
		157,000
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
	109,700	266,700
<u>NEW SECTION, Sec. 351. FOR THE STATE PARKS AND RECREATION COMMISSION</u>		
Bogachiel—Campsite and day use renovation (88-2-058)	Reappropriation	Appropriation
	11,560	
General Fund—State		
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
3,440		15,000
<u>NEW SECTION, Sec. 352. FOR THE STATE PARKS AND RECREATION COMMISSION</u>		
Fort Worden—Ballon Hanger, replace roof, renovate interior (88-3-023)	Reappropriation	Appropriation
	213,000	
General Fund—Local/Private		
St Bldg Constr Acct	195,000	
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
86,000		494,000
<u>NEW SECTION, Sec. 353. FOR THE STATE PARKS AND RECREATION COMMISSION</u>		
Camano Island—Point Lowell road relocation (88-3-043)	Reappropriation	Appropriation
	157,513	
St Bldg Constr Acct		
Mot Veh Fund		619,000
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
44,487		821,000
<u>NEW SECTION, Sec. 354. FOR THE STATE PARKS AND RECREATION COMMISSION</u>		

Chief Timothy—Boat launch expansion (88-5-014)		
	Reappropriation	Appropriation
ORA—State	207,000	
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
23,000		230,000
<u>NEW SECTION. Sec. 355. FOR THE STATE PARKS AND RECREATION COMMISSION</u>		
Moses Lake—Boat launch with parking and comfort station (88-5-016)		
	Reappropriation	Appropriation
ORA—State	181,000	
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
11,000		192,000
<u>NEW SECTION. Sec. 356. FOR THE STATE PARKS AND RECREATION COMMISSION</u>		
State-wide—Acquisition/dev. river access, phased project (88-5-017)		
Sixty thousand dollars of this reappropriation is subject to initial appropriation in HB 1512.		
	Reappropriation	Appropriation
ORA—State	197,872	
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
73,128		271,000
<u>NEW SECTION. Sec. 357. FOR THE STATE PARKS AND RECREATION COMMISSION</u>		
Maryhill—Development (88-5-035)		
	Reappropriation	Appropriation
St Bldg Constr Acct	1,025,798	
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
50,202		1,076,000
<u>NEW SECTION. Sec. 358. FOR THE STATE PARKS AND RECREATION COMMISSION</u>		
Ocean beaches—Acquisition of ocean beaches, phased project (88-5-036)		
	Reappropriation	Appropriation
St Bldg Constr Acct	447,220	200,000
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
102,780		750,000
<u>NEW SECTION. Sec. 359. FOR THE STATE PARKS AND RECREATION COMMISSION</u>		
Mount Spokane—Winter recreation facilities (88-5-041)		
	Reappropriation	Appropriation
St Bldg Constr Acct	12,000	
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
71,000		83,000
<u>NEW SECTION. Sec. 360. FOR THE STATE PARKS AND RECREATION COMMISSION</u>		
Ft Worden: 30-unit campground (88-5-056)		
	Reappropriation	Appropriation
St Bldg Constr Acct		380,000
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
		380,000
<u>NEW SECTION. Sec. 361. FOR THE STATE PARKS AND RECREATION COMMISSION</u>		
Crystal Falls—Acquisition and development phase 2 (88-5-057)		
	Reappropriation	Appropriation
St Bldg Constr Acct	31,464	
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
128,536	329,600	489,600
<u>NEW SECTION. Sec. 362. FOR THE STATE PARKS AND RECREATION COMMISSION</u>		
Blake Island—Fire protection system, concession building (89-1-050)		
	Reappropriation	Appropriation
St Bldg Constr Acct		119,000
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
		119,000
<u>NEW SECTION. Sec. 363. FOR THE STATE PARKS AND RECREATION COMMISSION</u>		
State-wide—Omnibus minor projects—Water supply/irrigation (89-1-101)		
	Reappropriation	Appropriation
St Bldg Constr Acct		275,000
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
		275,000
<u>NEW SECTION. Sec. 364. FOR THE STATE PARKS AND RECREATION COMMISSION</u>		
State-wide—Omnibus minor projects—Sanitary facilities (89-1-102)		
	Reappropriation	Appropriation
St Bldg Constr Acct		152,000
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
	193,900	345,900
<u>NEW SECTION. Sec. 365. FOR THE STATE PARKS AND RECREATION COMMISSION</u>		
State-wide—Omnibus minor projects—Electrical (89-1-103)		

	Reappropriation	Appropriation
St Bldg Constr Acct		231,000
ORA—State		63,700
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
		294,700
<u>NEW SECTION, Sec. 366. FOR THE STATE PARKS AND RECREATION COMMISSION</u>		
Moran—Renovate mountain lake dam (89-1-110)		
	Reappropriation	Appropriation
St Bldg Constr Acct		144,000
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
		144,000
<u>NEW SECTION, Sec. 367. FOR THE STATE PARKS AND RECREATION COMMISSION</u>		
State-wide—Compliance with safe drinking water act (89-1-116)		
	Reappropriation	Appropriation
St Bldg Constr Acct		441,000
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
		441,000
<u>NEW SECTION, Sec. 368. FOR THE STATE PARKS AND RECREATION COMMISSION</u>		
Camp Woolen—Sewage renovation, phase 2 (89-1-122)		
	Reappropriation	Appropriation
St Bldg Constr Acct		138,000
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
		138,000
<u>NEW SECTION, Sec. 369. FOR THE STATE PARKS AND RECREATION COMMISSION</u>		
Sacajawea—Modify river floats, revise piling anchorage system (89-1-129)		
	Reappropriation	Appropriation
ORA—State		192,000
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
		192,000
<u>NEW SECTION, Sec. 370. FOR THE STATE PARKS AND RECREATION COMMISSION</u>		
State-wide—Asbestos removal—Forts Worden, Flagler, Columbia (89-1-134)		
	Reappropriation	Appropriation
St Bldg Constr Acct		150,000
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
		150,000
<u>NEW SECTION, Sec. 371. FOR THE STATE PARKS AND RECREATION COMMISSION</u>		
State-wide—Omnibus minor projects—Boating/marine construction (89-2-106)		
	Reappropriation	Appropriation
St Bldg Constr Acct		179,250
ORA—State		674,050
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
		853,300
<u>NEW SECTION, Sec. 372. FOR THE STATE PARKS AND RECREATION COMMISSION</u>		
State-wide—Omnibus minor projects—General construction (89-2-107)		
	Reappropriation	Appropriation
St Bldg Constr Acct		560,000
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
	858,000	1,418,000
<u>NEW SECTION, Sec. 373. FOR THE STATE PARKS AND RECREATION COMMISSION</u>		
State-wide—Omnibus minor projects—Specialized construction (89-2-109)		
	Reappropriation	Appropriation
St Bldg Constr Acct		219,000
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
		219,000
<u>NEW SECTION, Sec. 374. FOR THE STATE PARKS AND RECREATION COMMISSION</u>		
Lake Sammamish—Boat launch repairs (89-2-139)		
	Reappropriation	Appropriation
ORA—State		114,000
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
		114,000
<u>NEW SECTION, Sec. 375. FOR THE STATE PARKS AND RECREATION COMMISSION</u>		
State-wide—Omnibus minor projects—Site/environment/protection (89-3-104)		
	Reappropriation	Appropriation
St Bldg Constr Acct		300,000
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
		300,000
<u>NEW SECTION, Sec. 376. FOR THE STATE PARKS AND RECREATION COMMISSION</u>		
State-wide—Omnibus minor projects—Acquisition (89-3-105)		

St Bldg Constr Acct	Reappropriation	Appropriation
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
	140,700	115,000
NEW SECTION, Sec. 377. FOR THE STATE PARKS AND RECREATION COMMISSION		
State-wide—Omnibus minor projects—Weatherproofing (89-3-108)		
St Bldg Constr Acct	Reappropriation	Appropriation
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
		167,000
NEW SECTION, Sec. 378. FOR THE STATE PARKS AND RECREATION COMMISSION		
Fort Worden—Rebuild boat launch breakwater, dredge marina (89-3-135)		
ORA—State	Reappropriation	Appropriation
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
		315,000
NEW SECTION, Sec. 379. FOR THE STATE PARKS AND RECREATION COMMISSION		
Larabee—Acquisition of Clayton Beach (89-5-002)		
St Bldg Constr Acct	Reappropriation	Appropriation
ORA—Federal	342,000	
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
1,258,000		1,740,540
NEW SECTION, Sec. 380. FOR THE STATE PARKS AND RECREATION COMMISSION		
Hood Canal—Acquisition of property, phase 2 (89-5-111)		
St Bldg Constr Acct	Reappropriation	Appropriation
ORA—State	49,681	
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
319		503,000
NEW SECTION, Sec. 381. FOR THE STATE PARKS AND RECREATION COMMISSION		
Spokane Centennial Trail—Acquisition/Initial development (89-5-112)		
St Bldg Constr Acct	Reappropriation	Appropriation
ORA—Federal		120,000
General Fund—Federal	3,589,620	119,000
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
10,380		3,839,000
NEW SECTION, Sec. 382. FOR THE STATE PARKS AND RECREATION COMMISSION		
Fort Casey—Acquisition of keystone spit, phase 2 (89-5-113)		
St Bldg Constr Acct	Reappropriation	Appropriation
ORA—Federal	198,780	
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
301,220		707,000
NEW SECTION, Sec. 383. FOR THE STATE PARKS AND RECREATION COMMISSION		
Belfair—Acquisition of adjoining property, phase 2 (89-5-114)		
St Bldg Constr Acct	Reappropriation	Appropriation
ORA—Federal	29,000	
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
21,000		270,000
NEW SECTION, Sec. 384. FOR THE STATE PARKS AND RECREATION COMMISSION		
Fort Canby—Initial development, Beards Hollow (89-5-115)		
St Bldg Constr Acct	Reappropriation	Appropriation
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
		289,000
NEW SECTION, Sec. 385. FOR THE STATE PARKS AND RECREATION COMMISSION		
Snohomish Centennial Trail		
The appropriation in this section is subject to the following conditions and limitations: This appropriation is provided solely for the Snohomish County parks department to purchase and develop the railroad right-of-way from Snohomish to Arlington. No portion of this appropriation may be expended unless an amount from nonstate sources equal to the amount of this appropriation is provided for the project.		
St Bldg Constr Acct	Reappropriation	Appropriation
		1,100,000

<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
		1,100,000
<u>NEW SECTION, Sec. 386. FOR THE STATE PARKS AND RECREATION COMMISSION</u>		
Spokane Centennial Trail—Initial development "The Islands" (89-5-166)		
	Reappropriation	Appropriation
St Bldg Constr Acct		250,000
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
		250,000
<u>NEW SECTION, Sec. 387. FOR THE STATE PARKS AND RECREATION COMMISSION</u>		
Ocean Beach OBA—Comfort stations and parking at four locations (89-5-120)		
	Reappropriation	Appropriation
St Bldg Constr Acct		342,000
ORA—Federal		316,000
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
		658,000
<u>NEW SECTION, Sec. 388. FOR THE STATE PARKS AND RECREATION COMMISSION</u>		
State-wide—Omnibus facility contingency request (90-1-001)		
	Reappropriation	Appropriation
St Bldg Constr Acct		464,000
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
		464,000
<u>NEW SECTION, Sec. 389. FOR THE STATE PARKS AND RECREATION COMMISSION</u>		
Steamboat Rock—Random camp area, Jones Bay (95-2-182)		
	Reappropriation	Appropriation
St Bldg Constr Acct		150,000
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
		150,000
<u>NEW SECTION, Sec. 390. FOR THE INTERAGENCY COMMITTEE FOR OUTDOOR RECREATION</u>		
Grants to public agencies' recreation projects (90-2-001)		
	Reappropriation	Appropriation
ORA—Federal	150,000	800,000
ORA—State	1,068,604	6,436,000
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
21,513,197	12,000,000	41,967,801
<u>NEW SECTION, Sec. 391. FOR THE DEPARTMENT OF TRADE AND ECONOMIC DEVELOPMENT</u>		
Community economic revitalization board (86-1-001)		
	Reappropriation	Appropriation
St Bldg Constr Acct	5,340,000	
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
19,025,928		24,365,928
<u>NEW SECTION, Sec. 392. FOR THE DEPARTMENT OF TRADE AND ECONOMIC DEVELOPMENT</u>		
Washington Technology Center (88-1-003)		
The appropriation in this section shall be subject to the following conditions and limitations: The moneys from this appropriation shall be transferred to and administered by the University of Washington.		
	Reappropriation	Appropriation
St Bldg Constr Acct	9,600,000	600,000
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
5,302,000		15,502,000
<u>NEW SECTION, Sec. 393. FOR THE DEPARTMENT OF TRADE AND ECONOMIC DEVELOPMENT</u>		
Washington State Agricultural Trade Center—Yakima (88-3-004)		
The appropriation in this section is subject to the following conditions and limitations: Expenditures made under this appropriation shall equal seventy-five percent of the total project design and construction costs and shall not exceed \$6,500,000. The twenty-five percent of actual expenditures for design and construction costs shall be cash from nonstate sources. For purposes of this section nonstate sources does not include state tax credits under chapter 67.28 RCW.		
	Reappropriation	Appropriation
St Bldg Constr Acct	2,300,000	
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
4,200,000		6,500,000
<u>NEW SECTION, Sec. 394. FOR THE DEPARTMENT OF TRADE AND ECONOMIC DEVELOPMENT</u>		
Agricultural Complex—Yakima (89-2-005)		
The appropriation in this section is subject to the following conditions and limitations: Expenditures made under this appropriation shall equal fifty percent of the total project cost consisting of design, construction, remodeling, and rehabilitation of buildings on the property on which the Washington state agricultural trade complex project is located, and shall not		

exceed \$2,000,000. The remaining fifty percent project cost shall be from nonstate sources consisting of cash, equipment, labor, and the value of land and buildings upon which the Washington state agricultural trade complex is located.

St Bldg Constr Acct	Reappropriation	Appropriation
	750,000	
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
1,250,000		2,000,000

NEW SECTION, Sec. 395. FOR THE DEPARTMENT OF TRADE AND ECONOMIC DEVELOPMENT
U.S. Olympic Academy (90-5-001)

The appropriation in this section is subject to the following conditions and limitations:

(1) Expenditures made under this appropriation shall not exceed twenty-five percent of the total project costs.

(2) Not less than seventy-five percent of the total project design and construction costs shall be from nonstate sources consisting of cash and the fair market value of donated property.

(3) This appropriation shall not be used for any operating expenses of the academy or any affiliated organization.

(4) No portion of this appropriation shall be expended until the attorney general has approved the expenditure for compliance with Article 8, section 5 of the Washington Constitution.

(5) Prior to any expenditure from this appropriation, the department shall notify the legal entity that will manage and operate the academy that the legislature does not intend to provide any future operating or capital money for the academy.

St Bldg Constr Acct	Reappropriation	Appropriation
		5,000,000
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
		5,000,000

NEW SECTION, Sec. 396. FOR THE DEPARTMENT OF TRADE AND ECONOMIC DEVELOPMENT
Mt. St. Helens Road and Visitor Center (90-5-002)

The appropriation in this section is subject to the following conditions and limitations:
Expenditures under this appropriation shall not exceed twenty-five percent of the total project cost.

St Bldg Constr Acct	Reappropriation	Appropriation
		5,600,000
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
		5,600,000

NEW SECTION, Sec. 397. FOR THE STATE CONSERVATION COMMISSION
Water quality projects (90-2-001)

Water Quality Acct	Reappropriation	Appropriation
	352,500	2,072,160
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
1,509,500	4,400,000	8,334,160

PART 4

NATURAL RESOURCES - CONTINUED

NEW SECTION, Sec. 401. FOR THE DEPARTMENT OF FISHERIES
Habitat—Salmon enhancement program (77-1-005)

Salmon Enhancement Acct	Reappropriation	Appropriation
	25,000	
St Bldg Constr Acct		921,000
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
4,284,687		5,230,687

NEW SECTION, Sec. 402. FOR THE DEPARTMENT OF FISHERIES
Replacements and alterations (77-2-004)

Fish Cap Proj Acct	Reappropriation	Appropriation
	2,243	
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
3,996,688		3,998,931

NEW SECTION, Sec. 403. FOR THE DEPARTMENT OF FISHERIES
Puget Sound artificial reef construction (79-2-008)

ORA—Federal	Reappropriation	Appropriation
	8,300	
ORA—State		16,600
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
420,550		445,450

NEW SECTION, Sec. 404. FOR THE DEPARTMENT OF FISHERIES
Hood Canal Bridge—Public fishing access (79-2-011)

St Bldg Constr Acct	Reappropriation	Appropriation
	52,000	

<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
442,000		494,000
<u>NEW SECTION, Sec. 405. FOR THE DEPARTMENT OF FISHERIES</u>		
Oakland Bay tideland access design and construction (81-5-014)		
The appropriations in this section are subject to the following conditions and limitations: If not expended by June 30, 1990, the appropriations in this section shall lapse.		
	Reappropriation	Appropriation
St Bldg Constr Acct	11,000	
ORA—Federal	90,000	
ORA—State	79,000	
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
		180,000
<u>NEW SECTION, Sec. 406. FOR THE DEPARTMENT OF FISHERIES</u>		
Health, safety and code compliance (86-1-020)		
	Reappropriation	Appropriation
St Bldg Constr Acct	78,000	850,000
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
371,000	500,000	1,799,000
<u>NEW SECTION, Sec. 407. FOR THE DEPARTMENT OF FISHERIES</u>		
Towhead Island public access—Renovation (86-2-028)		
The appropriations in this section are subject to the following conditions and limitations: If not expended by June 30, 1990, the appropriations in this section shall lapse.		
	Reappropriation	Appropriation
ORA—Federal	20,000	
ORA—State	191,000	
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
		211,000
<u>NEW SECTION, Sec. 408. FOR THE DEPARTMENT OF FISHERIES</u>		
Issaquah Hatchery Interpretative Center (86-2-029)		
The appropriations in this section are subject to the following conditions and limitations: If not expended by June 30, 1990, the appropriations in this section shall lapse.		
	Reappropriation	Appropriation
St Bldg Constr Acct	42,000	
ORA—Federal	53,000	
ORA—State	17,800	
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
17,200		130,000
<u>NEW SECTION, Sec. 409. FOR THE DEPARTMENT OF FISHERIES</u>		
Minor capital projects—Salmon (86-3-022)		
The appropriation in this section is subject to the following conditions and limitations: If not expended by June 30, 1990, the appropriation in this section shall lapse.		
	Reappropriation	Appropriation
St Bldg Constr Acct	116,000	
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
306,000		422,000
<u>NEW SECTION, Sec. 410. FOR THE DEPARTMENT OF FISHERIES</u>		
Minor capital projects—Shellfish (86-3-023)		
	Reappropriation	Appropriation
St Bldg Constr Acct	71,240	
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
376,400		447,640
<u>NEW SECTION, Sec. 411. FOR THE DEPARTMENT OF FISHERIES</u>		
Paving and maintenance—Asphalt ponds (86-3-024)		
	Reappropriation	Appropriation
St Bldg Constr Acct	10,000	
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
285,401		295,401
<u>NEW SECTION, Sec. 412. FOR THE DEPARTMENT OF FISHERIES</u>		
Bremerton public fishing pier—Design and construction (86-3-027)		
The appropriations in this section are subject to the following conditions and limitations: If not expended by June 30, 1990, the appropriations in this section shall lapse.		
	Reappropriation	Appropriation
St Bldg Constr Acct	89,000	
ORA—Federal	410,000	
ORA—State	285,000	
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
36,000		820,000
<u>NEW SECTION, Sec. 413. FOR THE DEPARTMENT OF FISHERIES</u>		

Willapa Hatchery—New main pipeline (86-3-030)		Reappropriation	Appropriation
St Bldg Constr Acct		12,640	
<u>Prior Biennia</u>	<u>Future Biennia</u>		<u>Total</u>
373,000			385,640
<u>NEW SECTION, Sec. 414. FOR THE DEPARTMENT OF FISHERIES</u>			
Patrol seized gear storage (86-3-033)		Reappropriation	Appropriation
St Bldg Constr Acct		5,000	
<u>Prior Biennia</u>	<u>Future Biennia</u>		<u>Total</u>
93,000			98,000
<u>NEW SECTION, Sec. 415. FOR THE DEPARTMENT OF FISHERIES</u>			
Hood Canal boat access development (86-3-035)			
The appropriations in this section are subject to the following conditions and limitations: If not expended by June 30, 1990, the appropriations in this section shall lapse.			
ORA—Federal		Reappropriation	Appropriation
ORA—State		30,000	
<u>Prior Biennia</u>	<u>Future Biennia</u>		<u>Total</u>
		270,000	300,000
<u>NEW SECTION, Sec. 416. FOR THE DEPARTMENT OF FISHERIES</u>			
Hood Canal Smelt Beach acquisition (86-3-036)			
The appropriations in this section are subject to the following conditions and limitations: If not expended by June 30, 1990, the appropriations in this section shall lapse.			
ORA—Federal		Reappropriation	Appropriation
ORA—State		150,000	
<u>Prior Biennia</u>	<u>Future Biennia</u>		<u>Total</u>
		150,000	300,000
<u>NEW SECTION, Sec. 417. FOR THE DEPARTMENT OF FISHERIES</u>			
Point Whitney Beach access acquisition (86-3-037)		Reappropriation	Appropriation
St Bldg Constr Acct			250,000
ORA—Federal		128,000	250,000
ORA—State		127,000	
<u>Prior Biennia</u>	<u>Future Biennia</u>		<u>Total</u>
		150,000	905,000
<u>NEW SECTION, Sec. 418. FOR THE DEPARTMENT OF FISHERIES</u>			
Knappton public access (86-3-038)			
The appropriations in this section are subject to the following conditions and limitations: If not expended by June 30, 1990, the appropriations in this section shall lapse.			
ORA—Federal		Reappropriation	Appropriation
ORA—State		54,000	
<u>Prior Biennia</u>	<u>Future Biennia</u>		<u>Total</u>
		55,000	109,000
<u>NEW SECTION, Sec. 419. FOR THE DEPARTMENT OF FISHERIES</u>			
McAllister—Improvements (88-2-003)		Reappropriation	Appropriation
St Bldg Constr Acct		226,300	
<u>Prior Biennia</u>	<u>Future Biennia</u>		<u>Total</u>
32,700			259,000
<u>NEW SECTION, Sec. 420. FOR THE DEPARTMENT OF FISHERIES</u>			
Minor capital projects—Salmon north (88-2-005)		Reappropriation	Appropriation
St Bldg Constr Acct		8,000	
<u>Prior Biennia</u>	<u>Future Biennia</u>		<u>Total</u>
432,000			440,000
<u>NEW SECTION, Sec. 421. FOR THE DEPARTMENT OF FISHERIES</u>			
Minor capital projects—Salmon south (88-2-006)		Reappropriation	Appropriation
General Fund—Federal		853,000	
St Bldg Constr Acct		362,000	
<u>Prior Biennia</u>	<u>Future Biennia</u>		<u>Total</u>
36,000			1,251,000
<u>NEW SECTION, Sec. 422. FOR THE DEPARTMENT OF FISHERIES</u>			
Minor capital projects—Salmon coast (88-2-007)		Reappropriation	Appropriation

St Bldg Constr Acct		26,000	
<u>Prior Biennia</u>	<u>Future Biennia</u>		<u>Total</u>
166,200			192,200
NEW SECTION, Sec. 423. FOR THE DEPARTMENT OF FISHERIES			
Salmon culture—Repair and replacement (88-2-008)			
	Reappropriation		Appropriation
St Bldg Constr Acct		150,000	
<u>Prior Biennia</u>	<u>Future Biennia</u>		<u>Total</u>
155,000			305,000
NEW SECTION, Sec. 424. FOR THE DEPARTMENT OF FISHERIES			
Concrete ponds—Repair and replacement (88-2-009)			
	Reappropriation		Appropriation
St Bldg Constr Acct		96,000	
<u>Prior Biennia</u>	<u>Future Biennia</u>		<u>Total</u>
707,000			803,000
NEW SECTION, Sec. 425. FOR THE DEPARTMENT OF FISHERIES			
Small repairs and improvements (88-2-019)			
	Reappropriation		Appropriation
General Fund—Federal		159,000	
<u>Prior Biennia</u>	<u>Future Biennia</u>		<u>Total</u>
			159,000
NEW SECTION, Sec. 426. FOR THE DEPARTMENT OF FISHERIES			
Clam and Oyster Beach enhancement (88-5-002)			
	Reappropriation		Appropriation
St Bldg Constr Acct		1,181,000	
<u>Prior Biennia</u>	<u>Future Biennia</u>		<u>Total</u>
32,000	1,200,000		2,413,000
NEW SECTION, Sec. 427. FOR THE DEPARTMENT OF FISHERIES			
Fish protection facilities (88-5-012)			
	Reappropriation		Appropriation
St Bldg Constr Acct		50,000	
<u>Prior Biennia</u>	<u>Future Biennia</u>		<u>Total</u>
154,000	400,000		839,000
NEW SECTION, Sec. 428. FOR THE DEPARTMENT OF FISHERIES			
Columbia River—Fishing access (88-5-014)			
	Reappropriation		Appropriation
St Bldg Constr Acct		186,000	
<u>Prior Biennia</u>	<u>Future Biennia</u>		<u>Total</u>
129,000			315,000
NEW SECTION, Sec. 429. FOR THE DEPARTMENT OF FISHERIES			
Coast and Puget Sound Salmon enhancement (88-5-016)			
	Reappropriation		Appropriation
Salmon Enhancement Acct		2,632,000	
St Bldg Constr Acct			2,500,000
<u>Prior Biennia</u>	<u>Future Biennia</u>		<u>Total</u>
1,388,000	3,750,000		7,770,000
NEW SECTION, Sec. 430. FOR THE DEPARTMENT OF FISHERIES			
Shorefishing access development (88-5-018)			
	Reappropriation		Appropriation
St Bldg Constr Acct		623,000	
<u>Prior Biennia</u>	<u>Future Biennia</u>		<u>Total</u>
250,000	1,273,000		2,596,000
NEW SECTION, Sec. 431. FOR THE DEPARTMENT OF FISHERIES			
South Sound net pen support facility (90-2-007)			
	Reappropriation		Appropriation
St Bldg Constr Acct			343,000
<u>Prior Biennia</u>	<u>Future Biennia</u>		<u>Total</u>
			343,000
NEW SECTION, Sec. 432. FOR THE DEPARTMENT OF FISHERIES			
Humpdulips upgrade intake dam (90-2-010)			
	Reappropriation		Appropriation
St Bldg Constr Acct			213,100
<u>Prior Biennia</u>	<u>Future Biennia</u>		<u>Total</u>
			213,100
NEW SECTION, Sec. 433. FOR THE DEPARTMENT OF FISHERIES			
Salmon culture minor works projects (90-2-011)			
	Reappropriation		Appropriation
St Bldg Constr Acct			655,000

	<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
			655,000
<u>NEW SECTION, Sec. 434. FOR THE DEPARTMENT OF FISHERIES</u>			
Habitat management shop building (90-2-012)			
		Reappropriation	Appropriation
St Bldg Constr Acct			435,000
	<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
			435,000
<u>NEW SECTION, Sec. 435. FOR THE DEPARTMENT OF FISHERIES</u>			
Field services—Minor works (90-2-015)			
		Reappropriation	Appropriation
St Bldg Constr Acct			235,000
	<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
		100,000	335,000
<u>NEW SECTION, Sec. 436. FOR THE DEPARTMENT OF FISHERIES</u>			
Salmon culture—Minor capital (90-2-017)			
		Reappropriation	Appropriation
St Bldg Constr Acct			668,700
	<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
		1,350,000	2,018,700
<u>NEW SECTION, Sec. 437. FOR THE DEPARTMENT OF FISHERIES</u>			
George Adams, water supply (90-2-019)			
		Reappropriation	Appropriation
St Bldg Constr Acct			175,000
	<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
			175,000
<u>NEW SECTION, Sec. 438. FOR THE DEPARTMENT OF FISHERIES</u>			
Iiwaco boat access expansion (90-2-023)			
		Reappropriation	Appropriation
ORA—State			300,000
	<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
			300,000
<u>NEW SECTION, Sec. 439. FOR THE DEPARTMENT OF FISHERIES</u>			
Bonneville pool access expansion (90-2-028)			
		Reappropriation	Appropriation
ORA—State			100,000
	<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
		100,000	200,000
<u>NEW SECTION, Sec. 440. FOR THE DEPARTMENT OF FISHERIES</u>			
Property acquisition (90-3-009)			
		Reappropriation	Appropriation
St Bldg Constr Acct			330,000
	<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
			330,000
<u>NEW SECTION, Sec. 441. FOR THE DEPARTMENT OF FISHERIES</u>			
Shellfish surveys and Point Whitney repairs (90-3-013)			
		Reappropriation	Appropriation
St Bldg Constr Acct			175,000
	<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
		350,000	525,000
<u>NEW SECTION, Sec. 442. FOR THE DEPARTMENT OF FISHERIES</u>			
Point Whitney—Property acquisition (90-3-014)			
		Reappropriation	Appropriation
St Bldg Constr Acct			150,000
	<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
			150,000
<u>NEW SECTION, Sec. 443. FOR THE DEPARTMENT OF FISHERIES</u>			
Strait of Juan De Fuca shoreline acquisition (90-5-025)			
		Reappropriation	Appropriation
ORA—State			350,000
	<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
		200,000	550,000
<u>NEW SECTION, Sec. 444. FOR THE DEPARTMENT OF FISHERIES</u>			
Kingston boat launch development (90-5-027)			
		Reappropriation	Appropriation
ORA—State			100,000
	<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
			100,000

<u>NEW SECTION. Sec. 445. FOR THE DEPARTMENT OF WILDLIFE</u>		
Chehalis Valley HMA acquisition (83-5-021)		
	Reappropriation	Appropriation
Wildlife Acct—State	346,000	
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
		346,000
<u>NEW SECTION. Sec. 446. FOR THE DEPARTMENT OF WILDLIFE</u>		
Lake Goodwin redevelopment (86-2-021)		
	Reappropriation	Appropriation
ORA—State	77,297	
Wildlife Acct—State	8,588	
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
		85,885
<u>NEW SECTION. Sec. 447. FOR THE DEPARTMENT OF WILDLIFE</u>		
Satsop river: Acquisition and redevelopment (86-2-029)		
	Reappropriation	Appropriation
ORA—State	75,000	
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
8,000		83,000
<u>NEW SECTION. Sec. 448. FOR THE DEPARTMENT OF WILDLIFE</u>		
Mineral Lake—Site improvements (86-3-028)		
	Reappropriation	Appropriation
ORA—State	40,346	
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
71,163		111,509
<u>NEW SECTION. Sec. 449. FOR THE DEPARTMENT OF WILDLIFE</u>		
Pipe Lake—Public fishing access (86-4-027)		
	Reappropriation	Appropriation
ORA—State	83,250	
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
		83,250
<u>NEW SECTION. Sec. 450. FOR THE DEPARTMENT OF WILDLIFE</u>		
State-wide boating access development (88-5-014)		
	Reappropriation	Appropriation
Wildlife Acct—Federal	231,375	
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
268,625		500,000
<u>NEW SECTION. Sec. 451. FOR THE DEPARTMENT OF WILDLIFE</u>		
Aberdeen Fish Hatchery expansion (89-5-017)		
	Reappropriation	Appropriation
Game Spec Wildlife Acct	740,000	
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
79,000		819,000
<u>NEW SECTION. Sec. 452. FOR THE DEPARTMENT OF WILDLIFE</u>		
Asbestos abatement health safety and code compliance, phase 1 (90-1-001)		
	Reappropriation	Appropriation
St Bldg Constr Acct		600,000
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
	1,200,000	1,800,000
<u>NEW SECTION. Sec. 453. FOR THE DEPARTMENT OF WILDLIFE</u>		
Public fishing access minor works repair (90-1-014)		
	Reappropriation	Appropriation
Wildlife Acct—Federal		500,000
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
	1,300,000	1,800,000
<u>NEW SECTION. Sec. 454. FOR THE DEPARTMENT OF WILDLIFE</u>		
Emergency repair and replacement (90-2-002)		
	Reappropriation	Appropriation
Wildlife Acct—State	50,000	300,000
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
253,000	900,000	1,503,000
<u>NEW SECTION. Sec. 455. FOR THE DEPARTMENT OF WILDLIFE</u>		
Facility maintenance small repair and improvements (90-2-003)		
	Reappropriation	Appropriation
Wildlife Acct—State		500,000
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
629,000	1,100,000	2,229,000
<u>NEW SECTION. Sec. 456. FOR THE DEPARTMENT OF WILDLIFE</u>		

Hatchery renovation and improvement (90-2-004)		
	Reappropriation	Appropriation
St Bldg Constr Acct		1,150,000
Wildlife Acct—Federal	576,774	1,100,000
Wildlife Acct—State		1,000,000
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
400,000	13,000,000	17,226,774
<u>NEW SECTION, Sec. 457. FOR THE DEPARTMENT OF WILDLIFE</u>		
Redevelopment of public fishing access sites (IAC) (90-2-007)		
	Reappropriation	Appropriation
ORA—State		1,126,000
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
	2,115,000	3,241,000
<u>NEW SECTION, Sec. 458. FOR THE DEPARTMENT OF WILDLIFE</u>		
Development of public fishing access sites (IAC) (90-2-008)		
	Reappropriation	Appropriation
St Bldg Constr Acct		294,000
ORA—State		136,000
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
	300,000	730,000
<u>NEW SECTION, Sec. 459. FOR THE DEPARTMENT OF WILDLIFE</u>		
Wildlife area repair and development (90-2-016)		
	Reappropriation	Appropriation
Wildlife Acct—State		250,000
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
	500,000	750,000
<u>NEW SECTION, Sec. 460. FOR THE DEPARTMENT OF WILDLIFE</u>		
Wells wildlife area repair and improvements (90-2-018)		
	Reappropriation	Appropriation
Game Spec Wildlife Acct	92,000	50,000
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
8,000	100,000	250,000
<u>NEW SECTION, Sec. 461. FOR THE DEPARTMENT OF WILDLIFE</u>		
Administrative Offices Repair and Renovation (90-2-020)		
	Reappropriation	Appropriation
Wildlife Acct—State		575,000
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
		575,000
<u>NEW SECTION, Sec. 462. FOR THE DEPARTMENT OF WILDLIFE</u>		
Regional Office Facilities Relocation - Purchase or Construct (90-2-021)		
	Reappropriation	Appropriation
Wildlife Acct—State		425,000
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
		425,000
<u>NEW SECTION, Sec. 463. FOR THE DEPARTMENT OF WILDLIFE</u>		
Vancouver well (90-2-022)		
	Reappropriation	Appropriation
Wildlife Acct—State	167,203	
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
		167,203
<u>NEW SECTION, Sec. 464. FOR THE DEPARTMENT OF WILDLIFE</u>		
State-wide fencing repair and replacement (90-3-015)		
	Reappropriation	Appropriation
Wildlife Acct—State		1,000,000
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
368,000	2,000,000	3,368,000
<u>NEW SECTION, Sec. 465. FOR THE DEPARTMENT OF WILDLIFE</u>		
Migratory waterfowl habitat acquisition (90-5-005)		
	Reappropriation	Appropriation
Wildlife Acct—State	333,285	350,000
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
62,715	700,000	1,446,000
<u>NEW SECTION, Sec. 466. FOR THE DEPARTMENT OF WILDLIFE</u>		
Acquisition of critical habitat (90-5-006)		
	Reappropriation	Appropriation
Wildlife Acct—State		250,000
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
	500,000	750,000

NEW SECTION, Sec. 467. FOR THE DEPARTMENT OF WILDLIFE

Acquisition of critical water oriented access (IAC) (90-5-009)

Reappropriation

Appropriation

ORA—State

20,250

Wildlife Acct—Federal

100,000

Prior BienniaFuture BienniaTotal

120,250

NEW SECTION, Sec. 468. FOR THE DEPARTMENT OF WILDLIFE

Acquisition of wildlife habitat (90-5-012)

The appropriation in this section is subject to the following conditions and limitations: No moneys may be expended from this appropriation without first selling state-owned land of equal or greater value.

Reappropriation

Appropriation

Wildlife Acct—State

600,000

Prior BienniaFuture BienniaTotal

800,000

1,400,000

NEW SECTION, Sec. 469. FOR THE DEPARTMENT OF WILDLIFE

Migratory waterfowl habitat development (90-5-017)

Reappropriation

Appropriation

Wildlife Acct—State

150,000

300,000

Prior BienniaFuture BienniaTotal

212,000

700,000

1,362,000

NEW SECTION, Sec. 470. FOR THE DEPARTMENT OF WILDLIFE

Habitat enhancement fund (90-5-019)

Reappropriation

Appropriation

Wildlife Acct—Private/local

500,000

Prior BienniaFuture BienniaTotal

1,000,000

1,500,000

PART 5

NATURAL RESOURCES - CONTINUED

NEW SECTION, Sec. 501. FOR THE DEPARTMENT OF NATURAL RESOURCES

Right-of-way acquisition (86-3-001)

Reappropriation

Appropriation

For Dev Acct

213,000

Res Mgmt Cost Acct

577,000

Prior BienniaFuture BienniaTotal

1,646,000

950,000

3,386,000

NEW SECTION, Sec. 502. FOR THE DEPARTMENT OF NATURAL RESOURCES

Unforeseen emergency repairs, irrigation (86-3-002)

Reappropriation

Appropriation

Res Mgmt Cost Acct

200,000

Prior BienniaFuture BienniaTotal

492,000

400,000

1,092,000

NEW SECTION, Sec. 503. FOR THE DEPARTMENT OF NATURAL RESOURCES

Commercial development and electronics (86-3-004)

Reappropriation

Appropriation

Res Mgmt Cost Acct

420,000

Prior BienniaFuture BienniaTotal

20,000

400,000

840,000

NEW SECTION, Sec. 504. FOR THE DEPARTMENT OF NATURAL RESOURCES

Recreation sites renovation (86-3-018)

Reappropriation

Appropriation

ORV Acct

64,200

ORA—State

259,300

Prior BienniaFuture BienniaTotal

399,500

723,000

NEW SECTION, Sec. 505. FOR THE DEPARTMENT OF NATURAL RESOURCES

Aquatic land enhancement (86-3-020)

Reappropriation

Appropriation

Aquatic Lands Acct

1,295,000

4,154,000

Prior BienniaFuture BienniaTotal

962,000

14,400,000

21,697,000

NEW SECTION, Sec. 506. FOR THE DEPARTMENT OF NATURAL RESOURCES

Land bank (86-4-003)

The appropriation in this section is subject to the following conditions and limitations: No moneys may be expended from this appropriation without first selling state-owned land of equal or greater value.

Res Mgmt Cost Acct	Reappropriation	Appropriation
		12,000,000
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
11,440,000	30,000,000	53,440,000

NEW SECTION, Sec. 507. FOR THE DEPARTMENT OF NATURAL RESOURCES
State-wide emergency repairs (88-1-002)

For Dev Acct	Reappropriation	Appropriation
Res Mgmt Cost Acct		8,600
St Bldg Constr Acct		32,300
		18,300
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
54,000	135,900	249,100

NEW SECTION, Sec. 508. FOR THE DEPARTMENT OF NATURAL RESOURCES
State-wide nonemergency repairs (88-2-010)

For Dev Acct	Reappropriation	Appropriation
Res Mgmt Cost Acct		8,700
St Bldg Constr Acct		32,900
		18,700
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
55,000	138,500	253,800

NEW SECTION, Sec. 509. FOR THE DEPARTMENT OF NATURAL RESOURCES
Commercial development/L.I.D. (88-2-020)

Res Mgmt Cost Acct	Reappropriation	Appropriation
		710,000
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
745,000	1,420,000	2,875,000

NEW SECTION, Sec. 510. FOR THE DEPARTMENT OF NATURAL RESOURCES
Timber—Fish—Wildlife (88-2-021)

St Bldg Constr Acct	Reappropriation	Appropriation
	262,500	
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
37,500		300,000

NEW SECTION, Sec. 511. FOR THE DEPARTMENT OF NATURAL RESOURCES
Area office space construction and improvements (88-2-030)

St Bldg Constr Acct	Reappropriation	Appropriation
Res Mgmt Cost Acct		226,000
For Dev Acct		448,000
		174,000
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
	267,000	1,115,000

NEW SECTION, Sec. 512. FOR THE DEPARTMENT OF NATURAL RESOURCES
Natural resources conservation areas (88-2-060)

The appropriations in this section are subject to the following conditions and limitations: If Engrossed House Bill No. 1172 is not enacted by June 30, 1989, \$8,600,000 of the appropriations in this section shall lapse.

Conservation Area Acct	Reappropriation	Appropriation
	3,500,000	8,600,000
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
4,400,000	16,000,000	31,900,000

NEW SECTION, Sec. 513. FOR THE DEPARTMENT OF NATURAL RESOURCES
NAP property purchases (88-2-061)

The appropriations in this section are subject to the following conditions and limitations: If Engrossed House Bill No. 1172 is not enacted by June 30, 1989, \$4,200,000 of the appropriations in this section shall lapse.

Conservation Area Acct	Reappropriation	Appropriation
	890,000	4,200,000
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
3,110,000	8,000,000	16,000,000

NEW SECTION, Sec. 514. FOR THE DEPARTMENT OF NATURAL RESOURCES
Hawks Prairie sewer hookup (88-5-045)

Res Mgmt Cost Acct	Reappropriation	Appropriation
	50,000	
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
150,000		200,000

NEW SECTION, Sec. 515. FOR THE DEPARTMENT OF NATURAL RESOURCES
Seed orchard irrigation (89-2-006)

For Dev Acct	Reappropriation	Appropriation
		19,500

Res Mgmt Cost Acct			45,500
<u>Prior Biennia</u>		<u>Future Biennia</u>	<u>Total</u>
165,000		160,000	390,000
<u>NEW SECTION, Sec. 516. FOR THE DEPARTMENT OF NATURAL RESOURCES</u>			
Management roads (89-2-008)			
		Reappropriation	Appropriation
Res Mgmt Cost Acct		122,400	
<u>Prior Biennia</u>		<u>Future Biennia</u>	<u>Total</u>
233,000			355,400
<u>NEW SECTION, Sec. 517. FOR THE DEPARTMENT OF NATURAL RESOURCES</u>			
Communication site maintenance (89-2-009)			
		Reappropriation	Appropriation
Res Mgmt Cost Acct			150,000
<u>Prior Biennia</u>		<u>Future Biennia</u>	<u>Total</u>
177,000		300,000	627,000
<u>NEW SECTION, Sec. 518. FOR THE DEPARTMENT OF NATURAL RESOURCES</u>			
Real estate improved property minor works (89-2-010)			
		Reappropriation	Appropriation
For Dev Acct			25,000
Res Mgmt Cost Acct			365,000
<u>Prior Biennia</u>		<u>Future Biennia</u>	<u>Total</u>
250,000		780,000	1,420,000
<u>NEW SECTION, Sec. 519. FOR THE DEPARTMENT OF NATURAL RESOURCES</u>			
Recreation site renovation (89-3-001)			
The appropriations in this section are subject to the following conditions and limitations: If not expended by June 30, 1990, the appropriations in this section shall lapse.			
		Reappropriation	Appropriation
St Bldg Constr Acct		550,100	
ORA—State		561,100	
<u>Prior Biennia</u>		<u>Future Biennia</u>	<u>Total</u>
36,800			1,148,000
<u>NEW SECTION, Sec. 520. FOR THE DEPARTMENT OF NATURAL RESOURCES</u>			
Wharf demolition/dock renovation (90-1-403)			
		Reappropriation	Appropriation
Res Mgmt Cost Acct			200,000
<u>Prior Biennia</u>		<u>Future Biennia</u>	<u>Total</u>
			200,000
<u>NEW SECTION, Sec. 521. FOR THE DEPARTMENT OF NATURAL RESOURCES</u>			
Asbestos surveys/removal (90-1-703)			
		Reappropriation	Appropriation
For Dev Acct			35,700
Res Mgmt Cost Acct			49,200
St Bldg Constr Acct			30,000
<u>Prior Biennia</u>		<u>Future Biennia</u>	<u>Total</u>
			114,900
<u>NEW SECTION, Sec. 522. FOR THE DEPARTMENT OF NATURAL RESOURCES</u>			
Environmental cleanup (90-1-704)			
		Reappropriation	Appropriation
For Dev Acct			75,900
Res Mgmt Cost Acct			273,500
St Bldg Constr Acct			235,600
<u>Prior Biennia</u>		<u>Future Biennia</u>	<u>Total</u>
		554,900	1,139,900
<u>NEW SECTION, Sec. 523. FOR THE DEPARTMENT OF NATURAL RESOURCES</u>			
Environmental protection (90-1-706)			
		Reappropriation	Appropriation
For Dev Acct			13,700
Res Mgmt Cost Acct			119,300
St Bldg Constr Acct			151,000
<u>Prior Biennia</u>		<u>Future Biennia</u>	<u>Total</u>
		284,000	568,000
<u>NEW SECTION, Sec. 524. FOR THE DEPARTMENT OF NATURAL RESOURCES</u>			
NE city code compliance (90-1-708)			
		Reappropriation	Appropriation
Res Mgmt Cost Acct			31,500
St Bldg Constr Acct			15,500
<u>Prior Biennia</u>		<u>Future Biennia</u>	<u>Total</u>
			47,000

NEW SECTION, Sec. 525. FOR THE DEPARTMENT OF NATURAL RESOURCES
Regional cold storage (90-2-310)

	Reappropriation	Appropriation
For Dev Acct		150,000
Res Mgmt Cost Acct		362,000
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
	142,000	654,000

NEW SECTION, Sec. 526. FOR THE DEPARTMENT OF NATURAL RESOURCES
Irrigation pipeline replacement (90-2-311)

	Reappropriation	Appropriation
Res Mgmt Cost Acct		532,000
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
	400,000	932,000

NEW SECTION, Sec. 527. FOR THE DEPARTMENT OF NATURAL RESOURCES
Administration sites repairs (90-2-312)

	Reappropriation	Appropriation
Res Mgmt Cost Acct		65,000
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
	130,000	195,000

NEW SECTION, Sec. 528. FOR THE DEPARTMENT OF NATURAL RESOURCES
Bridge and road replacement (90-2-503)

	Reappropriation	Appropriation
ORV Acct		15,000
For Dev Acct		15,000
Res Mgmt Cost Acct		35,000
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
	2,240,000	3,512,000

NEW SECTION, Sec. 529. FOR THE DEPARTMENT OF NATURAL RESOURCES
Compound replacement planning (90-2-705)

	Reappropriation	Appropriation
St Bldg Constr Acct		50,000
Res Mgmt Cost Acct		39,000
For Dev Acct		11,000
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
		100,000

NEW SECTION, Sec. 530. FOR THE DEPARTMENT OF NATURAL RESOURCES
Woodard Bay NRCA fencing dev. (90-3-103)

	Reappropriation	Appropriation
St Bldg Constr Acct		200,000
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
		200,000

NEW SECTION, Sec. 531. FOR THE DEPARTMENT OF NATURAL RESOURCES
Dishman Hills protection dev. (90-3-104)

	Reappropriation	Appropriation
St Bldg Constr Acct		100,000
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
		100,000

NEW SECTION, Sec. 532. FOR THE DEPARTMENT OF NATURAL RESOURCES
Natural area preserves management (90-3-105)

	Reappropriation	Appropriation
St Bldg Constr Acct		150,000
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
	200,000	350,000

NEW SECTION, Sec. 533. FOR THE DEPARTMENT OF NATURAL RESOURCES
Construct and improve recreation sites (90-5-201)

	Reappropriation	Appropriation
ORV Acct		117,000
St Bldg Constr Acct		363,000
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
		480,000

NEW SECTION, Sec. 534. FOR THE DEPARTMENT OF NATURAL RESOURCES
Seattle waterfront phase 1 dev. (90-5-202)

	Reappropriation	Appropriation
ORA—State		750,000
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
	750,000	1,500,000

NEW SECTION, Sec. 535. FOR THE DEPARTMENT OF NATURAL RESOURCES

Woodard Bay health and safety dev. (90-5-203)		
	Reappropriation	Appropriation
St Bldg Constr Acct		250,000
ORA—Federal		250,000
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
		500,000
NEW SECTION, Sec. 536. FOR THE DEPARTMENT OF NATURAL RESOURCES		
Long Lake phase 2 dev. (90-5-204)		
	Reappropriation	Appropriation
ORV Acct		150,000
ORA—State		205,000
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
		355,000
NEW SECTION, Sec. 537. FOR THE DEPARTMENT OF NATURAL RESOURCES		
Geoduck Hatchery (90-5-402)		
	Reappropriation	Appropriation
Res Mgmt Cost Acct		333,927
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
		333,927
NEW SECTION, Sec. 538. FOR THE STATE TRADE AND CONVENTION CENTER		
Washington State Convention and Trade Center (83-5-001)		
	Reappropriation	Appropriation
Conv Cntr Acct		1,000,000
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
35,618,000		36,618,000
NEW SECTION, Sec. 539. FOR THE STATE TRADE AND CONVENTION CENTER		
Project reserves and contingency funds (89-5-001)		
	Reappropriation	Appropriation
Conv Cntr Acct		3,000,000
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
1,765,000		4,765,000
NEW SECTION, Sec. 540. FOR THE STATE TRADE AND CONVENTION CENTER		
Conversion of retail space to meeting rooms (89-5-002)		
	Reappropriation	Appropriation
Conv Cntr Acct		12,250,000
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
750,000		13,000,000
NEW SECTION, Sec. 541. FOR THE STATE TRADE AND CONVENTION CENTER		
Expansion of the nine hundred level (89-5-003)		
	Reappropriation	Appropriation
Conv Cntr Acct		12,750,000
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
550,000		13,300,000
NEW SECTION, Sec. 542. FOR THE STATE TRADE AND CONVENTION CENTER		
Purchase of McKay parcel (89-5-004)		
	Reappropriation	Appropriation
Conv Cntr Acct		10,400,000
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
		10,400,000
NEW SECTION, Sec. 543. FOR THE STATE TRADE AND CONVENTION CENTER		
Eagles building: Exterior cleanup and repair (89-5-005)		
	Reappropriation	Appropriation
Conv Cntr Acct		300,000
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
		300,000
PART 6		
TRANSPORTATION		
NEW SECTION, Sec. 601. FOR THE WASHINGTON STATE PATROL		
Crime laboratory renovation—Seattle (90-2-003)		
	Reappropriation	Appropriation
St Bldg Constr Acct		441,000
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
15,000		456,000
NEW SECTION, Sec. 602. FOR THE WASHINGTON STATE PATROL		
Expand and renovate laboratory—Tacoma (90-2-005)		
	Reappropriation	Appropriation
St Bldg Const Acct		165,200

	<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
	6,000		171,200
<u>NEW SECTION, Sec. 603. FOR THE WASHINGTON STATE PATROL</u>			
Crime laboratory renovation—Spokane (90-2-008)			
		Reappropriation	Appropriation
St Bldg Constr Acct			80,000
	<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
	10,000		90,000
<u>NEW SECTION, Sec. 604. FOR THE WASHINGTON STATE PATROL</u>			
Construct district headquarters—Everett (90-2-018)			
The appropriation in this section is subject to the following conditions and limitations: This appropriation is provided solely for the design and construction of a crime lab facility as part of the new district headquarters.			
		Reappropriation	Appropriation
St Bldg Constr Acct			470,100
	<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
			470,100
<u>NEW SECTION, Sec. 605. FOR THE DEPARTMENT OF TRANSPORTATION</u>			
Acquisition of dredge spoils sites (83-1-001)			
		Reappropriation	Appropriation
St Bldg Constr Acct		2,369,430	
	<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
	2,420,000		4,789,430
<u>NEW SECTION, Sec. 606. FOR THE DEPARTMENT OF TRANSPORTATION</u>			
Retention dam: Green/Toutle River site acquisition (87-1-001)			
		Reappropriation	Appropriation
St Bldg Constr Acct		5,387,043	
	<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
	13,289,430		18,676,473
<u>NEW SECTION, Sec. 607. FOR THE DEPARTMENT OF TRANSPORTATION</u>			
Freight rail assistance and banking (90-5-001)			
The appropriations in this section are subject to the following conditions and limitations:			
(1) \$2,300,000 from the essential rail assistance account appropriation is provided solely for distribution to county rail districts and port districts for the purposes of acquiring, maintaining, or improving branch lines as authorized by chapter 47.76 RCW.			
(2) \$1,100,000 from the essential rail bank account appropriation is provided solely for the purchase of unused rail rights-of-way as authorized by chapter 47.76 RCW.			
(3) Expenditures from these appropriations shall not be made until the department submits a list of the specific railroad rights-of-way that the department proposes to acquire or assist local governments in acquiring to the legislature, as required by House Bill No. 1825, and there is specific legislative approval of each project in a law enacted by the legislature.			
		Reappropriation	Appropriation
Ess Rail Assis Acct			2,300,000
Ess Rail Bank Acct			1,100,000
	<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
			3,400,000
PART 7			
EDUCATION			
<u>NEW SECTION, Sec. 701. FOR THE STATE BOARD OF EDUCATION</u>			
Public school building construction: 1979 (79-3-002)			
		Reappropriation	Appropriation
Common School Constr Fund		500	
	<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
	66,425		66,925
<u>NEW SECTION, Sec. 702. FOR THE STATE BOARD OF EDUCATION</u>			
Public school building construction: 1983 (83-3-001)			
		Reappropriation	Appropriation
Common School Constr Fund		600,000	
	<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
	1,000,000		1,600,000
<u>NEW SECTION, Sec. 703. FOR THE STATE BOARD OF EDUCATION</u>			
Public school building construction: 1985-87 (86-4-001)			
		Reappropriation	Appropriation
Common School Constr Fund		2,500,000	
	<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
	29,500,000		32,000,000
<u>NEW SECTION, Sec. 704. FOR THE STATE BOARD OF EDUCATION</u>			

Planning grants: 1985-87 (86-4-007)

Common School Constr Fund	Reappropriation	Appropriation
	60,000	
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
292,275		352,275

NEW SECTION, Sec. 705. FOR THE STATE BOARD OF EDUCATION
Artwork grants: 1985-87 (86-4-008)

Common School Constr Fund	Reappropriation	Appropriation
	180,000	
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
114,000		294,000

NEW SECTION, Sec. 706. FOR THE STATE BOARD OF EDUCATION
Public school building construction: 1987 (88-2-001)

Common School Constr Fund	Reappropriation	Appropriation
	87,500,000	
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
120,762,000		208,262,000

NEW SECTION, Sec. 707. FOR THE STATE BOARD OF EDUCATION
Darrington school district: New elementary and middle school (89-2-004)

Common School Constr Fund	Reappropriation	Appropriation
	3,000,000	
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
		3,000,000

NEW SECTION, Sec. 708. FOR THE STATE BOARD OF EDUCATION
Public school building construction: 1989 (90-2-001)

The appropriation in this section is subject to the following conditions and limitations:

(1) A maximum of \$1,050,000 may be spent for state administration of school construction funding.

(2) \$66,136,000 is provided solely for modernization projects approved by the state board of education.

(3) The appropriation in this section includes proceeds of the issuance of bonds authorized for deposit in the common school construction fund by chapter 3, Laws of 1987 1st ex. sess., and ten million dollars in additional state bonds authorized by chapter ____, Laws of 1989 (HB ____). Of the proceeds of bonds authorized by chapter ____, Laws of 1989 (HB ____), \$8,000,000, or as much thereof as may be necessary, shall be compensation to the common school construction fund for the sale of timber from common school trust lands sold to the parks and recreation commission pursuant to RCW 43.51.270, and authorized for sale by the legislature prior to January 1, 1989.

(4) If Initiative 102 is not enacted by December 31, 1989, or if Engrossed Substitute Senate Bill No. 5352 as enacted does not contain a transfer of \$45,000,000 from the children's initiative fund—K-12 education account to the common school construction fund, \$45,000,000 of this appropriation shall lapse.

Common School Constr Fund	Reappropriation	Appropriation
		231,500,000
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
		231,500,000

NEW SECTION, Sec. 709. FOR THE STATE BOARD OF EDUCATION

Common school disbursement limit

The appropriations in sections 701 through 708 of this act are subject to the following conditions and limitations:

(1) A maximum of \$276,890,000 from the total of these appropriations may be disbursed during the 1989-91 biennium. If Initiative 102 is not enacted by December 31, 1989, or if Engrossed Substitute Senate Bill No. 5352 as enacted does not contain a transfer of \$45,000,000 from the children's initiative fund—K-12 education account to the common school construction fund, the amount provided under this subsection shall be reduced to \$231,890,000.

(2) The state board shall review current rules and administrative procedures, and shall amend or revise these rules and procedures to address the following concerns:

(a) The discrepancy between the forecasted enrollments used for determining state funding for school construction, and the state-wide growth trends predicted by the office of financial management;

(b) The infrequency of cooperative use of surplus space available in neighboring districts;

(c) The creation of new construction needs by school districts by selling or demolishing schools, or by redesignating grade space or administrative use of school buildings;

(d) The incentive to condemn useable schools to secure state funding, rather than awaiting uncertain support for modernization; and

(e) Greater needs for replacement of decaying schools caused by deferral of modernization, at a higher long-term cost to the state and local districts.

Prior to September 15, 1989, the state board of education shall report to the capital facilities and financing committee of the house of representatives and the ways and means committee of the senate on the actions taken or rules adopted by the board to address these concerns.

NEW SECTION, Sec. 710. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION
School housing emergencies

The appropriation in this section is subject to the following conditions and limitations:

(1) The appropriation is provided solely to provide portable classrooms for school districts that have experienced an unanticipated school housing emergency. School districts receiving portables shall enter into a closed end lease with the superintendent of public instruction that assures complete repayment with interest of monies expended by the superintendent for the purchase and delivery of the portable classrooms. School districts may qualify for assistance under this section only as a result of events barring students from occupying a school or a portion of a school, and portables shall not be provided under this section to address needs attributable to enrollment growth.

(2) Districts receiving assistance under this section shall submit a plan to replace or reopen the closed facility prior to the end of the lease period, and shall certify the availability of local levy funds or other resources adequate to complete the plan and meet all terms of the lease contract. The terms of the lease contract shall require the school district to purchase the portable classroom at the end of the lease contract, to retain or to sell, by paying the residual value of the portable classroom as specified in the lease contract.

	Reappropriation	Appropriation
Common School Constr Fund		500,000
<u>Prior Bienna</u>	<u>Future Bienna</u>	<u>Total</u>
		500,000

NEW SECTION, Sec. 711. FOR THE WASHINGTON INSTITUTE OF APPLIED TECHNOLOGY
Vocational Technology Center (88-2-003)

	Reappropriation	Appropriation
St Bldg Constr Acct	475,000	
<u>Prior Bienna</u>	<u>Future Bienna</u>	<u>Total</u>
5,525,000		6,000,000

NEW SECTION, Sec. 712. FOR THE STATE SCHOOL FOR THE BLIND
Automatic sliding doors—Irwin education building (90-1-001)

	Reappropriation	Appropriation
St Bldg Constr Acct		14,580
<u>Prior Bienna</u>	<u>Future Bienna</u>	<u>Total</u>
		14,580

NEW SECTION, Sec. 713. FOR THE STATE SCHOOL FOR THE BLIND
Asbestos abatement (90-1-006)

	Reappropriation	Appropriation
St Bldg Constr Acct		324,000
<u>Prior Bienna</u>	<u>Future Bienna</u>	<u>Total</u>
		324,000

NEW SECTION, Sec. 714. FOR THE STATE SCHOOL FOR THE BLIND
Replace heating and ventilation system and roof repairs: Irwin building (90-2-002)

	Reappropriation	Appropriation
St Bldg Constr Acct		130,000
<u>Prior Bienna</u>	<u>Future Bienna</u>	<u>Total</u>
		130,000

NEW SECTION, Sec. 715. FOR THE STATE SCHOOL FOR THE BLIND
Driveway/parking lot repaving (90-2-003)

	Reappropriation	Appropriation
St Bldg Constr Acct		21,270
<u>Prior Bienna</u>	<u>Future Bienna</u>	<u>Total</u>
		21,270

NEW SECTION, Sec. 716. FOR THE STATE SCHOOL FOR THE DEAF
Remove and replace three transformers/clerk (90-1-002)

	Reappropriation	Appropriation
St Bldg Constr Acct		36,500
<u>Prior Bienna</u>	<u>Future Bienna</u>	<u>Total</u>
		36,500

NEW SECTION, Sec. 717. FOR THE STATE SCHOOL FOR THE DEAF
Asbestos abatement (90-1-005)

	Reappropriation	Appropriation
St Bldg Constr Acct		245,000
<u>Prior Bienna</u>	<u>Future Bienna</u>	<u>Total</u>
		245,000

NEW SECTION, Sec. 718. FOR THE STATE SCHOOL FOR THE DEAF

Wheelchair lifts—Clark Hall, vocational, Northrup School (90-2-003)		
	Reappropriation	Appropriation
St Bldg Constr Acct		147,100
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
		147,100
<u>NEW SECTION, Sec. 719. FOR THE STATE SCHOOL FOR THE DEAF</u>		
Roof repair (91-2-002)		
	Reappropriation	Appropriation
St Bldg Constr Acct		50,000
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
		50,000
<u>NEW SECTION, Sec. 720. FOR THE UNIVERSITY OF WASHINGTON</u>		
Roberts Hall renovation (83-1-012)		
	Reappropriation	Appropriation
H Ed Reimb S/T Bonds Acct	200,000	
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
5,355,794		5,555,794
<u>NEW SECTION, Sec. 721. FOR THE UNIVERSITY OF WASHINGTON</u>		
Safety—Fire code, PCB and life safety (86-1-001)		
	Reappropriation	Appropriation
St Bldg Constr Acct	4,000,000	
UW Bldg Acct		8,600,000
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
1,707,000	14,000,000	29,507,000
<u>NEW SECTION, Sec. 722. FOR THE UNIVERSITY OF WASHINGTON</u>		
Safety—Asbestos removal (86-1-002)		
	Reappropriation	Appropriation
St Bldg Constr Acct	2,200,000	
UW Bldg Acct	350,000	5,500,000
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
1,450,000	20,000,000	29,500,000
<u>NEW SECTION, Sec. 723. FOR THE UNIVERSITY OF WASHINGTON</u>		
Safety—General (86-1-003)		
	Reappropriation	Appropriation
St Bldg Constr Acct	750,000	
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
250,000		1,000,000
<u>NEW SECTION, Sec. 724. FOR THE UNIVERSITY OF WASHINGTON</u>		
Minor works—Building renewal (86-1-004)		
	Reappropriation	Appropriation
St Bldg Constr Acct	2,600,000	
UW Bldg Acct	1,740,000	9,733,000
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
4,274,325	26,000,000	50,077,090
<u>NEW SECTION, Sec. 725. FOR THE UNIVERSITY OF WASHINGTON</u>		
Fisheries repairs and expansion (86-1-014)		
	Reappropriation	Appropriation
St H Ed Constr Acct	2,600,000	
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
3,090,805		5,690,805
<u>NEW SECTION, Sec. 726. FOR THE UNIVERSITY OF WASHINGTON</u>		
HSC G Court, H Wing and I Court addition (86-2-021)		
	Reappropriation	Appropriation
St Bldg Constr Acct	20,400,000	24,692,000
UW Bldg Acct	3,500,000	
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
776,000		49,368,000
<u>NEW SECTION, Sec. 727. FOR THE UNIVERSITY OF WASHINGTON</u>		
Minor works—Program renewal (86-3-005)		
The appropriations in this section are subject to the following conditions and limitations: The appropriations are provided solely for minor repairs, fixtures, and improvements to state buildings and facilities and shall not be used for computer equipment or for other expenses that normally would be funded from the state operating budget.		
	Reappropriation	Appropriation
UW Bldg Acct	2,700,000	9,000,000
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
9,921,000	42,270,000	70,914,527
<u>NEW SECTION, Sec. 728. FOR THE UNIVERSITY OF WASHINGTON</u>		

Energy conservation (86-4-023)		
St Bldg Constr Acct	Reappropriation	Appropriation
H Ed Constr Acct	900,000	
	300,000	
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
663,566		1,863,566
NEW SECTION. Sec. 729. FOR THE UNIVERSITY OF WASHINGTON		
Pavilion roof (88-1-009)		
	Reappropriation	Appropriation
St Bldg Constr Acct	652,000	
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
80,000		732,000
NEW SECTION. Sec. 730. FOR THE UNIVERSITY OF WASHINGTON		
Electrical distribution system (88-1-011)		
	Reappropriation	Appropriation
St Bldg Constr Acct	1,000,000	
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
500,000	5,139,000	6,639,000
NEW SECTION. Sec. 731. FOR THE UNIVERSITY OF WASHINGTON		
Power plant chiller (88-1-012)		
	Reappropriation	Appropriation
St Bldg Constr Acct	750,000	
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
250,000		1,000,000
NEW SECTION. Sec. 732. FOR THE UNIVERSITY OF WASHINGTON		
Power plant stack replacement (88-1-023)		
	Reappropriation	Appropriation
UW Bldg Acct	1,050,000	
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
450,000		1,500,000
NEW SECTION. Sec. 733. FOR THE UNIVERSITY OF WASHINGTON		
Suzzallo Library addition (88-2-013)		
	Reappropriation	Appropriation
St Bldg Constr Acct	20,600,000	
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
11,310,104		34,583,000
NEW SECTION. Sec. 734. FOR THE UNIVERSITY OF WASHINGTON		
Communications building renovation (88-2-014)		
	Reappropriation	Appropriation
St Bldg Constr Acct	4,480,000	1,015,000
UW Bldg Acct		1,167,000
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
75,000		6,737,000
NEW SECTION. Sec. 735. FOR THE UNIVERSITY OF WASHINGTON		
H wing renovation (88-2-015)		
	Reappropriation	Appropriation
St Bldg Constr Acct	715,000	
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
18,000		733,000
NEW SECTION. Sec. 736. FOR THE UNIVERSITY OF WASHINGTON		
Power plant boiler (88-2-022)		
	Reappropriation	Appropriation
St Bldg Constr Acct	490,000	
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
203,000		693,000
NEW SECTION. Sec. 737. FOR THE UNIVERSITY OF WASHINGTON		
Science and engineering planning (88-2-044)		
	Reappropriation	Appropriation
UW Bldg Acct	250,000	
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
750,000		1,000,000
NEW SECTION. Sec. 738. FOR THE UNIVERSITY OF WASHINGTON		
Power plant boiler retrofit (88-4-024)		
	Reappropriation	Appropriation
UW Bldg Acct	2,050,000	
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
250,000		2,300,000
NEW SECTION. Sec. 739. FOR THE UNIVERSITY OF WASHINGTON		

Emergency power generation (90-2-001)		Reappropriation	Appropriation
St Bldg Constr Acct			11,110,000
<u>Prior Biennia</u>	<u>Future Biennia</u>		<u>Total</u>
			11,110,000
<u>NEW SECTION, Sec. 740. FOR THE UNIVERSITY OF WASHINGTON</u>			
Physics (90-2-009)			
The appropriation in this section is subject to the following conditions and limitations: This appropriation shall not be construed as an intention by the legislature to appropriate moneys in the future for additional buildings for the purposes served by this appropriation.			
		Reappropriation	Appropriation
St Bldg Constr Acct			4,155,000
<u>Prior Biennia</u>	<u>Future Biennia</u>		<u>Total</u>
			4,155,000
<u>NEW SECTION, Sec. 741. FOR THE UNIVERSITY OF WASHINGTON</u>			
Chemistry I (90-2-011)			
		Reappropriation	Appropriation
St Bldg Constr Acct			39,152,000
<u>Prior Biennia</u>	<u>Future Biennia</u>		<u>Total</u>
			39,152,000
<u>NEW SECTION, Sec. 742. FOR THE UNIVERSITY OF WASHINGTON</u>			
Electrical engineering building addition (90-2-013)			
		Reappropriation	Appropriation
St Bldg Constr Acct			3,111,000
<u>Prior Biennia</u>	<u>Future Biennia</u>		<u>Total</u>
			3,111,000
<u>NEW SECTION, Sec. 743. FOR THE UNIVERSITY OF WASHINGTON</u>			
Computer sciences building (92-2-024)			
		Reappropriation	Appropriation
St Bldg Constr Acct			1,000,000
<u>Prior Biennia</u>	<u>Future Biennia</u>		<u>Total</u>
			1,000,000
<u>NEW SECTION, Sec. 744. FOR WASHINGTON STATE UNIVERSITY</u>			
Chemistry building, phase 2 (86-1-003)			
		Reappropriation	Appropriation
H Ed Constr Acct		1,932,000	
WSU Bldg Acct		1,000,000	
<u>Prior Biennia</u>	<u>Future Biennia</u>		<u>Total</u>
11,860,000			14,792,000
<u>NEW SECTION, Sec. 745. FOR WASHINGTON STATE UNIVERSITY</u>			
Food—Human nutrition facility—Equipment (86-1-004)			
		Reappropriation	Appropriation
WSU Bldg Acct		1,502,000	
<u>Prior Biennia</u>	<u>Future Biennia</u>		<u>Total</u>
2,915,435			4,417,435
<u>NEW SECTION, Sec. 746. FOR WASHINGTON STATE UNIVERSITY</u>			
McCoy Hall capital renewal (86-1-005)			
		Reappropriation	Appropriation
H Ed Constr Acct		78,000	
<u>Prior Biennia</u>	<u>Future Biennia</u>		<u>Total</u>
2,162,537			2,240,537
<u>NEW SECTION, Sec. 747. FOR WASHINGTON STATE UNIVERSITY</u>			
Science Hall renewal, phase 2 (86-1-006)			
		Reappropriation	Appropriation
H Ed Constr Acct		3,603,000	
<u>Prior Biennia</u>	<u>Future Biennia</u>		<u>Total</u>
8,151,395			11,754,395
<u>NEW SECTION, Sec. 748. FOR WASHINGTON STATE UNIVERSITY</u>			
Neill Hall renewal (86-1-007)			
		Reappropriation	Appropriation
WSU Bldg Acct		3,569,500	
<u>Prior Biennia</u>	<u>Future Biennia</u>		<u>Total</u>
			3,569,500
<u>NEW SECTION, Sec. 749. FOR WASHINGTON STATE UNIVERSITY</u>			
Minor capital improvement (88-1-001)			
		Reappropriation	Appropriation
WSU Bldg Acct		1,896,000	

	<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
	2,827,000		4,723,000
	<u>NEW SECTION. Sec. 750. FOR WASHINGTON STATE UNIVERSITY</u>		
	Minor capital renewal (88-1-002)		
		Reappropriation	Appropriation
St Bldg Constr Acct		2,109,000	
	<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
	3,593,000		5,702,000
	<u>NEW SECTION. Sec. 751. FOR WASHINGTON STATE UNIVERSITY</u>		
	Preplanning (88-1-004)		
		Reappropriation	Appropriation
WSU Bldg Acct		107,000	
	<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
			107,000
	<u>NEW SECTION. Sec. 752. FOR WASHINGTON STATE UNIVERSITY</u>		
	Todd Hall addition (88-1-011)		
		Reappropriation	Appropriation
St Bldg Constr Acct		4,904,000	
	<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
	428,000		5,332,000
	<u>NEW SECTION. Sec. 753. FOR WASHINGTON STATE UNIVERSITY</u>		
	Fine arts mechanical renovation (88-1-012)		
		Reappropriation	Appropriation
WSU Bldg Acct		240,000	
	<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
	2,713,000		2,953,000
	<u>NEW SECTION. Sec. 754. FOR WASHINGTON STATE UNIVERSITY</u>		
	Carpenter Hall renewal (88-2-005)		
		Reappropriation	Appropriation
H Ed Constr Acct		3,029,400	
WSU Bldg Acct		2,685,000	
	<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
	485,600		6,200,000
	<u>NEW SECTION. Sec. 755. FOR WASHINGTON STATE UNIVERSITY</u>		
	Dairy forage facility (88-3-007)		
		Reappropriation	Appropriation
WSU Bldg Acct		1,100,000	
	<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
	82,000		1,182,000
	<u>NEW SECTION. Sec. 756. FOR WASHINGTON STATE UNIVERSITY</u>		
	Veterinary research diagnostic center (88-5-006)		
		Reappropriation	Appropriation
St Bldg Constr Acct		225,000	
	<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
	25,000	3,172,600	3,422,600
	<u>NEW SECTION. Sec. 757. FOR WASHINGTON STATE UNIVERSITY</u>		
	Minor capital improvements (90-1-001)		
		Reappropriation	Appropriation
WSU Bldg Acct			5,000,000
	<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
			8,233,000
	<u>NEW SECTION. Sec. 758. FOR WASHINGTON STATE UNIVERSITY</u>		
	Hazardous, pathological, radioactive waste handling facilities (90-1-004)		
		Reappropriation	Appropriation
WSU Bldg Acct			152,000
	<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
		11,000,000	11,152,000
	<u>NEW SECTION. Sec. 759. FOR WASHINGTON STATE UNIVERSITY</u>		
	Nuclear radiation center study (90-1-011)		
		Reappropriation	Appropriation
WSU Bldg Acct			53,000
	<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
		4,000,000	4,053,000
	<u>NEW SECTION. Sec. 760. FOR WASHINGTON STATE UNIVERSITY</u>		
	Expansion of east campus electrical substation (90-1-014)		
		Reappropriation	Appropriation
WSU Bldg Acct			533,000

<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
<u>NEW SECTION, Sec. 761. FOR WASHINGTON STATE UNIVERSITY</u>		
Smith Gym electrical system renewal (90-1-018)		
	Reappropriation	Appropriation
WSU Bldg Acct		648,000
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
		648,000
<u>NEW SECTION, Sec. 762. FOR WASHINGTON STATE UNIVERSITY</u>		
Holland Library addition (90-2-013)		
	Reappropriation	Appropriation
St Bldg Constr Acct		33,400,000
WSU Bldg Acct	184,000	
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
87,000		33,671,000
<u>NEW SECTION, Sec. 763. FOR WASHINGTON STATE UNIVERSITY</u>		
Veterinary Teaching Hospital (90-2-016)		
	Reappropriation	Appropriation
St Bldg Constr Acct		1,300,000
WSU Bldg Acct		200,000
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
327,000	29,438,000	31,265,000
<u>NEW SECTION, Sec. 764. FOR WASHINGTON STATE UNIVERSITY</u>		
Food—Human nutrition building, phase 2 (90-2-020)		
	Reappropriation	Appropriation
General Fund—Federal		12,688,000
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
		12,688,000
<u>NEW SECTION, Sec. 765. FOR WASHINGTON STATE UNIVERSITY</u>		
Minor capital renewal (90-3-002)		
The appropriation in this section is subject to the following conditions and limitations: The appropriation is provided solely for minor repairs, fixtures, and improvements to state buildings and facilities and shall not be used for computer equipment or for other expenses that normally would be funded from the state operating budget.		
	Reappropriation	Appropriation
St Bldg Constr Acct		5,000,000
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
		5,000,000
<u>NEW SECTION, Sec. 766. FOR WASHINGTON STATE UNIVERSITY</u>		
Todd Hall renewal (90-3-003)		
	Reappropriation	Appropriation
WSU Bldg Acct		182,000
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
		182,000
<u>NEW SECTION, Sec. 767. FOR WASHINGTON STATE UNIVERSITY</u>		
WSU Tri-Cities University Center (90-5-901)		
	Reappropriation	Appropriation
St Bldg Constr Acct	420,000	
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
300,000		720,000
<u>NEW SECTION, Sec. 768. FOR EASTERN WASHINGTON UNIVERSITY</u>		
Mathematical science and technology remodel (81-1-002)		
	Reappropriation	Appropriation
St Bldg Constr Acct	74,000	82,900
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
273,000	5,789,700	6,219,600
<u>NEW SECTION, Sec. 769. FOR EASTERN WASHINGTON UNIVERSITY</u>		
Science building addition/remodel (83-1-001)		
	Reappropriation	Appropriation
St Bldg Constr Acct	6,250,000	6,784,500
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
2,778,000	2,952,600	18,765,100
<u>NEW SECTION, Sec. 770. FOR EASTERN WASHINGTON UNIVERSITY</u>		
Electrical system renewal (86-1-002)		
	Reappropriation	Appropriation
St Bldg Constr Acct	1,905,000	
St Fac Renew Acct	709,000	

	<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
	813,000		3,427,000
<u>NEW SECTION</u> , Sec. 771. FOR EASTERN WASHINGTON UNIVERSITY Roof replacement (86-1-003)			
		Reappropriation	Appropriation
St Bldg Constr Acct			500,000
	<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
	915,000	1,500,000	2,915,000
<u>NEW SECTION</u> , Sec. 772. FOR EASTERN WASHINGTON UNIVERSITY Water storage and distribution (86-1-004)			
		Reappropriation	Appropriation
St H Ed Constr Acct		207,000	
	<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
	963,000		1,170,000
<u>NEW SECTION</u> , Sec. 773. FOR EASTERN WASHINGTON UNIVERSITY Minor works projects (86-1-010)			
		Reappropriation	Appropriation
EWU Cap Proj Acct		403,000	2,100,000
	<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
	1,497,000	8,536,000	12,536,000
<u>NEW SECTION</u> , Sec. 774. FOR EASTERN WASHINGTON UNIVERSITY Small repairs projects (86-1-011)			
		Reappropriation	Appropriation
EWU Cap Proj Acct		155,000	1,000,000
	<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
	478,000	3,200,000	4,833,000
<u>NEW SECTION</u> , Sec. 775. FOR EASTERN WASHINGTON UNIVERSITY Energy conservation (86-2-006)			
		Reappropriation	Appropriation
St H Ed Constr Acct		424,000	
St Bldg Constr Acct		30,000	
	<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
	102,000		556,000
<u>NEW SECTION</u> , Sec. 776. FOR EASTERN WASHINGTON UNIVERSITY Life/safety and code compliance: Asbestos (88-1-001)			
		Reappropriation	Appropriation
St Bldg Constr Acct			1,900,000
EWU Cap Proj Acct		170,000	
	<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
	513,000	4,000,000	6,583,000
<u>NEW SECTION</u> , Sec. 777. FOR EASTERN WASHINGTON UNIVERSITY Fire suppression (88-1-005)			
		Reappropriation	Appropriation
St Bldg Constr Acct		215,000	
	<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
	361,000	2,158,000	2,734,000
<u>NEW SECTION</u> , Sec. 778. FOR EASTERN WASHINGTON UNIVERSITY Kennedy Library addition/HVAC—Preplanning (90-5-003)			
		Reappropriation	Appropriation
EWU Cap Proj Acct			165,000
	<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
			165,000
<u>NEW SECTION</u> , Sec. 779. FOR CENTRAL WASHINGTON UNIVERSITY Energy savings projects (86-2-005)			
		Reappropriation	Appropriation
CWU Cap Proj Acct		725,000	
	<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
	183,818		908,818
<u>NEW SECTION</u> , Sec. 780. FOR CENTRAL WASHINGTON UNIVERSITY Nicholson Pavilion, Phase I (86-3-001)			
		Reappropriation	Appropriation
H Ed Constr Acct		9,500	
	<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
	959,506		969,006
<u>NEW SECTION</u> , Sec. 781. FOR CENTRAL WASHINGTON UNIVERSITY Small repairs and improvements (86-3-013)			
		Reappropriation	Appropriation
CWU Cap Proj Acct		30,000	

	<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
	503,000		533,000
	<u>NEW SECTION. Sec. 782. FOR CENTRAL WASHINGTON UNIVERSITY</u>		
	Life safety—Code compliance (88-1-004)		
		Reappropriation	Appropriation
St Bldg Constr Acct		509,000	
	<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
	1,248,000		1,757,000
	<u>NEW SECTION. Sec. 783. FOR CENTRAL WASHINGTON UNIVERSITY</u>		
	Handicap modifications (88-1-007)		
		Reappropriation	Appropriation
CWU Cap Proj Acct		625,000	
	<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
	90,000		715,000
	<u>NEW SECTION. Sec. 784. FOR CENTRAL WASHINGTON UNIVERSITY</u>		
	Nicholson Pavilion phase 2 (88-2-001)		
		Reappropriation	Appropriation
St Bldg Constr Acct		3,600,000	
	<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
	263,000		3,863,000
	<u>NEW SECTION. Sec. 785. FOR CENTRAL WASHINGTON UNIVERSITY</u>		
	Life/safety (90-1-030)		
		Reappropriation	Appropriation
St Bldg Constr Acct			831,000
	<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
		1,000,000	1,831,000
	<u>NEW SECTION. Sec. 786. FOR CENTRAL WASHINGTON UNIVERSITY</u>		
	Asbestos abatement (90-1-040)		
		Reappropriation	Appropriation
St Bldg Constr Acct			1,000,000
	<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
	1,735,000	1,000,000	3,735,000
	<u>NEW SECTION. Sec. 787. FOR CENTRAL WASHINGTON UNIVERSITY</u>		
	Psychology animal research facility (90-1-060)		
		Reappropriation	Appropriation
St Bldg Constr Acct			1,547,000
	<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
			1,547,000
	<u>NEW SECTION. Sec. 788. FOR CENTRAL WASHINGTON UNIVERSITY</u>		
	Barge Hall renovation (90-2-001)		
		Reappropriation	Appropriation
St Bldg Constr Acct			600,000
	<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
		7,744,800	8,344,800
	<u>NEW SECTION. Sec. 789. FOR CENTRAL WASHINGTON UNIVERSITY</u>		
	Telecommunications system—Phase 2 (90-2-003)		
		Reappropriation	Appropriation
CWU Cap Proj Acct		1,732,000	1,443,600
	<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
	68,000		3,243,600
	<u>NEW SECTION. Sec. 790. FOR CENTRAL WASHINGTON UNIVERSITY</u>		
	Shaw/Smyser Hall remodel (90-2-005)		
		Reappropriation	Appropriation
St Bldg Constr Acct			2,405,900
CWU Cap Proj Acct			1,300,000
	<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
			3,705,900
	<u>NEW SECTION. Sec. 791. FOR CENTRAL WASHINGTON UNIVERSITY</u>		
	Minor works projects group I (90-2-050)		
	The appropriations in this section are subject to the following conditions and limitations: The appropriations are provided solely for minor repairs, fixtures, and improvements to state buildings and facilities and shall not be used for computer equipment or for other expenses that normally would be funded from the state operating budget.		
		Reappropriation	Appropriation
CWU Cap Proj Acct		800,000	3,856,600
	<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
	2,212,958	10,450,000	17,319,558

PART 8
EDUCATION - CONTINUED

NEW SECTION, Sec. 801. FOR THE EVERGREEN STATE COLLEGE

Life safety—Code compliance (88-1-001)

	Reappropriation	Appropriation
St Bldg Constr Acct	172,000	819,000
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
1,012,000		2,003,000

NEW SECTION, Sec. 802. FOR THE EVERGREEN STATE COLLEGE

Energy audit compliance (88-2-016)

	Reappropriation	Appropriation
St Bldg Constr Acct	60,000	
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
145,000		205,000

NEW SECTION, Sec. 803. FOR THE EVERGREEN STATE COLLEGE

Campus recreation center, Phase II: Gym (88-5-015)

	Reappropriation	Appropriation
St Bldg Constr Acct	474,572	
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
6,298,428		6,773,000

NEW SECTION, Sec. 804. FOR THE EVERGREEN STATE COLLEGE

Asbestos removal (90-1-001)

	Reappropriation	Appropriation
St Bldg Constr Acct		60,000
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
	443,000	503,000

NEW SECTION, Sec. 805. FOR THE EVERGREEN STATE COLLEGE

Failed systems (90-2-001)

	Reappropriation	Appropriation
St Bldg Constr Acct		544,070
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
		544,070

NEW SECTION, Sec. 806. FOR THE EVERGREEN STATE COLLEGE

Minor works (90-2-003)

	Reappropriation	Appropriation
St Bldg Constr Acct		178,720
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
		178,720

NEW SECTION, Sec. 807. FOR THE EVERGREEN STATE COLLEGE

Emergency repairs (90-2-022)

	Reappropriation	Appropriation
TESC Cap Proj Acct		81,000
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
		81,000

NEW SECTION, Sec. 808. FOR THE EVERGREEN STATE COLLEGE

Small repairs and improvements (90-2-023)

	Reappropriation	Appropriation
TESC Cap Proj Acct		162,000
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
		162,000

NEW SECTION, Sec. 809. FOR WESTERN WASHINGTON UNIVERSITY

Const Tech Bldg/remodel Art Tech building phase 2 (84-3-001)

	Reappropriation	Appropriation
St Bldg Constr Acct	100,000	
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
9,809,055		9,909,055

NEW SECTION, Sec. 810. FOR WESTERN WASHINGTON UNIVERSITY

Construct/equip science facility phase 1 (90-1-001)

	Reappropriation	Appropriation
St Bldg Constr Acct		20,730,700
WWU Cap Proj Acct	1,082,000	
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
168,000		21,980,700

NEW SECTION, Sec. 811. FOR WESTERN WASHINGTON UNIVERSITY

Asbestos abatement—Multiple buildings (90-1-002)

	Reappropriation	Appropriation
St Bldg Constr Acct		3,000,000

<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
		3,000,000
<u>NEW SECTION, Sec. 812. FOR WESTERN WASHINGTON UNIVERSITY</u>		
Minor works request/small repairs and improvements (90-1-004)		
The appropriations in this section are subject to the following conditions and limitations: The appropriations are provided solely for minor repairs, fixtures, and improvements to state buildings and facilities and shall not be used for computer equipment or for other expenses that normally would be funded from the state operating budget.		
	Reappropriation	Appropriation
WWU Cap Proj Acct	2,503,000	3,900,000
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
8,948,481	12,000,000	27,351,481
<u>NEW SECTION, Sec. 813. FOR WESTERN WASHINGTON UNIVERSITY</u>		
Science facility, phase 2 (design) (90-1-005)		
	Reappropriation	Appropriation
St Bldg Constr Acct		887,300
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
	19,332,800	20,220,100
<u>NEW SECTION, Sec. 814. FOR WESTERN WASHINGTON UNIVERSITY</u>		
Institute of Wildlife Toxicology—Facility acquisition (90-2-003)		
	Reappropriation	Appropriation
WWU Cap Proj Acct		1,500,000
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
		1,500,000
<u>NEW SECTION, Sec. 815. FOR THE WASHINGTON STATE HISTORICAL SOCIETY</u>		
Addition to air conditioning (86-1-002)		
	Reappropriation	Appropriation
St Bldg Constr Acct	206,000	206,000
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
125,000		331,000
<u>NEW SECTION, Sec. 816. FOR THE WASHINGTON STATE HISTORICAL SOCIETY</u>		
Museum interior remodeling (88-3-004)		
	Reappropriation	Appropriation
St Bldg Constr Acct	1,937,000	1,937,000
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
305,000		2,242,000
<u>NEW SECTION, Sec. 817. FOR THE WASHINGTON STATE HISTORICAL SOCIETY</u>		
Small improvement project to extend building's useful life (90-3-006)		
	Reappropriation	Appropriation
St Bldg Constr Acct		151,500
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
		151,500
<u>NEW SECTION, Sec. 818. FOR THE WASHINGTON STATE HISTORICAL SOCIETY</u>		
New exhibition center at Union Station: Phase I (90-5-005)		
The appropriation in this section is subject to the following conditions and limitations:		
(1) These funds shall be used for land acquisition, design and engineering, and final replanning.		
(2) This appropriation is contingent on the expenditure for the same purpose of at least three dollars from nonstate sources for each seven dollars spent from this appropriation. It is the intent of the legislature that future appropriations for this project will require the same thirty percent nonstate matching ratio up to a maximum of \$18,000,000 from state moneys, including all costs for land, design, construction, and exhibits.		
	Reappropriation	Appropriation
St Bldg Constr Acct		3,080,000
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
		3,080,000
<u>NEW SECTION, Sec. 819. FOR THE EASTERN WASHINGTON STATE HISTORICAL SOCIETY</u>		
Campbell House—Restoration (86-1-002)		
	Reappropriation	Appropriation
St Bldg Constr Acct		100,000
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
343,000		443,000
<u>NEW SECTION, Sec. 820. FOR THE EASTERN WASHINGTON STATE HISTORICAL SOCIETY</u>		
Cheney Cowles Museum—Repair roof and heating/cooling (89-2-001)		
	Reappropriation	Appropriation
St Bldg Constr Acct		80,100
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
		80,100

NEW SECTION, Sec. 821. FOR THE STATE CAPITAL HISTORICAL ASSOCIATION

Minor works State Museum Olympia (90-1-002)

St Bldg Constr Acct	Reappropriation	Appropriation
	9,000	27,100
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
91,000	48,000	175,100

NEW SECTION, Sec. 822. FOR THE STATE CAPITAL HISTORICAL ASSOCIATION

Energy efficiency agency headquarters—Olympia (91-1-004)

St Bldg Constr Acct	Reappropriation	Appropriation
	15,000	
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
1,000		16,000

NEW SECTION, Sec. 823. FOR THE STATE CAPITAL HISTORICAL ASSOCIATION

Capital museum and parking facility preplanning (90-5-001)

The appropriation in this section is subject to the following conditions and limitations: Preplanning for the capital museum shall be conducted in conjunction with the capitol campus master plan for which moneys are appropriated in section 135 of this act. No moneys from this appropriation may be spent until after a siting decision is made pursuant to section 135 of this act.

St Bldg Constr Acct	Reappropriation	Appropriation
		230,000
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
		230,000

NEW SECTION, Sec. 824. FOR THE COMMUNITY COLLEGE SYSTEM

Minor capital improvements (83-2-002)

H Ed Constr Acct	Reappropriation	Appropriation
	4,745	
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
17,969		22,714

NEW SECTION, Sec. 825. FOR THE COMMUNITY COLLEGE SYSTEM

HVAC repairs (83-2-007)

St H Ed Constr Acct	Reappropriation	Appropriation
	42,140	
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
46,208		88,348

NEW SECTION, Sec. 826. FOR THE COMMUNITY COLLEGE SYSTEM

Minor works request (RMI) (86-1-001)

H Ed Reimb S/T Bonds Acct	Reappropriation	Appropriation
	97,857	
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
742,708		840,565

NEW SECTION, Sec. 827. FOR THE COMMUNITY COLLEGE SYSTEM

Critical repair projects (86-1-003)

H Ed Reimb S/T Bonds Acct	Reappropriation	Appropriation
	473,630	
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
613,391		1,087,021

NEW SECTION, Sec. 828. FOR THE COMMUNITY COLLEGE SYSTEM

General repair projects (86-1-004)

St Fac Renew—Acct	Reappropriation	Appropriation
	684,883	
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
3,366,982		4,051,865

NEW SECTION, Sec. 829. FOR THE COMMUNITY COLLEGE SYSTEM

Energy conservation projects (86-1-005)

St Fac Renew Acct	Reappropriation	Appropriation
	337,208	
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
1,042,729		1,379,937

NEW SECTION, Sec. 830. FOR THE COMMUNITY COLLEGE SYSTEM

Prior hall renovation (86-1-018)

H Ed Constr Acct	Reappropriation	Appropriation
	5,945	
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
847,554		853,499

NEW SECTION, Sec. 831. FOR THE COMMUNITY COLLEGE SYSTEM

Food service building: Olympic (86-3-019)

Reappropriation	Appropriation
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St H Ed Constr Acct		159,581	
<u>Prior Biennia</u>	<u>Future Biennia</u>		<u>Total</u>
2,161,290			2,320,871
NEW SECTION, Sec. 832. FOR THE COMMUNITY COLLEGE SYSTEM			
Minor renovations (86-2-006)		Reappropriation	Appropriation
		228,366	
St Fac Renew Acct			
<u>Prior Biennia</u>	<u>Future Biennia</u>		<u>Total</u>
3,440,542			3,668,908
NEW SECTION, Sec. 833. FOR THE COMMUNITY COLLEGE SYSTEM			
Minor remodel projects (86-2-007)		Reappropriation	Appropriation
		96,717	
St Fac Renew Acct			
<u>Prior Biennia</u>	<u>Future Biennia</u>		<u>Total</u>
802,701			899,418
NEW SECTION, Sec. 834. FOR THE COMMUNITY COLLEGE SYSTEM			
Program/plan/construct: Library/student Center, Everett (86-2-031)		Reappropriation	Appropriation
		864,029	
St Bldg Constr Acct			
<u>Prior Biennia</u>	<u>Future Biennia</u>		<u>Total</u>
7,312,318			8,176,347
NEW SECTION, Sec. 835. FOR THE COMMUNITY COLLEGE SYSTEM			
Construct main storage building—Clark (86-3-009)		Reappropriation	Appropriation
		1,626	
St H Ed Constr Acct			
<u>Prior Biennia</u>	<u>Future Biennia</u>		<u>Total</u>
175,971			177,597
NEW SECTION, Sec. 836. FOR THE COMMUNITY COLLEGE SYSTEM			
Minor improvements (86-3-011)		Reappropriation	Appropriation
		26,092	
St H Ed Constr Acct			
<u>Prior Biennia</u>	<u>Future Biennia</u>		<u>Total</u>
877,028			903,120
NEW SECTION, Sec. 837. FOR THE COMMUNITY COLLEGE SYSTEM			
Edison North renovation II: Seattle central (86-3-013)		Reappropriation	Appropriation
		32,663	
St H Ed Constr Acct			
St Bldg Constr Acct		1,753,859	
<u>Prior Biennia</u>	<u>Future Biennia</u>		<u>Total</u>
6,129,790			7,916,312
NEW SECTION, Sec. 838. FOR THE COMMUNITY COLLEGE SYSTEM			
Construct core facility and instructional space: Whatcom (86-3-015)		Reappropriation	Appropriation
		24,099	
St H Ed Constr Acct			
<u>Prior Biennia</u>	<u>Future Biennia</u>		<u>Total</u>
1,195,868			1,219,967
NEW SECTION, Sec. 839. FOR THE COMMUNITY COLLEGE SYSTEM			
Replace relocatable buildings: Pierce (86-3-017)		Reappropriation	Appropriation
		46,613	
St H Ed Constr Acct			
<u>Prior Biennia</u>	<u>Future Biennia</u>		<u>Total</u>
880,787			927,400
NEW SECTION, Sec. 840. FOR THE COMMUNITY COLLEGE SYSTEM			
Vocational science facility: Wenatchee (86-3-020)		Reappropriation	Appropriation
		159,342	
St H Ed Constr Acct			
<u>Prior Biennia</u>	<u>Future Biennia</u>		<u>Total</u>
2,083,657			2,242,999
NEW SECTION, Sec. 841. FOR THE COMMUNITY COLLEGE SYSTEM			
Extension facility: Puyallup (86-3-021)		Reappropriation	Appropriation
		5,263,973	
St Bldg Constr Acct			
<u>Prior Biennia</u>	<u>Future Biennia</u>		<u>Total</u>
315,176			5,579,149
NEW SECTION, Sec. 842. FOR THE COMMUNITY COLLEGE SYSTEM			
Tech building and related remodeling: Skagit Valley (86-3-022)		Reappropriation	Appropriation
		54,999	
St Bldg Constr Acct			

	<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
	3,545,001		3,600,000
	<u>NEW SECTION. Sec. 843. FOR THE COMMUNITY COLLEGE SYSTEM</u>		
	Heavy equipment building: Grays Harbor (86-3-023)		
		Reappropriation	Appropriation
St Bldg Constr Acct		32,851	
	<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
	745,149		778,000
	<u>NEW SECTION. Sec. 844. FOR THE COMMUNITY COLLEGE SYSTEM</u>		
	Learning Resource Center: South Puget Sound CC (86-3-025)		
		Reappropriation	Appropriation
St Bldg Constr Acct		2,278,211	
	<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
	4,955,789		7,234,000
	<u>NEW SECTION. Sec. 845. FOR THE COMMUNITY COLLEGE SYSTEM</u>		
	Heavy equipment building: South Seattle (86-3-026)		
		Reappropriation	Appropriation
St Bldg Constr Acct		594,006	
	<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
	4,018,994		4,613,000
	<u>NEW SECTION. Sec. 846. FOR THE COMMUNITY COLLEGE SYSTEM</u>		
	Preplanning for 1987-89 major projects (86-4-999)		
		Reappropriation	Appropriation
St H Ed Constr Acct		12,921	
	<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
	164,068		176,989
	<u>NEW SECTION. Sec. 847. FOR THE COMMUNITY COLLEGE SYSTEM</u>		
	Minor works (RMI) (88-2-001)		
		Reappropriation	Appropriation
St Bldg Constr Acct		1,331,193	
	<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
	2,168,807		3,500,000
	<u>NEW SECTION. Sec. 848. FOR THE COMMUNITY COLLEGE SYSTEM</u>		
	Repairs—Exterior walls (88-3-003)		
		Reappropriation	Appropriation
St Bldg Constr Acct		1,273,171	
	<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
	2,990,829		4,264,000
	<u>NEW SECTION. Sec. 849. FOR THE COMMUNITY COLLEGE SYSTEM</u>		
	Repairs—Mechanical/HVAC (88-3-004)		
		Reappropriation	Appropriation
St Bldg Constr Acct		2,149,189	
	<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
	1,925,811		4,075,000
	<u>NEW SECTION. Sec. 850. FOR THE COMMUNITY COLLEGE SYSTEM</u>		
	Minor improvements (88-3-005)		
		Reappropriation	Appropriation
St Bldg Constr Acct		5,288,563	
	<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
	8,475,437		13,764,000
	<u>NEW SECTION. Sec. 851. FOR THE COMMUNITY COLLEGE SYSTEM</u>		
	Repairs—Electrical (88-3-006)		
		Reappropriation	Appropriation
St Bldg Constr Acct		743,042	
	<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
	648,958		1,392,000
	<u>NEW SECTION. Sec. 852. FOR THE COMMUNITY COLLEGE SYSTEM</u>		
	Repairs—Sites and interiors (88-3-007)		
		Reappropriation	Appropriation
St Bldg Constr Acct		402,427	
	<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
	1,523,573		1,926,000
	<u>NEW SECTION. Sec. 853. FOR THE COMMUNITY COLLEGE SYSTEM</u>		
	Agricultural technology building (Walla Walla) (88-3-008)		
		Reappropriation	Appropriation
St Bldg Constr Acct		166,325	
	<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
	50,478		3,162,803

NEW SECTION. Sec. 854. FOR THE COMMUNITY COLLEGE SYSTEM
Vocational shop (Wenatchee Valley) (88-3-010)

St Bldg Constr Acct	Reappropriation	Appropriation
	60,274	880,000
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
21,726		962,000

NEW SECTION. Sec. 855. FOR THE COMMUNITY COLLEGE SYSTEM
Computer facility (Edmonds) (88-3-011)

St Bldg Constr Acct	Reappropriation	Appropriation
	123,480	3,624,000
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
124,522		3,872,000

NEW SECTION. Sec. 856. FOR THE COMMUNITY COLLEGE SYSTEM
Learning Resource Center (Clark) (88-3-012)

St Bldg Constr Acct	Reappropriation	Appropriation
	113,758	6,077,000
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
233,242		6,424,000

NEW SECTION. Sec. 857. FOR THE COMMUNITY COLLEGE SYSTEM
Extension center (Yakima Valley) (88-3-013)

St Bldg Constr Acct	Reappropriation	Appropriation
	62,699	1,586,000
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
61,827		1,710,526

NEW SECTION. Sec. 858. FOR THE COMMUNITY COLLEGE SYSTEM
Math/science building (Spokane Falls) (88-3-015)

St Bldg Constr Acct	Reappropriation	Appropriation
	112,990	5,510,000
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
203,648		5,826,638

NEW SECTION. Sec. 859. FOR THE COMMUNITY COLLEGE SYSTEM
LRC (Spokane) (88-3-016)

St Bldg Constr Acct	Reappropriation	Appropriation
	52,067	5,270,000
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
287,506		5,609,573

NEW SECTION. Sec. 860. FOR THE COMMUNITY COLLEGE SYSTEM
Construct Clarkston Extension Center: (Walla Walla) (88-3-017)

St Bldg Constr Acct	Reappropriation	Appropriation
	83,172	
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
3,392,471		3,475,643

NEW SECTION. Sec. 861. FOR THE COMMUNITY COLLEGE SYSTEM
Tacoma Computer Center: TCC (88-3-018)

St Bldg Constr Acct	Reappropriation	Appropriation
	1,848,278	
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
709,722		2,558,000

NEW SECTION. Sec. 862. FOR THE COMMUNITY COLLEGE SYSTEM
Preplanning for 1989-93 major projects (88-4-014)

St Bldg Constr Acct	Reappropriation	Appropriation
	103,159	
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
393,841		497,000

NEW SECTION. Sec. 863. FOR THE COMMUNITY COLLEGE SYSTEM
Whidbey LRC/Instruc. (Skagit Valley) (88-5-020)

St Bldg Constr Acct	Reappropriation	Appropriation
		108,000
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
37,000	1,927,000	2,072,000

NEW SECTION. Sec. 864. FOR THE COMMUNITY COLLEGE SYSTEM
Science/fine arts/PE (South Puget Sound) (88-5-021)

St Bldg Constr Acct	Reappropriation	Appropriation
		256,000
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
72,000	5,494,000	5,822,000

NEW SECTION. Sec. 865. FOR THE COMMUNITY COLLEGE SYSTEM

Early childhood education (Shoreline) (88-5-022)	Reappropriation	Appropriation
St Bldg Constr Acct		78,000
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
41,000	1,258,000	1,377,000
NEW SECTION. Sec. 866. FOR THE COMMUNITY COLLEGE SYSTEM		
Library remodel (Columbia Basin) (88-5-023)	Reappropriation	Appropriation
St Bldg Constr Acct		113,000
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
48,000	1,893,000	2,054,000
NEW SECTION. Sec. 867. FOR THE COMMUNITY COLLEGE SYSTEM		
Vocational shops (Centralia) (88-5-024)	Reappropriation	Appropriation
St Bldg Constr Acct		95,000
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
43,000	2,089,000	2,227,000
NEW SECTION. Sec. 868. FOR THE COMMUNITY COLLEGE SYSTEM		
LRC addition/remodel (Tacoma) (88-5-025)	Reappropriation	Appropriation
St Bldg Constr Acct		90,000
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
34,000	1,720,000	1,844,000
NEW SECTION. Sec. 869. FOR THE COMMUNITY COLLEGE SYSTEM		
Vocational food addition (Lower Columbia) (88-5-026)	Reappropriation	Appropriation
St Bldg Constr Acct		140,000
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
42,000	2,934,000	3,116,000
NEW SECTION. Sec. 870. FOR THE COMMUNITY COLLEGE SYSTEM		
Business education building (Spokane) (88-5-027)	Reappropriation	Appropriation
St Bldg Constr Acct		245,000
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
76,000	6,398,000	6,719,000
NEW SECTION. Sec. 871. FOR THE COMMUNITY COLLEGE SYSTEM		
Student activity/PE (Seattle Central) (88-5-028)	Reappropriation	Appropriation
St Bldg Constr Acct		400,000
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
107,000		507,000
NEW SECTION. Sec. 872. FOR THE COMMUNITY COLLEGE SYSTEM		
WSU Education Center: Clark (89-5-019)	Reappropriation	Appropriation
St Bldg Constr Acct		1,759,438
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
40,562		1,800,000
NEW SECTION. Sec. 873. FOR THE COMMUNITY COLLEGE SYSTEM		
Multipurpose Child Care Center: Everett (89-5-020)	Reappropriation	Appropriation
St Bldg Constr Acct		557,608
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
42,392		600,000
NEW SECTION. Sec. 874. FOR THE COMMUNITY COLLEGE SYSTEM		
Fire/security repairs (7) (90-1-004)	Reappropriation	Appropriation
St Bldg Constr Acct		947,610
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
		947,610
NEW SECTION. Sec. 875. FOR THE COMMUNITY COLLEGE SYSTEM		
Asbestos repairs (4) (90-1-008)	Reappropriation	Appropriation
St Bldg Constr Acct		1,217,200
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
		1,217,200
NEW SECTION. Sec. 876. FOR THE COMMUNITY COLLEGE SYSTEM		
Roof/structural repairs (20) (90-2-002)	Reappropriation	Appropriation

St Bldg Constr Acct			3,658,000
<u>Prior Biennia</u>	<u>Future Biennia</u>		<u>Total</u>
			3,658,000
<u>NEW SECTION, Sec. 877. FOR THE COMMUNITY COLLEGE SYSTEM</u>			
HVAC/mechanical repairs (15) (90-2-003)			
		Reappropriation	Appropriation
St Bldg Constr Acct			2,972,830
<u>Prior Biennia</u>	<u>Future Biennia</u>		<u>Total</u>
			2,972,830
<u>NEW SECTION, Sec. 878. FOR THE COMMUNITY COLLEGE SYSTEM</u>			
Electrical repairs (4) (90-2-005)			
		Reappropriation	Appropriation
St Bldg Constr Acct			371,240
<u>Prior Biennia</u>	<u>Future Biennia</u>		<u>Total</u>
			371,240
<u>NEW SECTION, Sec. 879. FOR THE COMMUNITY COLLEGE SYSTEM</u>			
Small repairs and improvements (90-3-001)			
		Reappropriation	Appropriation
St Bldg Constr Acct			4,200,000
<u>Prior Biennia</u>	<u>Future Biennia</u>		<u>Total</u>
			4,200,000
<u>NEW SECTION, Sec. 880. FOR THE COMMUNITY COLLEGE SYSTEM</u>			
LARC (Centralia) (90-3-006)			
		Reappropriation	Appropriation
St Bldg Constr Acct		61,239	4,012,000
<u>Prior Biennia</u>	<u>Future Biennia</u>		<u>Total</u>
190,731			4,263,970
<u>NEW SECTION, Sec. 881. FOR THE COMMUNITY COLLEGE SYSTEM</u>			
Facility repairs (18) (90-3-007)			
The appropriation in this section is subject to the following conditions and limitations: The appropriation is provided solely for minor repairs, fixtures, and improvements to state buildings and facilities and shall not be used for computer equipment or for other expenses that normally would be funded from the state operating budget.			
		Reappropriation	Appropriation
St Bldg Constr Acct			3,848,180
<u>Prior Biennia</u>	<u>Future Biennia</u>		<u>Total</u>
			3,848,180
<u>NEW SECTION, Sec. 882. FOR THE COMMUNITY COLLEGE SYSTEM</u>			
Technology labs (Highline) (90-3-023)			
		Reappropriation	Appropriation
St Bldg Constr Acct		140,196	2,595,000
<u>Prior Biennia</u>	<u>Future Biennia</u>		<u>Total</u>
62,942			2,798,138
<u>NEW SECTION, Sec. 883. FOR THE COMMUNITY COLLEGE SYSTEM</u>			
Minor improvements (50) (90-5-009)			
The appropriation in this section is subject to the following conditions and limitations: The appropriation is provided solely for minor repairs, fixtures, and improvements to state buildings and facilities and shall not be used for computer equipment or for other expenses that normally would be funded from the state operating budget.			
		Reappropriation	Appropriation
St Bldg Constr Acct			13,292,940
<u>Prior Biennia</u>	<u>Future Biennia</u>		<u>Total</u>
			13,292,940
<u>NEW SECTION, Sec. 884. FOR THE COMMUNITY COLLEGE SYSTEM</u>			
Technology center (Whatcom) (90-5-010)			
		Reappropriation	Appropriation
St Bldg Constr Acct			63,000
<u>Prior Biennia</u>	<u>Future Biennia</u>		<u>Total</u>
	185,000		248,000
<u>NEW SECTION, Sec. 885. FOR THE COMMUNITY COLLEGE SYSTEM</u>			
PE facility (North Seattle) (90-5-011)			
		Reappropriation	Appropriation
St Bldg Constr Acct			45,000
<u>Prior Biennia</u>	<u>Future Biennia</u>		<u>Total</u>
	165,000		210,000
<u>NEW SECTION, Sec. 886. FOR THE COMMUNITY COLLEGE SYSTEM</u>			
Applied arts building (Spokane Falls) (90-5-012)			
		Reappropriation	Appropriation

St Bldg Constr Acct			68,000
<u>Prior Biennia</u>	<u>Future Biennia</u>		<u>Total</u>
	190,000		258,000
<u>NEW SECTION, Sec. 887. FOR THE COMMUNITY COLLEGE SYSTEM</u>			
Industrial technology building (Spokane) (90-5-013)			
	Reappropriation	Appropriation	
St Bldg Constr Acct			64,000
<u>Prior Biennia</u>	<u>Future Biennia</u>		<u>Total</u>
	204,000		268,000
<u>NEW SECTION, Sec. 888. FOR THE COMMUNITY COLLEGE SYSTEM</u>			
Vocational art facility (Shoreline) (90-5-014)			
	Reappropriation	Appropriation	
St Bldg Constr Acct			51,000
<u>Prior Biennia</u>	<u>Future Biennia</u>		<u>Total</u>
	125,000		176,000
<u>NEW SECTION, Sec. 889. FOR THE COMMUNITY COLLEGE SYSTEM</u>			
Business education building (Clark) (90-5-015)			
	Reappropriation	Appropriation	
St Bldg Constr Acct			73,000
<u>Prior Biennia</u>	<u>Future Biennia</u>		<u>Total</u>
	231,000		304,000
<u>NEW SECTION, Sec. 890. FOR THE COMMUNITY COLLEGE SYSTEM</u>			
Student center (South Seattle) (90-5-016)			
	Reappropriation	Appropriation	
St Bldg Constr Acct			59,000
<u>Prior Biennia</u>	<u>Future Biennia</u>		<u>Total</u>
	185,000		244,000
<u>NEW SECTION, Sec. 891. FOR THE COMMUNITY COLLEGE SYSTEM</u>			
Library addition (Skagit Valley) (90-5-017)			
	Reappropriation	Appropriation	
St Bldg Constr Acct			44,000
<u>Prior Biennia</u>	<u>Future Biennia</u>		<u>Total</u>
	1,879,000		1,923,000
	PART 9		
	MISCELLANEOUS		
<u>NEW SECTION, Sec. 901. FOR SPECIAL APPROPRIATION TO THE GOVERNOR</u>			
Puyallup tribal settlement (90-5-001)			
The appropriation in this section is subject to the following conditions and limitations: No portion of this appropriation may be spent, released, transferred, or placed into escrow until all of the following have occurred:			
(1) The United States Congress has passed (and the President of the United States has signed, if necessary) legislation providing approximately \$77,250,000 to the Puyallup Indian Tribe (the 'tribe') as described in the 'Agreement between the Puyallup Tribe of Indians, local Governments in Pierce County, the State of Washington, the United States of America, and certain private property owners,' dated August 27, 1988 (the 'agreement').			
(2) The local governments of Pierce county, the city of Tacoma, the city of Fife, the city of Puyallup, and the Port of Tacoma have among them agreed to pay approximately \$52,134,000 to the tribe according to the terms of the agreement.			
(3) A lease has been executed between the Port of Tacoma and the Washington state military department under conditions as required by the United States Army Corps of Engineers for property suitable for a watercraft training facility for the military department's use.			
(4) Either Engrossed Substitute House Bill No. 1165 or Substitute Senate Bill No. 5648 has been enacted into law without veto.			
(5) The chief clerk of the house of representatives and the secretary of the senate have certified that the Port of Tacoma, in consultation with the Port of Seattle, has reported to the legislature on a plan to cooperate with other port districts and other governments in the state in maintaining and increasing the state's share of international trade.			
	Reappropriation	Appropriation	
St Bldg Constr Acct			9,417,000
<u>Prior Biennia</u>	<u>Future Biennia</u>		<u>Total</u>
			9,417,000
<u>NEW SECTION, Sec. 902. The following lease development projects are authorized for the period ending June 30, 1991:</u>			
State Board for Community Colleges:			
Improvements to existing leased facility at Bellevue Community College			
Daycare facility close to Clark Community College			
Educational training center at Green River Community College			
Education extension center at Peninsula Community College			

Small business building at Highline Community College
 Instructional Center at Highline Community College
 Daycare facility close to Green River Community College
 Parking space near Green River Community College

Department of General Administration

Central Stores warehouse

Department of Ecology

Agency headquarters building

Department of Social and Health Services

Office space at the state public health lab.

NEW SECTION. Sec. 903. FOR THE ARTS COMMISSION—ART WORK ALLOWANCE
 POOLING

The appropriations in this act are subject to the following conditions and limitations: One-half of one percent of moneys appropriated in this act are provided solely for the purposes of RCW 28A.58.055, 28B.10.027, and 43.17.200.

NEW SECTION. Sec. 904. The amounts shown under the headings 'Prior Biennia,' 'Future Biennia,' and 'Total' in this act are for informational purposes only and do not constitute legislative approval of these amounts.

NEW SECTION. Sec. 905. 'Reappropriations' in this act are appropriations and are subject to the relevant conditions and limitations applicable to appropriations. Reappropriations shall be limited to the unexpended balances remaining June 30, 1989, in the current appropriation for each project.

NEW SECTION. Sec. 906. To carry out the provisions of this act, the governor may assign responsibility for planning, engineering, construction, and other related activities to any appropriate agency.

NEW SECTION. Sec. 907. In order to provide for consistent and comparable asbestos survey data, and to ensure that the chain-of-evidence requirements for asbestos samples and survey data are met in regard to pending asbestos manufacturer litigation:

(1) No state agency shall expend new funds appropriated in the 1989-91 biennium for asbestos surveys prior to approval by the department of general administration of the agency's asbestos survey policies and procedures. At the completion of each survey, state agencies shall submit the findings to the department in a format to be determined by the department.

(2) The department of general administration shall distribute to all state agencies chain-of-evidence requirements, as developed by the department and the office of the attorney general. State agencies expending appropriated funds for asbestos survey and abatement projects shall make every effort to conform with chain-of-evidence requirements.

NEW SECTION. Sec. 908. As part of the annual six-year update to the State Facilities and Capital Plan, agencies shall provide information on lease development projects to the office of financial management.

NEW SECTION. Sec. 909. If any federal moneys appropriated by this act for capital projects are not received by the state, the department or agency to which the moneys were appropriated may replace the federal moneys with any moneys available from private or local sources. No replacement may occur under this section without the prior approval of the director of financial management in consultation with the committees on ways and means of the senate and house of representatives.

NEW SECTION. Sec. 910. Any appropriation in this act that involves appropriated and non-appropriated funds shall comply with RCW 43.88.150. The office of financial management shall report to the legislature by January 1990 all instances where compliance with RCW 43.88.155 has delayed or precluded the completion of any capital project included in this act.

NEW SECTION. Sec. 911. Notwithstanding any other provisions of law, for the 1989-91 biennium, transfers of reimbursement by the state treasurer to the general fund from the community college capital projects account for debt service payments made under the provisions of Title 28B RCW shall occur only after such debt service payment has been made and only to the extent that funds are actually available in the account. Any unpaid reimbursements shall be a continuing obligation against the community college capital projects account until paid. The state board for community college education need not accumulate any specific balance in the community college capital projects account in anticipation of transfers to reimburse the general fund.

NEW SECTION. Sec. 912. Any capital improvements or capital project involving construction or major expansion of a state office facility, including district headquarters, detachment offices, and off-campus faculty offices, shall be reviewed by the department of general administration for possible consolidation and compliance with state office standards prior to allotment of funds. The intent of the requirement imposed by this section is to eliminate duplication and reduce total office space requirements where feasible, while ensuring proper service to the public.

NEW SECTION. Sec. 913. The governor, through the director of financial management, may authorize a transfer of appropriation authority provided for a capital project which is in excess of the amount required for the completion of such project to another capital project for which

the appropriation is insufficient. No such transfer shall be used to expand the capacity of any facility beyond that intended by the legislature in making the appropriation. Such transfers may be effected only between capital appropriations to a specific department, commission, agency, or institution of higher education and only between capital projects which are funded from the same fund or account.

For the purposes of this section, the governor may find that an amount is in excess of the amount required for the completion of a project only if (1) the project as defined in the notes to the budget document is substantially complete and there are funds remaining or (2) bids have been let on a project and it appears to a substantial certainty that the project as defined in the notes to the budget document can be completed within the biennium for less than the amount appropriated herein.

For the purposes of this section, the legislature intends that each project be defined as proposed to the legislature in the governor's budget document, unless it clearly appears from the legislative history that the legislature intended to define the scope of a project in a different way.

A report of any transfer effected under this section shall be filed with the legislative fiscal committees of the senate and house of representatives by the director of financial management within thirty days of the date the transfer is effected.

NEW SECTION. Sec. 914. (1) The legislature finds:

(a) Estimates of capital project costs are prepared in a manner to ensure sufficient funds are available for the completion of projects.

(b) Actual project costs are influenced by variations in cost factors, changing unit price levels, available inventories, inflation rates, gross construction volume at the time of project bid, and other factors that cannot be predicted at the time of estimating capital project costs.

(c) Due to funding limitations, necessary capital projects are deferred to ensuing biennia.

(d) The deferral of capital projects results in increased project costs due to the effects of inflation and increased deterioration of facilities.

(e) No statutory authority currently exists to allow project cost savings to be used to implement necessary capital projects that were deferred to ensuing biennia due to lack of funds.

(2) There is hereby authorized a capital projects cost control incentive program for the 1989-91 biennium.

(3) Appropriations not required by an agency to complete capital projects authorized in this act, may be expended to implement, in priority sequence, those capital projects of the agency listed in the Governor's Six-Year Capital and Facility Plan for the 1991-93 Biennium, as that list exists in the Governor's final 1990 update of the six-year plan. Expenditures under this section are subject to the following conditions:

(a) No expenditure may be made without the prior allotment approval of the office of financial management.

(b) The office of financial management shall notify the senate and house ways and means committees prior to authorizing any project for implementation under this section.

(c) No project may be authorized under this section by the office of financial management unless sufficient funds are available to complete a project's design phase, construction phase, or both.

(d) Appropriations in this act for a capital project shall not be expended under this section unless:

(i) All contracts associated with the performance of the project have been completed and accepted by the state of Washington;

(ii) The statutory thirty-day lien period for each project has expired;

(iii) All claims of lien against project contracts have been satisfied;

(iv) There are no outstanding claims against the state of Washington by any contracted party to the project construction contract; and

(v) Any and all negotiated settlements or settlements arising from the findings of an arbitration board or court of jurisdiction have been satisfied.

NEW SECTION. Sec. 915. The department of information services will act as lead agency in coordinating video telecommunications services for state agencies. As lead agency, the department shall develop standards and common specifications for leased and purchased telecommunications equipment and assist state agencies in developing a video telecommunications expenditure plan. No agency may spend any portion of any appropriation in this act for new video telecommunication equipment, new video telecommunication transmission, or new video telecommunication programming, or for expanding current video telecommunication systems without first complying with chapter 43.105 RCW, including but not limited to RCW 43.105.041(2), and without first submitting a video telecommunications expenditure plan, in accordance with the policies of the department of information services, for review and assessment by the department of information services under RCW 43.105.052. Prior to any such expenditure by a public school, a video telecommunications expenditure plan shall be approved by the superintendent of public instruction. The office of the superintendent of public instruction shall coordinate the use of video telecommunications in public schools by providing

educational information to local school districts and shall assist local school districts and educational service districts in telecommunications planning and curriculum development. Prior to any such expenditure by a public institution of postsecondary education, a telecommunications expenditure plan shall be approved by the higher education coordinating board. The higher education coordinating board shall coordinate the use of video telecommunications for instruction and instructional support in postsecondary education, including the review and approval of instructional telecommunications course offerings.

NEW SECTION. Sec. 916. To ensure that major construction projects are carried out in accordance with legislative and executive intent, capital projects for renovation or additional space contained in this act that exceed two million five hundred thousand dollars for which a program document is not completed prior to September 1, 1988, shall not expend funds for planning and construction until the office of financial management has reviewed the agency's programmatic document and approved continuation of the project. The program document shall include but not be limited to projected workload, site conditions, user requirements, current space available, and an overall budget and cost estimate breakdown.

NEW SECTION. Sec. 917. The appropriations contained in this act are maximum expenditure authorizations. Pursuant to RCW 43.88.037, moneys disbursed from the treasury on the basis of a formalized loan agreement with another governmental entity shall be treated as a loan and are to be recorded as loans receivable and not as expenditures for accounting purposes. To the extent that moneys are disbursed on a loan basis, the corresponding appropriation shall be reduced by the amount of loan moneys disbursed from the treasury during the 1989-91 biennium.

NEW SECTION. Sec. 918. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 919. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect immediately."

On page 1, line 1 of the title, after "capital budget;" strike the remainder of the title and insert "making appropriations and authorizing expenditures for capital improvements; authorizing certain projects; and declaring an emergency."

Signed by Representatives H. Sommers, Chair; Rasmussen, Vice Chair; Schoon, Ranking Republican Member; Betzoff, Bowman, Braddock, Bristow, Fraser, Jacobsen, Peery, Wang and Winsley.

MINORITY recommendation: Do not pass. Signed by Representative Betzoff.

Voting nay: Representatives Beck and Betzoff.

April 17, 1989

RESSB 5897 Prime Sponsor, Committee on Health Care & Corrections: Regarding alcohol and drug treatment. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass with the following amendments:

Strike everything after the enacting clause and insert the following:

NEW SECTION. Sec. 1. The legislature recognizes that alcoholism and drug addiction are treatable, primary diseases and that most persons with this illness can recover. The legislature further recognizes that distinguishing alcoholics and drug addicts from persons incapacitated due to physical disability or mental illness is necessary in order to provide an incentive for them to seek treatment and rehabilitation focused on alcoholism and/or drug addiction. However, the legislature recognizes that when this disease has progressed to the stage where a person's alcoholism or drug addiction has resulted in cognitive impairment, it is appropriate to provide general assistance benefits.

Sec. 2. Section 1, chapter 6, Laws of 1981 1st ex. sess. as last amended by section 31, chapter 75, Laws of 1987 and by section 9, chapter 406, Laws of 1987 and RCW 74.04.005 are each reenacted and amended to read as follows:

For the purposes of this title, unless the context indicates otherwise, the following definitions shall apply:

(1) 'Public assistance' or 'assistance'—Public aid to persons in need thereof for any cause, including services, medical care, assistance grants, disbursing orders, work relief, general assistance and federal-aid assistance.

(2) 'Department'—The department of social and health services.

(3) 'County or local office'—The administrative office for one or more counties or designated service areas.

(4) 'Director' or 'secretary' means the secretary of social and health services.

(5) 'Federal-aid assistance'—The specific categories of assistance for which provision is made in any federal law existing or hereafter passed by which payments are made from the

federal government to the state in aid or in respect to payment by the state for public assistance rendered to any category of needy persons for which provision for federal funds or aid may from time to time be made, or a federally administered needs-based program.

(6)(a) 'General assistance'—Aid to persons in need who:

(i) Are not eligible to receive federal-aid assistance, other than food stamps and medical assistance; however, an individual who refuses or fails to cooperate in obtaining federal-aid assistance, without good cause, is not eligible for general assistance;

(ii) Are either:

(A) Pregnant: PROVIDED, That need is based on the current income and resource requirements of the federal aid to families with dependent children program: PROVIDED FURTHER, That during any period in which an aid for dependent children employable program is not in operation, only those pregnant women who are categorically eligible for medicaid are eligible for general assistance; or

(B) ~~(Incapacitated from gainful employment by reason of bodily or mental infirmity that will likely continue for a minimum of sixty days as determined by the department. Persons who are unemployable due to alcohol or drug addiction are not eligible for general assistance. Persons receiving general assistance on July 26, 1987, or becoming eligible for such assistance thereafter, due to an alcohol or drug-related incapacity, shall be referred to appropriate assessment, treatment, shelter, or supplemental security income referral services as authorized under chapter 74.50 RCW.)~~ As determined by the department, incapacitated from gainful employment when such incapacity is expected to continue for a minimum of sixty days, because of:

(I) Physical or mental infirmity other than alcoholism or drug addiction where the finding is based on documented evidence from a physician or psychologist; or

(II) Alcoholism or drug addiction to the extent that the impairment of the applicant's cognitive ability will not dissipate with sobriety, based on documented evidence from a physician, psychologist, or alcohol or drug treatment professional who is determined by the department to be qualified to make this finding. If it is found that an applicant needs detoxification services before his or her incapacity can be determined, the applicant shall accept and complete such detoxification services, if available. Services to individuals eligible under subsection (a)(I)(B)(II) of this section shall constitute a separate program subject to separate appropriation by the legislature.

Each recipient of assistance based on a primary or secondary incapacity of alcoholism or drug addiction shall receive assistance through a protective payee or an intensive protective payee. The department shall develop a protective payee system that includes defined maximum weekly cash disbursements to recipients, procedures for direct payment of recipients' basic needs, such as rent and utilities, and safeguards to prevent the diversion of assistance to purchase alcohol or drugs. The intensive protective payee system also shall include a case management function. The department may require that a recipient receive assistance through the intensive protective payee system. The department may contract with qualified persons or entities to provide protective payee or intensive protective payee services for a fixed amount per recipient per month. Persons who apply for assistance under this section based upon alcoholism or drug addiction, whether or not they are determined eligible for assistance under this section, shall be referred to appropriate assessment, treatment, or program services that may be available to them under chapters 69.54, 70.96, and 70.96A RCW. Referrals shall be made at the time of application or at the time of eligibility review. (~~Alcoholic and drug addicted clients who are receiving general assistance on July 26, 1987, may remain on general assistance if they otherwise retain their eligibility until they are assessed for services under chapter 74.50 RCW. This subsection (6)(a)(ii)(B) shall not be construed to prohibit the department from granting general assistance benefits to alcoholics and drug addicts who are incapacitated due to other physical or mental conditions that meet the eligibility criteria for the general assistance program.~~)

(iii) Are citizens or aliens lawfully admitted for permanent residence or otherwise residing in the United States under color of law; and

(iv) Have furnished the department their social security account number. If the social security account number cannot be furnished because it has not been issued or is not known, an application for a number shall be made prior to authorization of assistance, and the social security number shall be provided to the department upon receipt.

(b) Notwithstanding the provisions of subsection (6)(a)(i), (ii), and (c) of this section, general assistance shall be provided to the following recipients of federal-aid assistance:

(i) Recipients of supplemental security income whose need, as defined in this section, is not met by such supplemental security income grant because of separation from a spouse; or

(ii) To the extent authorized by the legislature in the biennial appropriations act, to recipients of aid to families with dependent children whose needs are not being met because of a temporary reduction in monthly income below the entitled benefit payment level caused by loss or reduction of wages or unemployment compensation benefits or some other unforeseen circumstances. The amount of general assistance authorized shall not exceed the difference between the entitled benefit payment level and the amount of income actually received.

(c) General assistance shall be provided only to persons who are not members of assistance units receiving federal aid assistance, except as provided in subsection (6)(a)(ii)(A) and (b) of this section, and will accept available services which can reasonably be expected to enable the person to work or reduce the need for assistance unless there is good cause to refuse: PROVIDED, That persons receiving general assistance based upon an incapacity of alcoholism or drug addiction shall not be required to accept treatment services for their addiction. Failure to accept such services shall result in termination until the person agrees to cooperate in accepting such services and subject to the following maximum periods of ineligibility after reapplication:

(i) First failure: One week;

(ii) Second failure within six months: One month;

(iii) Third and subsequent failure within one year: Two months.

(d) The department shall adopt by rule medical criteria for general assistance eligibility to ensure that eligibility decisions are consistent with statutory requirements and are based on clear, objective medical information.

(e) The process implementing the medical criteria shall involve consideration of opinions of the treating or consulting physicians or health care professionals regarding incapacity, and any eligibility decision which rejects uncontroverted medical opinion must set forth clear and convincing reasons for doing so.

(f) Recipients of general assistance who remain otherwise eligible shall not have their benefits terminated absent a clear showing of material improvement in their medical or mental condition or specific error in the prior determination that found the recipient eligible by reason of incapacitation.

(7) 'Applicant'—Any person who has made a request, or on behalf of whom a request has been made, to any county or local office for assistance.

(8) 'Recipient'—Any person receiving assistance and in addition those dependents whose needs are included in the recipient's assistance.

(9) 'Standards of assistance'—The level of income required by an applicant or recipient to maintain a level of living specified by the department.

(10) 'Resource'—Any asset, tangible or intangible, owned by or available to the applicant at the time of application, which can be applied toward meeting the applicant's need, either directly or by conversion into money or its equivalent: PROVIDED, That an applicant may retain the following described resources and not be ineligible for public assistance because of such resources.

(a) A home, which is defined as real property owned and used by an applicant or recipient as a place of residence, together with a reasonable amount of property surrounding and contiguous thereto, which is used by and useful to the applicant. Whenever a recipient shall cease to use such property for residential purposes, either for himself or his dependents, the property shall be considered as a resource which can be made available to meet need, and if the recipient or his dependents absent themselves from the home for a period of ninety consecutive days such absence, unless due to hospitalization or health reasons or a natural disaster, shall raise a rebuttable presumption of abandonment: PROVIDED, That if in the opinion of three physicians the recipient will be unable to return to the home during his lifetime, and the home is not occupied by a spouse or dependent children or disabled sons or daughters, such property shall be considered as a resource which can be made available to meet need.

(b) Household furnishings and personal effects and other personal property having great sentimental value to the applicant or recipient, as limited by the department consistent with limitations on resources and exemptions for federal aid assistance.

(c) A motor vehicle, other than a motor home, used and useful having an equity value not to exceed one thousand five hundred dollars.

(d) All other resources, including any excess of values exempted, not to exceed one thousand dollars or other limit as set by the department, to be consistent with limitations on resources and exemptions necessary for federal aid assistance.

(e) Applicants for or recipients of general assistance may retain the following described resources in addition to exemption for a motor vehicle or home and not be ineligible for public assistance because of such resources:

(i) Household furnishings, personal effects, and other personal property having great sentimental value to the applicant or recipient;

(ii) Term and burial insurance for use of the applicant or recipient;

(iii) Life insurance having a cash surrender value not exceeding one thousand five hundred dollars; and

(iv) Cash, marketable securities, and any excess of values above one thousand five hundred dollars equity in a vehicle and above one thousand five hundred dollars in cash surrender value of life insurance, not exceeding one thousand five hundred dollars for a single person or two thousand two hundred fifty dollars for a family unit of two or more. The one thousand dollar limit in subsection (10)(d) of this section does not apply to recipients of or applicants for general assistance.

(f) If an applicant for or recipient of public assistance possesses property and belongings in excess of the ceiling value, such value shall be used in determining the need of the applicant or recipient, except that: (i) The department may exempt resources or income when the income and resources are determined necessary to the applicant's or recipient's restoration to independence, to decrease the need for public assistance, or to aid in rehabilitating the applicant or recipient or a dependent of the applicant or recipient; and (ii) the department may provide grant assistance to persons who are otherwise ineligible because of excess real property owned by such persons when they are making a good faith effort to dispose of that property, but the recipient must sign an agreement to dispose of the property and repay assistance payments made to the date of disposition of the property which would not have been made had the disposal occurred at the beginning of the period for which the payments of such assistance were made. In no event shall such amount due the state exceed the net proceeds otherwise available to the recipient from the disposition, unless after nine months from the date of the agreement the property has not been sold, or if the recipient's eligibility for financial assistance ceases for any other reason. In these two instances the entire amount of assistance paid during this period will be treated as an overpayment and a debt due the state, and may be recovered pursuant to RCW 43.20B.630.

(11) 'Income'—(a) All appreciable gains in real or personal property (cash or kind) or other assets, which are received by or become available for use and enjoyment by an applicant or recipient during the month of application or after applying for or receiving public assistance: PROVIDED, That the department may by rule and regulation exempt income received by an applicant for or recipient of public assistance which can be used by him to decrease his need for public assistance or to aid in rehabilitating him or his dependents, but such exemption shall not, unless otherwise provided in this title, exceed the exemptions of resources granted under this chapter to an applicant for public assistance: PROVIDED FURTHER, That in determining the amount of assistance to which an applicant or recipient of aid to families with dependent children is entitled, the department is hereby authorized to disregard as a resource or income the earned income exemptions consistent with federal requirements: PROVIDED FURTHER, The department may permit the above exemption of earnings of a child to be retained by such child to cover the cost of special future identifiable needs even though the total exceeds the exemptions or resources granted to applicants and recipients of public assistance, but consistent with federal requirements. In formulating rules and regulations pursuant to this chapter, the department shall define income and resources and the availability thereof, consistent with federal requirements. All resources and income not specifically exempted, and any income or other economic benefit derived from the use of, or appreciation in value of, exempt resources, shall be considered in determining the need of an applicant or recipient of public assistance.

(b) If, under applicable federal requirements, the state has the option of considering property in the form of lump sum compensatory awards or related settlements received by an applicant or recipient as income or as a resource, the department shall consider such property to be a resource.

(12) 'Need'—The difference between the applicant's or recipient's standards of assistance for himself and the dependent members of his family, as measured by the standards of the department, and value of all nonexempt resources and nonexempt income received by or available to the applicant or recipient and the dependent members of his family.

(13) In the construction of words and phrases used in this title, the singular number shall include the plural, the masculine gender shall include both the feminine and neuter genders and the present tense shall include the past and future tenses, unless the context thereof shall clearly indicate to the contrary.

NEW SECTION. Sec. 3. A new section is added to chapter 69.54 RCW to read as follows:

(1) The department shall provide, within available funds, client assessment and treatment services to persons suffering problems related to narcotic and other dangerous drugs through contracts with approved drug treatment providers or counties. The treatment services may include, but are not limited to:

(a) Intensive inpatient treatment services;

(b) Recovery house treatment;

(c) Outpatient treatment and counseling, which may include assistance in obtaining employment and a living allowance while undergoing outpatient treatment. The living allowance may not be used to provide shelter to clients in a dormitory setting that does not require sobriety as a condition of residence. The living allowance shall be administered on the clients' behalf by the outpatient treatment facility or other social service agency designated by the department. The department is authorized to pay the facility a fee for administering this allowance.

(2) Where treatment includes either residential care or a living stipend, the assessment service shall include a diagnostic evaluation for the purpose of determining who may receive treatment services and what treatment is appropriate. The department may require an applicant to complete a residential evaluation for the purpose of clarifying individualized treatment

needs when the department is not capable of making an accurate assessment of that individual's needs within the ordinary assessment process.

(3) The department may require an applicant or recipient selecting treatment to complete inpatient and recovery house treatment when, in the judgment of a designated assessment center, such treatment is necessary prior to providing the outpatient program.

(4) The department shall give priority in providing client assessment and treatment services to recipients of public assistance whose treatment needs cannot be met through Title XIX of the federal social security act, and to persons with household income at or below one hundred fifty percent of the federal poverty level as determined annually by the federal department of health and human services. In establishing priorities, the department also shall consider the following:

(a) The need for treatment in conjunction with maternity care services for drug abusing pregnant women to assure healthy births; and

(b) The potential impact on families and children if treatment is unavailable for drug abusing parents or household members.

The department shall strive to serve all of those requesting treatment. If a waiting list develops, the department may limit treatment under this chapter to pregnant women, parents of young children, and indigent persons.

Treatment programs under this chapter for special populations such as pregnant women and single parents with children shall be designed to coordinate with programs providing maternity care services, including case management and support services, and child care, or to incorporate such services as necessary.

(5) With the exception of those treatment services funded through alcohol and drug grants to counties, no individual may receive a combination of inpatient or outpatient treatment services for a total of more than six months in any two-year period. The department may approve an additional treatment or living allowance in an exceptional case.

NEW SECTION. Sec. 4. A new section is added to chapter 70.96A RCW to read as follows:

(1) The department shall provide, within available funds, client assessment and treatment services to persons addicted to alcohol, through contracts with approved alcohol treatment providers or counties. The treatment services may include, but are not limited to:

(a) Intensive inpatient treatment services;

(b) Recovery house treatment;

(c) Outpatient treatment and counseling, including assistance in obtaining employment, and including a living allowance while undergoing outpatient treatment. The living allowance may not be used to provide shelter to clients in a dormitory setting that does not require sobriety as a condition of residence. The living allowance shall be administered on the clients' behalf by the outpatient treatment facility or other social service agency designated by the department. The department is authorized to pay the facility a fee for administering this allowance.

(2) Where treatment includes either residential care or a living stipend, the assessment service shall include a diagnostic evaluation for the purpose of determining who may receive treatment services and what treatment is appropriate. The department may require an applicant to complete a residential evaluation for the purpose of clarifying individualized treatment needs when the department is not capable of making an accurate assessment of that individual's needs within the ordinary assessment process.

(3) The department may require an applicant or recipient selecting treatment to complete inpatient and recovery house treatment when, in the judgment of a designated assessment center, such treatment is necessary prior to providing the outpatient program.

(4) The department shall give priority in providing client assessment and treatment services to recipients of public assistance whose treatment needs cannot be met through Title XIX of the federal social security act and to persons who are indigent. In establishing priorities, the department also shall consider the following:

(a) The need for treatment in conjunction with maternity care services for alcohol abusing pregnant women to assure healthy births; and

(b) The potential impact on families and children if treatment is unavailable for alcohol abusing parents or household members.

The department shall strive to serve all of those requesting treatment. If a waiting list develops, the department may limit treatment under this chapter to pregnant women and parents of young children.

Treatment programs under this chapter for special populations such as pregnant women and single parents with children shall be designed to coordinate with programs providing maternity care services, including case management and support services, and child care, or to incorporate such services as necessary.

(5) With the exception of those treatment services funded through alcohol and drug grants to counties, no individual may receive a combination of inpatient or outpatient treatment services for a total of more than six months in any two-year period. The department may approve an additional treatment or living allowance in an exceptional case.

NEW SECTION. Sec. 5. A new section is added to chapter 70.96A RCW to read as follows:

(1) The department shall provide, within available funds, client assessment and treatment services to persons addicted to drugs or alcohol, through contracts with approved drug or alcohol treatment providers or counties. The treatment services may include, but are not limited to:

(a) Intensive inpatient treatment services;

(b) Recovery house treatment;

(c) Outpatient treatment and counseling, including assistance in obtaining employment, and including a living allowance while undergoing outpatient treatment. The living allowance may not be used to provide shelter to clients in a dormitory setting that does not require sobriety as a condition of residence. The living allowance shall be administered on the clients' behalf by the outpatient treatment facility or other social service agency designated by the department. The department is authorized to pay the facility a fee for administering this allowance.

(2) Where treatment includes either residential care or a living stipend, the assessment service shall include a diagnostic evaluation for the purpose of determining who may receive treatment services and what treatment is appropriate. The department may require an applicant to complete a residential evaluation for the purpose of clarifying individualized treatment needs when the department is not capable of making an accurate assessment of that individual's needs within the ordinary assessment process.

(3) The department may require an applicant or recipient selecting treatment to complete inpatient and recovery house treatment when, in the judgment of a designated assessment center, such treatment is necessary prior to providing the outpatient program.

(4) The department shall give priority in providing client assessment and treatment services to recipients of public assistance whose treatment needs cannot be met through Title XIX of the federal social security act and to persons who are indigent. In establishing priorities, the department also shall consider the following:

(a) The need for treatment in conjunction with maternity care services for drug or alcohol abusing pregnant women to assure healthy births; and

(b) The potential impact on families and children if treatment is unavailable for drug or alcohol abusing parents or household members.

The department shall strive to serve all of those requesting treatment. If a waiting list develops, the department may limit treatment under this chapter to pregnant women and parents of young children.

Treatment programs under this chapter for special populations such as pregnant women and single parents with children shall be designed to coordinate with programs providing maternity care services, including case management and support services, and child care, or to incorporate such services as necessary.

(5) With the exception of those treatment services funded through alcohol and drug grants to counties, no individual may receive a combination of inpatient or outpatient treatment services for a total of more than six months in any two-year period. The department may approve an additional treatment or living allowance in an exceptional case.

Sec. 6. Section 12, chapter 122, Laws of 1972 ex. sess. as last amended by section 13, chapter 439, Laws of 1987 and RCW 70.96A.120 are each amended to read as follows:

(1) An intoxicated person may come voluntarily to an approved treatment facility for treatment. A person who appears to be intoxicated in a public place and to be in need of help, if he or she consents to the proffered help, may be assisted to his or her home, an approved treatment facility or other health facility.

(2) Except for a person who may be apprehended for possible violation of laws not relating to alcoholism or intoxication and except for a person who may be apprehended for possible violation of laws relating to driving or being in physical control of a vehicle while intoxicated and except for a person who may wish to avail himself or herself of the provisions of RCW 46.20.308, a person who appears to be incapacitated by alcohol and who is in a public place or who has threatened, attempted, or inflicted physical harm on another, shall be taken into protective custody by the police or the emergency service patrol and as soon as practicable, but in no event beyond eight hours brought to an approved treatment facility for treatment. If no approved treatment facility is readily available he or she shall be taken to an emergency medical service customarily used for incapacitated persons. The police or the emergency service patrol, in detaining the person and in taking him or her to an approved treatment facility, is taking him or her into protective custody and shall make every reasonable effort to protect his or her health and safety. In taking the person into protective custody, the detaining officer or member of an emergency patrol may take reasonable steps including reasonable force if necessary to protect himself or herself or effect the custody. A taking into protective custody under this section is not an arrest. No entry or other record shall be made to indicate that the person has been arrested or charged with a crime.

(3) A person who comes voluntarily or is brought to an approved treatment facility shall be examined by a qualified person. He or she may then be admitted as a patient or referred to another health facility, which provides emergency medical treatment, where it appears that

such treatment may be necessary. The referring approved treatment facility shall arrange for his or her transportation.

(4) A person who is found to be incapacitated by alcohol at the time of his or her admission or to have become incapacitated at any time after his or her admission, may not be detained at the facility for more than seventy-two hours after admission as a patient, unless a petition is filed under RCW 70.96A.140, as now or hereafter amended: PROVIDED, That the treatment personnel at the facility are authorized to use such reasonable physical restraint as may be necessary to retain a person incapacitated by alcohol at such facility for up to seventy-two hours from the time of admission. The seventy-two hour periods specified in this section shall be computed by excluding Saturdays, Sundays, and holidays. A person may consent to remain in the facility as long as the physician in charge believes appropriate.

(5) A person who is not admitted to an approved treatment facility, is not referred to another health facility, and has no funds, may be taken to his or her home, if any. If he or she has no home, the approved treatment facility shall ~~((assist))~~ provide him or her ~~((in-obtaining shelter))~~ with information and assistance to access available community resources.

(6) If a patient is admitted to an approved treatment facility, his or her family or next of kin shall be notified as promptly as possible. If an adult patient who is not incapacitated requests that there be no notification, his or her request shall be respected.

(7) The police, members of the emergency service, or treatment facility personnel, who in good faith act in compliance with this chapter are performing in the course of their official duty and are not criminally or civilly liable therefor.

(8) If the person in charge of the approved treatment facility determines it is for the patient's benefit, the patient shall be encouraged to agree to further diagnosis and appropriate voluntary treatment.

Sec. 7. Section 74.09.010, chapter 26, Laws of 1959 as last amended by section 11, chapter 406, Laws of 1987 and RCW 74.09.010 are each amended to read as follows:

As used in this chapter:

(1) 'Department' means the department of social and health services.

(2) 'Secretary' means the secretary of social and health services.

(3) 'Internal management' means the administration of medical assistance, medical care services, and the limited casualty program.

(4) 'Medical assistance' means the federal aid medical care program provided to categorically needy persons as defined under Title XIX of the federal social security act.

(5) 'Medical care services' means the limited scope of care financed by state funds and provided to general assistance recipients ~~((and recipients of alcohol and drug addiction services provided under chapter 74.50 RCW))~~ and to persons who meet the general assistance financial eligibility criteria and are eligible for drug or alcohol residential treatment or outpatient treatment that is accompanied by a living stipend.

(6) 'Limited casualty program' means the medical care program provided to medically needy persons as defined under Title XIX of the federal social security act, and to medically indigent persons who are without income or resources sufficient to secure necessary medical services.

(7) 'Nursing home' means nursing home as defined in RCW 18.51.010.

Sec. 8. Section 19, chapter 6, Laws of 1981 1st ex. sess. as last amended by section 12, chapter 406, Laws of 1987 and RCW 74.09.035 are each amended to read as follows:

(1) To the extent of available funds, medical care services may be provided to recipients of general assistance ~~((and recipients of alcohol and drug addiction services provided under chapter 74.50 RCW))~~ and to persons who meet the general assistance financial eligibility criteria and are eligible for drug or alcohol residential treatment or outpatient treatment that is accompanied by a living stipend in accordance with medical eligibility requirements established by the department.

(2) Determination of the amount, scope, and duration of medical care services shall be limited to coverage as defined by the department, except that adult dental, and routine foot care shall not be included unless there is a specific appropriation for these services.

(3) The department shall establish standards of assistance and resource and income exemptions, which may include deductibles and co-insurance provisions. In addition, the department may include a prohibition against the voluntary assignment of property or cash for the purpose of qualifying for assistance.

(4) Residents of skilled nursing homes, intermediate care facilities, and intermediate care facilities for the mentally retarded who are eligible for medical care services shall be provided medical services to the same extent as provided to those persons eligible under the medical assistance program.

(5) Payments made by the department under this program shall be the limit of expenditures for medical care services solely from state funds.

(6) Eligibility for medical care services shall commence with the date of certification for general assistance or the date of eligibility for ~~((alcohol and drug addiction services provided under chapter 74.50 RCW))~~ drug or alcohol residential treatment or outpatient treatment that is accompanied by a living stipend.

NEW SECTION. Sec. 9. (1) The department of social and health services shall monitor the treatment programs provided under chapters 69.54, 70.96, and 70.96A RCW and shall collect and maintain relevant demographic data regarding persons receiving treatment services under chapters 69.54, 70.96, and 70.96A RCW and persons receiving general assistance - unemployable benefits based on an incapacity of alcoholism and drug addiction. The department also shall monitor contracted service providers to ensure conformance with the statutory priorities of this act.

(2) The department shall report the results of the data collection and monitoring provided for in subsection (1) of this section to appropriate committees of the legislature on or before December 1, 1989, and December 1, 1990.

(3) The department shall contract with the University of Washington alcoholism and drug abuse institute to evaluate the outcomes of the treatment programs provided under chapters 69.54, 70.96, and 70.96A RCW. The evaluation shall include assessments of treatment outcomes for a sample number of participants selected at random and monitored over at least a one-year period. The results of the evaluation shall be reported to appropriate committees of the legislature on or before December 1, 1990.

NEW SECTION. Sec. 10. (1) The department of social and health services shall monitor the treatment programs provided under chapter 70.96A RCW and shall collect and maintain relevant demographic data regarding persons receiving treatment services under chapter 70.96A RCW and persons receiving general assistance - unemployable benefits based on an incapacity of alcoholism and drug addiction. The department also shall monitor contracted service providers to ensure conformance with the statutory priorities of this act.

(2) The department shall report the results of the data collection and monitoring provided for in subsection (1) of this section to appropriate committees of the legislature on or before December 1, 1989, and December 1, 1990.

(3) The department shall contract with the University of Washington alcoholism and drug abuse institute to evaluate the outcomes of the treatment programs provided under chapter 70.96A RCW. The evaluation shall include assessments of treatment outcomes for a sample number of participants selected at random and monitored over at least a one-year period. The results of the evaluation shall be reported to appropriate committees of the legislature on or before December 1, 1990.

NEW SECTION. Sec. 11. The following acts or parts of acts are each repealed:

(1) Section 2, chapter 406, Laws of 1987, section 1, chapter 163, Laws of 1988 and RCW 74.50.010;

(2) Section 3, chapter 406, Laws of 1987 and RCW 74.50.020;

(3) Section 4, chapter 406, Laws of 1987, section 2, chapter 163, Laws of 1988 and RCW 74.50.030;

(4) Section 5, chapter 406, Laws of 1987 and RCW 74.50.040;

(5) Section 6, chapter 406, Laws of 1987, section 3, chapter 163, Laws of 1988 and RCW 74.50.050;

(6) Section 7, chapter 406, Laws of 1987, section 4, chapter 163, Laws of 1988 and RCW 74.50.060;

(7) Section 8, chapter 406, Laws of 1987 and RCW 74.50.070; and

(8) Section 1, chapter 406, Laws of 1987 and RCW 74.50.900.

NEW SECTION. Sec. 12. (1) Sections 3, 4, and 9 of this act shall expire July 23, 1989, if Engrossed Substitute House Bill No. 1619 is enacted into law on or before July 23, 1989.

(2) If Engrossed Substitute House Bill No. 1619 is not enacted into law on or before July 23, 1989, sections 5 and 10 of this act shall be null and void.

NEW SECTION. Sec. 13. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 14. Sections 2 through 4, 6 through 9, 11, and 12 of this act are necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect immediately."

On page 1, line 1 of the title, after "treatment;" strike the remainder of the title and insert "amending RCW 70.96A.120, 74.09.010, and 74.09.035; reenacting and amending RCW 74.04.005; adding a new section to chapter 69.54 RCW; adding new sections to chapter 70.96A RCW; creating new sections; repealing RCW 74.50.010, 74.50.020, 74.50.030, 74.50.040, 74.50.050, 74.50.060, 74.50.070, and 74.50.900; and declaring an emergency."

Signed by Representatives Locke, Chair; Grant, Vice Chair; Silver, Ranking Republican Member; Youngsman, Assistant Ranking Republican Member; Appelwick, Braddock, Bristow, Ferguson, Hine, Holland, May, McLean, Peery, Spanel, Wang and Wineberry.

MINORITY recommendation: Do not pass. Signed by Representatives Brekke, Rust and Valle.

Voting nay: Representatives H. Sommers, Vice Chair; Brekke, Rust and Valle.

Absent: Representatives Belcher, Bowman, Brough, Dorn, Doty, Holland, Nealey, Padden, Sayan and Sprenkle.

MOTION

On motion of Mr. Heavey, the rules were suspended and the bills listed on today's committee reports under the fifth order of business were placed on the second reading calendar.

MOTION

Mr. Heavey moved that further consideration of Substitute House Bill No. 1305 be deferred. The motion was carried.

The Speaker (Mr. O'Brien presiding) declared the House to be at ease.
The Speaker called the House to order.

There being no objection, the House advanced to the sixth order of business.

SECOND READING

MOTION

Mr. Heavey moved that the House consider the following bills on the second reading calendar in the following order: House Bill No. 1825 and Second Substitute Senate Bill No. 5400. The motion was carried.

HOUSE BILL NO. 1825, 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.

The bill was read the second time. On motion of Mr. Walk, Substitute House Bill NO. 1825 was substituted for House Bill No. 1825 and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 1825 was read the second time.

Mr. Walk moved adoption of the following amendment by Representatives Walk and R. Fisher:

Strike everything after the enacting clause and insert the following:

"INDEX

Part I. Rail Freight	Sections 1-11
Part II. High Occupancy Vehicle Lane Development	Sections 12-21
Part III. High Capacity System Development	Sections 22-35
Part IV. AMTRAK Activities	Sections 36-40
Part V. High Capacity Funding Authorizations	Sections 41-48
Part VI. High Capacity Transportation Account	Sections 49-51
Part VII. Miscellaneous	Sections 52-59

PART I RAIL FREIGHT

NEW SECTION. Sec. 1. PURPOSE OF STATE FREIGHT RAIL PROGRAM. The legislature finds that a balanced multimodal transportation system is required to maintain the state's commitment to the growing mobility needs of its citizens and commerce. Freight rail systems are important elements of this multimodal system.

Washington's economy relies heavily upon the freight rail system to ensure movement of the state's agricultural, chemical, and natural resource products to local, national, and international markets. Since 1970, Washington has lost nearly one-third of its five thousand two hundred rail miles to abandonment and bankruptcies, leaving approximately three thousand four hundred rail miles. Recognizing the implications of this trend for freight mobility and the state's economic future, the legislature believes that better freight rail planning, better cooperation to preserve rail lines, and increased financial assistance from the state are necessary to maintain and improve the freight rail system within the state.

NEW SECTION. Sec. 2. STATE FREIGHT RAIL PROGRAM. The Washington state department of transportation shall implement a state freight rail program for rail coordination, planning, and technical assistance.

NEW SECTION. Sec. 3. FREIGHT RAIL PLANNING. (1) The department of transportation shall continue its responsibility for the development and implementation of the state rail plan and programs, and the utilities and transportation commission shall continue its responsibility for interstate rates, service, and safety issues.

(2) The department of transportation shall maintain an enhanced data file on the rail system. Proprietary annual station traffic data from each railroad and the modal use of major shippers shall be obtained to the extent that such information is available.

(3) The department of transportation shall provide technical assistance, upon request, to state agencies and local interests. Technical assistance includes, but is not limited to, the following:

(a) Abandonment cost-benefit analyses, to include the public and private costs and benefits of maintaining the service, providing alternative service including necessary road improvement costs, or of taking no action;

(b) Assistance in the formation of county rail districts and port districts; and

(c) Feasibility studies for rail service continuation and/or rail service assistance.

(4) With funding authorized by the legislature, the department of transportation shall develop a cooperative process to conduct community and business information programs and to regularly disseminate information on rail matters. The following agencies and jurisdictions shall be involved in the process:

(a) The state departments of community development and trade and economic development;

(b) Local jurisdictions and local economic development agencies; and

(c) Other interested public and private organizations.

NEW SECTION. Sec. 4. FREIGHT RAIL PRESERVATION PROGRAM. The state, counties, local communities, railroads, labor, and shippers all benefit from continuation of rail service and should participate in its preservation. Lines which provide benefits to the state and local jurisdictions, such as avoided roadway costs, reduced traffic congestion, economic development potential, environmental protection, and safety, should be assisted through the joint efforts of the state, local jurisdictions, and the private sector.

(1) The department of transportation shall continue to monitor the status of the state's light density line system through the state rail plan and various analyses, and shall seek alternatives to abandonment prior to interstate commerce commission proceedings, where feasible.

(2) The utilities and transportation commission shall intervene in interstate commerce commission proceedings on abandonments, when necessary, to protect the state's interest.

(3) As conditions warrant, the following criteria shall be used for identifying the state's essential rail system:

(a) Established regional and short-line carriers excluding private operations which are not common carriers;

(b) Former state project lines, which are lines that have been studied and have received funds from the state and federal governments;

(c) Lines serving major agricultural and forest product areas or terminals, with such terminals generally being within a fifty-mile radius of producing areas, and sites associated with commodities shipped by rail;

(d) Lines serving ports, seaports, and navigable river ports;

(e) Lines serving power plants or energy resources;

(f) Lines used for passenger service;

(g) Mainlines connecting to the national and Canadian rail systems;

(h) Major intermodal service points or hubs; and

(i) The military's strategic rail network.

(4) Local jurisdictions may implement rail service preservation projects in the absence of state participation.

(5) The department of transportation shall continue to monitor projects for which it provides assistance.

NEW SECTION. Sec. 5. RAIL CORRIDOR PRESERVATION GUIDELINES. In rail banking situations where it is not practicable to implement or continue freight rail service operations until some future date and the line's right of way is available for purchase and/or meets the criteria of chapter 47.76 RCW:

(1) The department of transportation shall preserve rail corridors for future rail service by purchasing the rights of way with funds specifically appropriated from the essential rail banking account created in section 7 of this act.

(2) Acquisition of rights of way may also include track, bridges, and associated elements.

(3) All corridors purchased under the rail bank program shall be identified by the department of transportation.

(4) All corridors acquired by governmental entities by donation or reversion for future rail use shall be identified in the rail bank program.

NEW SECTION, Sec. 6. FINANCING MECHANISMS AND SOURCES FOR PUBLIC RAILROADS. State funding for rail service preservation shall benefit the state's interests, which include reducing public roadway maintenance and repair costs, increasing economic development opportunities, preserving jobs, and enhancing safety, and shall be contingent upon appropriate local participation.

NEW SECTION, Sec. 7. ESSENTIAL RAIL BANKING ACCOUNT—CREATION. (1) The essential rail banking account is created in the state treasury. Moneys in the account may be spent only after appropriation. Expenditures from the account may be used only for the purposes specified in this section.

(2) Moneys in the account may be used by the department to:

(a) Purchase unused rail rights of way; or

(b) Provide up to eighty percent of the funding through loans to port districts and county rail districts to purchase unused rail rights of way.

(3) Use of the moneys pursuant to subsection (2) of this section shall be for rights of way that meet the following criteria:

(a) The right of way has been identified, evaluated, and analyzed in the state rail plan prepared pursuant to this chapter;

(b) The right of way may be or has been abandoned;

(c) The right of way has potential for future rail service; and

(d) Reestablishment of rail service would benefit the state of Washington; and this benefit shall be based on the public and private costs and benefits of reestablishing the service compared with alternative service including necessary road improvement costs, or of taking no action.

Funds in the account may be expended for this purpose only with legislative appropriation. Funds for acquisition of any line shall be expended only after consultation with the legislative transportation committee. The department may also expend funds from the receipt of a donation of funds sufficient to cover the property acquisition and management costs. The department may receive donations of funds for this purpose, which shall be conditioned upon, and made in consideration for the repurchase rights contained in RCW 47.76.040. The department or the participating local jurisdiction shall be responsible for maintaining the right of way, including provisions for fire and weed control and for liability associated with ownership. Nothing in this section and in sections 5 and 11 of this act shall be interpreted or applied so as to impair the reversionary rights of abutting landowners, if any, without just compensation.

(4) All earnings of investments of balances in the essential rail banking account shall be credited to that account except as provided in RCW 43.84.090 and 43.84.092.

NEW SECTION, Sec. 8. EVALUATING PROGRAM PERFORMANCE. The department shall evaluate the state freight rail program performance at the end of six years with respect to past and current conditions and future needs. The results of this evaluation shall be presented to the legislative transportation committee.

NEW SECTION, Sec. 9. TAX RELIEF STUDY. The department of revenue, working with the department of transportation, shall study and report its findings to the legislative transportation committee, by December 1, 1990, with respect to a potential tax relief program under Title 84 RCW for railroad operating properties, which shall provide tax credits for railroad participation in rail service preservation or improvement projects implemented on the light density line system.

NEW SECTION, Sec. 10. MONITORING FEDERAL RAIL POLICIES. The department of transportation shall continue to monitor federal rail policies and congressional action and communicate to Washington's congressional delegation and federal transportation agencies the need for a balanced transportation system and associated funding.

Sec. 11. Section 6, chapter 303, Laws of 1983 as amended by section 64, chapter 57, Laws of 1985 and by section 2, chapter 432, Laws of 1985 and RCW 47.76.030 are each reenacted and amended to read as follows:

(1) The essential rail assistance account is hereby created in the state treasury. Moneys in the account may be appropriated only for the purposes specified in this section.

(2) Moneys ~~((in))~~ appropriated from the account to the department of transportation may be distributed by the department to county rail districts and port districts for the purpose of:

(a) Acquiring, maintaining, or improving branch rail lines; ~~((or))~~

(b) Operating railroad equipment necessary to maintain essential rail service;

(c) Construction of transloading facilities to increase business on light density lines or to mitigate the impacts of abandonment; or

(d) Preservation, including operation, of viable light density lines, as identified by the Washington state department of transportation, in compliance with this chapter.

(3) ~~((Moneys in the account may be distributed to the department to purchase unused rail right of way that meets the following criteria:~~

~~(a) The right of way has been identified, evaluated, and analyzed in the state rail plan prepared pursuant to RCW 47.76.020;~~

~~(b) The right of way has been abandoned and is available for acquisition;~~

~~(c) The right of way has potential for future rail service; and~~

~~(d) Reestablishment of rail service in the future would benefit the state of Washington.~~

~~The department may exercise its authority to use moneys in the account for the purposes of this subsection only with legislative appropriation for this purpose or upon receipt of a donation of funds sufficient to cover the property acquisition and management costs. The department may receive donations of funds for this purpose, which shall be conditioned upon, and made in consideration for the repurchase rights contained in RCW 47.76.040. Nothing in this section shall be interpreted or applied so as to impair the reversionary rights of abutting landowners, if any, without just compensation.~~

~~(4)) County rail districts and port districts may grant franchises to private railroads for the right to operate on lines acquired, repaired, or improved under this chapter.~~

~~((5)) (4) Moneys distributed under subsection (2) of this section shall not exceed eighty percent of the cost of the service or project undertaken. At least twenty percent of the cost shall be provided by the county, port district, or other local sources.~~

~~((6)) (5) The amount distributed under this section shall be repaid to the state by the county rail district or port district. The repayment shall occur within ~~(ten years)~~ a period not longer than fifteen years, as set by the department, of the distribution of the moneys and shall be deposited in the essential rail assistance account. The repayment schedule and rate of interest, if any, shall be set at the time of the distribution of the moneys.~~

~~((7)) (6) All earnings of investments of balances in the essential rail assistance account shall be credited to ~~(the general fund)~~ that account except as provided in RCW 43.84.090 and 43.84.092.~~

PART II

HIGH OCCUPANCY VEHICLE LANE DEVELOPMENT

NEW SECTION. Sec. 12. PURPOSE FOR ACCELERATING HIGH OCCUPANCY VEHICLE SYSTEM DEVELOPMENT AND UTILIZATION. The need for mobility, growing travel demand, and increasing traffic congestion in urban areas necessitate accelerated development and increased utilization of the high occupancy vehicle system. Sections 14 and 17 of this act provide taxing authority that transit agencies can use in the near term to accelerate development and increase utilization of the high occupancy vehicle system by supplementing available federal, state, and local funds.

NEW SECTION. Sec. 13. DEFINITIONS. Unless the context clearly requires otherwise, the definitions in this section apply throughout sections 12 through 21 of this act.

(1) 'Transit agency' means a city that operates a transit system, a public transportation benefit area, a county transportation authority, or a metropolitan municipal corporation.

(2) The 'high occupancy vehicle system' includes high occupancy vehicle lanes, related high occupancy vehicle facilities, and high occupancy vehicle programs.

(3) 'High occupancy vehicle lanes' mean lanes reserved for public transportation vehicles only or public transportation vehicles and private vehicles carrying no fewer than a specified number of passengers under RCW 46.61.165.

(4) 'Related facilities' means park and ride lots, park and pool lots, ramps, bypasses, turnouts, signal preemption, and other improvements designed to maximize use of the high occupancy vehicle system.

(5) 'High occupancy vehicle program' means advertising the high occupancy vehicle system, promoting carpool, vanpool, and transit use, providing vanpool vehicles, and enforcement of driving restrictions governing high occupancy vehicle lanes.

NEW SECTION. Sec. 14. EMPLOYER TAX. (1) Transit agencies located in a class AA county or in a class A county adjoining a class AA county and in a county having within its boundaries existing or planned high occupancy vehicle lanes on the state highway system, may impose an excise tax of up to five dollars per employee per month on all employers or any class or classes of employers, public and private, including the state located in the agency's jurisdiction, measured by the number of full-time equivalent employees.

If transit agencies authorized to impose the tax have overlapping jurisdiction, only the agency having the greatest population within its boundaries may impose the tax. Transit agencies may contract with the state department of revenue or other appropriate entities for administration and collection of the tax. Such contract shall provide for deduction of an amount for administration and collection expenses.

(2) The tax shall not apply to employment of a person when the employer has paid for at least half of the cost of a transit pass issued by a transit agency for that employee, valid for the period for which the tax would otherwise be owed.

(3) A transit agency shall adopt rules which exempt from all or a portion of the tax any employer that has entered into an agreement with the transit agency that is designed to reduce the proportion of employees who drive in single-occupant vehicles during peak commuting periods in proportion to the degree that the agreement is designed to meet the goals for the employer's location adopted under section 15 of this act.

The agreement shall include a list of specific actions that the employer will undertake to be entitled to the exemption. Employers having an exemption from all or part of the tax through this subsection shall annually certify to the transit agency that the employer is fulfilling

the terms of the agreement. The exemption continues as long as the employer is in compliance with the agreement.

If the tax authorized in section 17 of this act is also imposed by the transit agency, the total proceeds from both tax sources each year shall not exceed the maximum amount which could be collected under section 17 of this act.

NEW SECTION. Sec. 15. **ADOPTION OF GOALS.** The legislature encourages transit agencies in metropolitan areas to adopt goals for reducing the proportion of commuters who drive in single-occupant vehicles during peak commuting periods. Any transit agency imposing a tax under this chapter must adopt such goals. In adopting these goals, transit agencies shall consider at least the following:

(1) Existing and anticipated levels of peak-period traffic congestion on roadways used by employees in commuting to work;

(2) Existing and anticipated levels of transit and vanpool service and carpool programs available to and from the worksite;

(3) Variations in employment density and employer size;

(4) Availability and cost of parking; and

(5) Consistency of the goals with the regional transportation plan.

NEW SECTION. Sec. 16. **SURVEY OF TAX USE.** The department of transportation shall include in the annual transit report under chapter (EHB 1438), Laws of 1989 an element describing actions taken under this chapter. On at least two occasions prior to December 31, 1998, the department shall include an evaluation of the effectiveness of such actions.

NEW SECTION. Sec. 17. **EXCISE TAX.** Metropolitan municipal corporations in a class AA county and county transportation authorities in a class A county adjoining a class AA county, having within their boundaries existing or planned high occupancy vehicle lanes on the state highway system may impose a surcharge of not more than fifteen percent on the motor vehicle excise tax paid under RCW 82.44.020 on vehicles registered within the agency's jurisdiction. No surcharge may be imposed on vehicles licensed under RCW 46.16.070, 46.16.079, or 46.16.080, except for pickup trucks.

Transit agencies imposing a tax under this section shall contract, before the effective date of the resolution or ordinance imposing a surcharge, administration and collection to the state department of licensing, which shall deduct an amount, as provided by contract, for administration and collection expenses incurred by the department. All administrative provisions in chapters 82.03, 82.32, and 82.44 RCW shall, insofar as they are applicable to state motor vehicle excise taxes, be applicable to surcharges imposed under this section.

If the tax authorized in section 14 of this act is also imposed by the transit agency, the total proceeds from both tax sources each year shall not exceed the maximum amount which could be collected under this section.

NEW SECTION. Sec. 18. **HIGH OCCUPANCY VEHICLE ACCOUNT.** Funds collected by the department of revenue or other entity under section 14 of this act, or by the department of licensing under section 17 of this act, less the deduction for collection expenses, shall be deposited in the high occupancy vehicle account hereby created in the custody of the state treasurer. On the first day of the months of January, April, July, and October of each year, the state treasurer shall distribute the funds in the account to the transit agencies on whose behalf the funds were received. The state treasurer shall make the distribution under this section without appropriation. All earnings of investments of balances in this account shall be credited to this account except as provided in RCW 43.84.090 and 43.84.092.

NEW SECTION. Sec. 19. **USE OF FUNDS.** Funds collected under section 14 or 17 of this act and any investment earnings accruing thereon shall be used by the transit agency in a manner consistent with the regional transportation plan only for costs of collection, costs of preparing, adopting, and enforcing agreements under section 14(3) of this act, contracts with public agencies for construction of high occupancy vehicle lanes and related facilities, mitigation of environmental concerns that result from construction or use of high occupancy vehicle lanes and related facilities, payment of principal and interest on bonds issued for the purposes of this section, for high occupancy vehicle programs as defined in section 13(5) of this act, and for commuter rail projects in accordance with section 33 of this act. Not more than ten percent of the funds may be used for high occupancy vehicle programs.

Priorities for construction of high occupancy vehicle lanes and related facilities shall be as follows:

(1)(a) To accelerate construction of high occupancy vehicle lanes on the interstate highway system, as well as related facilities;

(b) To finance or accelerate construction of high occupancy vehicle lanes on the noninterstate state highway system, as well as related facilities.

(2) To finance construction of high occupancy vehicle lanes on local arterials, as well as related facilities.

Moneys received by a transit agency under sections 12 through 21 of this act shall be used in addition to, and not as a substitute for, moneys currently used by the agency for the purposes specified in this section.

Transit agencies shall contract with cities, counties, or the state department of transportation for construction of high occupancy vehicle lanes and related facilities, and may issue general obligation bonds to fund such construction and use funds received under this section to pay the principal and interest on such bonds.

NEW SECTION, Sec. 20. ESTABLISH POLICIES—INTERLOCAL AGREEMENTS. Transit agencies imposing a tax under this chapter shall enter into an agreement through the interlocal cooperation act with the department of transportation. The agreement shall provide an opportunity for the department of transportation, counties, cities and transit agencies having within their boundaries a portion of the existing or planned high occupancy vehicle system as contained in the regional transportation plan, to coordinate programming and operational decisions affecting the high occupancy vehicle system. If two or more transit agencies in a county or adjoining counties impose a tax under section 14 or 17 of this act, the transit agencies shall jointly enter one interlocal agreement with the department of transportation.

NEW SECTION, Sec. 21. URBAN PUBLIC TRANSPORTATION SYSTEM. The high occupancy vehicle system is an urban public transportation system as defined in RCW 47.04.082.

PART III

HIGH CAPACITY SYSTEM DEVELOPMENT

NEW SECTION, Sec. 22. PURPOSE OF STATE HIGH CAPACITY TRANSPORTATION PROGRAM. Increasing congestion on Washington's roadways calls for identification and implementation of high capacity transportation system alternatives. A multimodal system is needed to accommodate the movement of goods and services, to serve travel demands, and to provide needed mobility. The legislature believes that local jurisdictions should coordinate and be responsible for high capacity transportation policy development, program planning, and implementation. The state should assist by working with local agencies on issues involving rights of way, partially financing projects meeting established state criteria, authorizing local jurisdictions to finance high capacity transportation systems through voter-approved tax options, and providing technical assistance and information.

NEW SECTION, Sec. 23. STATE POLICY ROLES IN DEVELOPMENT OF HIGH CAPACITY TRANSPORTATION SYSTEM ALTERNATIVES. The department of transportation's current policy role in transit is expanded to include other high capacity transportation development as part of a multimodal transportation system.

(1) The department of transportation shall implement a program for high capacity transportation coordination, planning, and technical studies with appropriations from the high capacity transportation account.

(2) The department shall assist local jurisdictions and metropolitan planning organizations with high capacity transportation planning efforts.

NEW SECTION, Sec. 24. HIGH CAPACITY TRANSPORTATION POLICY DEVELOPMENT OUTSIDE CENTRAL PUGET SOUND. (1) In any class A county not bordered by a class AA county and in counties of the first class and smaller, city-owned transit systems, county transportation authorities, metropolitan municipal corporations, and public transportation benefit areas may elect to establish high capacity transportation service. Such agencies shall form a regional policy committee with proportional representation based upon population distribution within the designated service area and a representative of the department of transportation.

(a) City-owned transit systems, county transportation authorities, metropolitan municipal corporations, and public transportation benefit areas participating in joint regional policy committees shall seek voter approval within their own service boundaries of a high capacity transportation system plan and an implementation program including a financing program.

(b) An interim regional authority may be formed pursuant to section 25(2) of this act and shall seek voter approval of a high capacity transportation plan and financing program within its proposed service boundaries.

(2) City-owned transit systems, county transportation authorities, metropolitan municipal corporations, and public transportation benefit areas in counties adjoining state or international boundaries are authorized to participate in the regional high capacity transportation programs of an adjoining state or nation.

NEW SECTION, Sec. 25. HIGH CAPACITY TRANSPORTATION POLICY DEVELOPMENT IN CENTRAL PUGET SOUND. (1) Agencies in a class AA county and in class A counties bordering a class AA county that are currently authorized to provide high capacity transportation planning and operating services, including but not limited to city-owned transit systems, county transportation authorities, metropolitan municipal corporations, and public transportation benefit areas, must establish through interlocal agreements a joint regional policy committee with proportional representation based upon the population distribution within each agency's designated service area, as determined by the parties to the agreement.

(a) The membership of the joint regional policy committee shall consist of locally elected officials who serve on the legislative authority of the existing transit systems and a representative from the department of transportation. Nonvoting membership for elected officials from adjoining counties may be allowed at the committee's discretion.

(b) The joint regional policy committee shall be responsible for the preparation and adoption of a regional high capacity transportation system plan and an implementation program

including a financing package. This plan shall be in conformance with the metropolitan planning organization's regional transportation plan.

(c) Interlocal agreements shall be executed within two years of the effective date of this act. The joint regional policy committee shall present a high capacity transportation plan and local funding program to the boards of directors of the transit agencies within the service area for adoption.

(d) Transit agencies shall present the adopted plan and financing program for voter approval within four years of the execution of the interlocal agreements. A simple majority vote is required for approval of the high capacity transportation plan and financing program in any service district within each county. Implementation of the program may proceed in any service area approving the plan and program.

(2) If interlocal agreements have not been executed within two years from the effective date of this act, the designated metropolitan planning organization shall convene within one hundred eighty days a conference to be attended by an elected representative selected by the legislative authority of each city and county in a class AA county and in class A counties bordering a class AA county.

(a) Public notice of the conference shall occur thirty days before the date of the conference.

(b) The purpose of the conference is to evaluate the need for developing high capacity transportation service in a class AA county and in class A counties bordering a class AA county and to determine the desirability of a regional approach to developing such service.

(c) The conference may elect to continue high capacity transportation efforts on a subregional basis through existing transit planning and operating agencies.

(d) The conference may elect to pursue regional development by creating a multicounty interim regional high capacity transportation authority. Conference members shall determine the structure and composition of any interim regional authority.

(i) The interim regional authority shall propose a permanent authority or authorities for voter approval. Permanent regional authorities shall become the responsible agencies for planning, construction, operations, and funding of high capacity transportation systems within their service boundaries. Funding sources for a regional high capacity transportation authority or authorities are separate from currently authorized funding sources for city-owned transit systems, county transportation authorities, metropolitan municipal authorities, or public transportation benefit areas.

(ii) State and local jurisdictions, county transportation authorities, metropolitan municipal corporations, or public transportation benefit areas shall retain responsibility for existing facilities and/or services, unless the responsibility is transferred to the high capacity transportation authority or authorities by interlocal agreement.

(3) If, within four years of the execution of the interlocal agreements, a high capacity transportation plan and financing program has been approved by a simple majority vote within a participating jurisdiction, that jurisdiction may proceed with high capacity transportation development. If within four years of the execution of the interlocal agreements, a high capacity transportation plan and program has not been approved by a simple majority vote within one or more of the participating jurisdictions, the joint regional policy committee shall convene within one hundred eighty days, a conference to be attended by participating jurisdictions within which a plan and financing program have not been approved. Such a conference shall be for the same purpose and shall be subject to the same conditions as described in subsection (2) of this section.

(4) High capacity transportation service planning, construction, operations, and funding shall be governed through the interlocal agreement process, including but not limited to provision for a cost allocation and distribution formula, service corridors, station area locations, right of way transfers, and feeder transportation systems. The interlocal agreement shall include a mechanism for resolving conflicts among parties to the agreement.

NEW SECTION, Sec. 26. EXPANSION OF HIGH CAPACITY TRANSPORTATION SERVICE BOUNDARIES. Regional high capacity transportation service boundaries may be expanded beyond the established service district through interlocal agreements among the transit agencies.

NEW SECTION, Sec. 27. STATE ROLE IN HIGH CAPACITY TRANSPORTATION PROGRAM PLANNING AND IMPLEMENTATION. The state's planning role in high capacity transportation development as one element of a multimodal transportation system should facilitate cooperative state and local planning efforts.

(1) The department of transportation may serve as a contractor for high capacity transportation system design, administer construction, and assist agencies authorized to provide service in the acquisition, preservation, and joint use of rights of way.

(2) The department and local jurisdictions shall continue to cooperate with respect to the development of park-and-ride facilities, associated roadways, transfer stations, and other related projects.

NEW SECTION. Sec. 28. RESPONSIBILITY FOR HIGH CAPACITY TRANSPORTATION SYSTEM IMPLEMENTATION. (1) The state shall not become an operating agent for regional high capacity transportation systems.

(2) Agencies providing high capacity transportation service are responsible for planning, construction, operations, and funding including station area design and development, and parking facilities. Agencies may implement necessary contracts, joint development agreements, and interlocal government agreements. Agencies providing service shall consult with affected local jurisdictions and cooperate with comprehensive planning processes.

NEW SECTION. Sec. 29. REGIONAL TRANSPORTATION PLANNING. Regional transportation plans should be considered in adopting local land use plans. Regional transportation plans and local land use plans should address the impacts of urban growth on effective high capacity transportation planning and development, and provide for cooperation between local jurisdictions and transit agencies.

(1) Regional high capacity transportation plans shall be included in the designated metropolitan planning organization's regional transportation plan review and update process to facilitate development of a coordinated multimodal transportation system and to meet federal funding requirements.

(2) The state and local jurisdictions shall cooperate in encouraging land uses compatible with development of high capacity transportation systems. These include developing sufficient land use densities through local actions in high capacity transportation corridors and near passenger stations, preserving transit rights of way, and protecting the region's environmental quality. Agencies providing high capacity transportation services, in cooperation with public and private interests, shall promote transit-compatible land uses and development which includes joint development.

(3) Agencies providing high capacity transportation service and transit agencies shall develop a cooperative process for the planning, development, operations, and funding of feeder transportation systems.

(4) Jurisdictions, working through their designated metropolitan planning organizations, shall manage a right of way preservation review process which includes activities to promote the preservation of the high capacity transportation rights of way.

(a) Jurisdictions shall forward all development proposals for projects within and adjoining to the rights of way proposed for preservation to the designated metropolitan planning organizations, which shall distribute the proposals for local and regional agency review.

(b) The metropolitan planning organizations shall also review proposals for conformance with the regional transportation plan and associated regional development strategies. The designated metropolitan planning organization shall within ninety days compile local and regional agency comments and communicate the same to the originating jurisdiction and the joint regional policy committee or, if established, a regional high capacity transportation authority.

NEW SECTION. Sec. 30. DEPARTMENT OF TRANSPORTATION RESPONSIBILITIES. The department of transportation shall, upon dissolution of the rail development commission, assume responsibility for distributing amounts appropriated from the high capacity transportation account and shall prioritize funding requests based on criteria in subsection (3) of this section.

(1) The department shall establish an advisory council of policy and technical experts pursuant to RCW 47.01.091 to assist in the review of requests for high capacity transportation account funds. The council shall be comprised of one representative from each congressional district, a designee of the governor, the executive director or a designee of the transportation improvement board, the director of the Washington state transportation center, and the chair or designee of the legislative transportation committee.

(2) State high capacity transportation account funds may provide up to eighty percent matching assistance for high capacity transportation planning efforts and for support of interim regional high capacity transportation authorities.

(3) Authorizations for state funding for high capacity transportation planning projects shall be subject to the following criteria:

(a) Conformance with the designated metropolitan planning organization's regional transportation plan;

(b) Local matching funds;

(c) Demonstration of projected improvement in regional mobility;

(d) Conformance with planning requirements prescribed in section 31 of this act, and if five hundred thousand dollars or more in state funding is requested, conformance with the requirements of section 32 of this act; and

(e)(i) Establishment, through interlocal agreements, of a regional policy committee with proportional representation based upon population distribution within each agency's designated service area as defined in section 24 of this act;

(ii) Establishment of a demonstrated regional agreement through a multijurisdictional conference to pursue high capacity transportation development on a subregional basis through established transit planning and operating agencies as defined in section 25 of this act; or

(iii) Establishment, through a multijurisdictional conference, of an interim high capacity transportation authority as defined in section 25 of this act.

(4) The department of transportation shall provide general review and monitoring of the planning process prescribed in section 31 of this act.

NEW SECTION, Sec. 31. PLANNING PROCESS. To assure the adoption of an effective high capacity transportation system, local authorities shall follow the following planning process:

(1) System planning is the ongoing urban transportation planning process conducted in each urbanized area by its metropolitan planning organization. During this process, regional transportation goals are identified, travel patterns are analyzed, and future land use and travel are projected. The system planning process provides a comprehensive view of the region's transportation needs but does not select a specified mode to serve those needs. System planning shall identify a priority corridor for further study of high capacity transportation facilities if it is deemed feasible by local officials.

(2)(a) Project planning is the detailed evaluation of a range of transportation options, including (i) do nothing, (ii) low capital, and (iii) ranges of higher capital facilities.

(b) Project planning shall proceed as follows:

(i) Organization and management. The responsible local transit agency or agencies shall define roles for various local agencies, review background information, provide for public involvement, and develop a detailed work plan for the project planning process.

(ii) Development of options. Options to be studied shall be developed to ensure an appropriate range of technologies and service policies can be evaluated. A do-nothing option and a low capital option that maximizes the current system shall be developed. Several higher capital options that consider several candidate technologies shall be developed.

(iii) Analysis methods. The local transit agency shall develop reports describing the analysis and assumptions for the estimation of capital costs, operating and maintenance costs, methods for travel forecasting, a financial plan and an evaluation methodology.

(iv) Study of options. The local transit agency shall use the methods described in (iii) of this subsection to produce impact information needed for project evaluation and for the preparation of an environmental impact statement. The impact evaluation shall address the impact that such a project will have on abutting or nearby residential or commercial property owners. The process of identification of corridors shall include notification of affected property owners by normal legal publication.

(v) Review and monitor. The department of transportation shall provide project review and monitoring in cooperation with the expert review panel identified in section 32 of this act. In addition, the local transit agency shall maintain a continuous public involvement program and seek involvement of other government agencies.

(vi) Detailed planning process. In order to increase the likelihood of future federal funding, the system and project planning processes shall follow the urban mass transportation administration's requirements as described in 'Procedures and Technical Methods for Transit Project Planning', published by the United States department of transportation, urban mass transportation administration, September 1986, or the most recent edition.

NEW SECTION, Sec. 32. INDEPENDENT PROJECT OVERSIGHT. The legislature recognizes that the planning process described in section 31 of this act provides a recognized framework for guiding high capacity transportation studies. However, the process cannot guarantee appropriate transit decisions unless key study assumptions are reasonable.

To assure appropriate project assumptions and to provide for review of project results, the department of transportation shall develop independent oversight procedures which are appropriate to the scope of any project for which high capacity transportation account funds are requested.

An expert review panel shall be appointed to provide independent technical review for any project which is to be funded in whole or in part by the imposition of any voter-approved local option funding sources enumerated in section 35 of this act.

(1) The expert review panel shall consist of nine members who are recognized experts in relevant fields, such as transit operations, planning, engineering, finance, law, the environment, geography, economics, and political science.

(2) The expert review panel shall be selected cooperatively by the chair of the legislative transportation committee, the secretary of the department of transportation, and the governor to assure a balance of disciplines.

(3) The chair of the expert review panel shall be designated by the appointing body.

(4) The expert review panel shall serve without compensation but shall be reimbursed for expenses according to chapter 43.03 RCW.

(5) Funds appropriated for expenses of the expert panel shall be administered by the department of transportation.

(6) The expert panel shall review all reports required in section 31(2)(b)(vi) of this act but shall concentrate on service modes and concepts, costs, patronage, financing, and project evaluation.

(7) The expert panel shall provide timely reviews and comments on individual project reports and study conclusions to the governor, the legislative transportation committee, the department of transportation, and the submitting lead transit agency.

(8) The legislative transportation committee shall contract for consulting services for expert review panels. The amount of consultant support shall be negotiated with each expert review panel by the legislative transportation committee and shall be paid from the high capacity transportation account.

NEW SECTION, Sec. 33. COMMUTER RAIL SERVICE. (1) City-owned transit service, county transportation authorities, metropolitan municipal corporations, and public transportation benefit areas may operate or contract for commuter rail service where it is deemed to be a reasonable alternative transit mode.

(2) A transit agency may use funds under sections 14 and 17 of this act for commuter rail projects which are consistent with the regional transportation plan and which have been approved by the voters within the service area of each transit agency participant in the project.

(3) The utilities and transportation commission shall maintain safety responsibility for passenger rail service operating on freight rail lines. Agencies providing passenger rail service on lines other than freight rail lines shall maintain safety responsibility for that service.

NEW SECTION, Sec. 34. FINANCIAL RESPONSIBILITY. Agencies providing high capacity transportation service shall determine optimal debt-to-equity ratios, establish capital and operations allocations, and establish fare-box recovery return policy.

NEW SECTION, Sec. 35. FINANCING FOR HIGH CAPACITY TRANSPORTATION PROGRAMS. (1) Agencies authorized to provide high capacity transportation service, including city-owned transit systems, county transportation authorities, metropolitan municipal corporations and public transportation benefit areas, are hereby granted dedicated funding sources for such systems.

(2) Agencies providing high capacity transportation service should also seek other funds, including federal, state, local, and private sector assistance.

(3) Funding sources should satisfy each of the following criteria to the greatest extent possible:

- (a) Acceptability;
- (b) Ease of administration;
- (c) Equity;
- (d) Implementation feasibility;
- (e) Revenue reliability; and
- (f) Revenue yield.

(4) Agencies participating in regional high capacity transportation system development through interlocal agreements or a conference-approved interim regional rail authority or subregional process as defined in section 25 of this act are authorized to levy and collect the following voter-approved local option funding sources:

- (a) Employer tax as provided in section 41 of this act;
- (b) Special motor vehicle excise tax as provided in section 42 of this act;
- (c) Excess property tax levies as provided in section 43 of this act; and
- (d) Sales and use tax as provided in section 46 of this act.

Revenues from these taxes may be used only to support those purposes prescribed in subsection (8) of this section. Before an agency may impose any of the taxes enumerated in this section and authorized in sections 41, 42, 43, 44, and 46 of this act, it must comply with the process prescribed in sections 31 and 32 of this act.

(5) Authorization in subsection (4) of this section shall not adversely affect the funding authority of existing transit agencies. Local option funds may be used to support implementation of interlocal agreements with respect to the establishment of regional high capacity transportation service. Local jurisdictions shall retain control over moneys generated within their boundaries, although funds may be commingled for planning, construction, and operation of high capacity transportation systems as set forth in the agreements.

(6) Agencies providing high capacity transportation service may contract with the state for collection and transference of local option revenue.

(7) Dedicated high capacity transportation funding shall be subject to voter approval by a simple majority.

(8) Agencies providing high capacity transportation service shall retain responsibility for revenue encumbrance, disbursement, and bonding. Funds may be used for any purpose relating to planning, construction, and operation of high capacity transportation, commuter rail, and feeder transportation systems.

PART IV AMTRAK ACTIVITIES

NEW SECTION, Sec. 36. AMTRAK. The department, in conjunction with local jurisdictions, shall coordinate as appropriate with the designated metropolitan planning organizations to develop a program for improving Amtrak passenger rail service. The program may include:

- (1) Determination of the appropriate level of Amtrak passenger rail service;

(2) Implementation of higher train speeds for Amtrak passenger rail service, where safety considerations permit;

(3) Recognition, in the state's long range planning process, of potential higher speed intercity passenger rail service, while monitoring socioeconomic and technological conditions as indicators for higher speed systems; and

(4) Identification of existing intercity rail rights of way which may be used for public transportation corridors in the future.

NEW SECTION. Sec. 37. AMTRAK DEPOTS. The department shall, when feasible, assist local jurisdictions in upgrading Amtrak depots. Multimodal use of these facilities shall be encouraged.

NEW SECTION. Sec. 38. AMTRAK SERVICE EXTENSION. (1) The department, in conjunction with local jurisdictions, shall coordinate as appropriate with designated metropolitan and provincial transportation organizations to pursue resumption of Amtrak service from Seattle to Vancouver, British Columbia, via Everett, Mount Vernon, and Bellingham.

(2) The department, in conjunction with local jurisdictions, shall study potential Amtrak service on the following routes:

(a) Daytime Spokane-Wenatchee-Everett-Seattle service;

(b) Daytime Spokane-Tri-Cities-Vancouver-Portland service;

(c) Tri-Cities-Yakima-Ellensburg-Seattle service, if the Stampede Pass route is reopened; and

(d) More frequent Portland-Vancouver-Kelso-Centralia-Olympia-Tacoma-Seattle service or increments thereof.

NEW SECTION. Sec. 39. AMTRAK COORDINATION. The department, with other state and local agencies shall coordinate as appropriate with designated metropolitan planning organizations to provide public information with respect to common carrier passenger transportation. This information may include maps, routes, and schedules of passenger rail service, local transit agencies, air carriers, private ground transportation providers, and international, state, and local ferry services.

The state shall continue its cooperative relationship with Amtrak and Canadian passenger rail systems.

NEW SECTION. Sec. 40. AMTRAK SERVICE. The department, in conjunction with local jurisdictions, shall recommend to the legislature the appropriate level, source, and justification for funding of improved Amtrak passenger rail service.

PART V

HIGH CAPACITY FUNDING AUTHORIZATIONS

NEW SECTION. Sec. 41. EMPLOYER TAX FOR HIGH CAPACITY TRANSPORTATION SERVICE. Cities that operate transit systems, county transportation authorities, metropolitan municipal corporations, and public transportation benefit areas, for the purpose of providing high capacity transportation service may submit an authorizing proposition to the voters and if approved may impose an excise tax of up to two dollars per month on all employers located within the agency's jurisdiction, measured by the number of full-time equivalent employees. This tax may not be imposed by an agency imposing an excise tax pursuant to section 14 of this act. The rate of such tax shall be approved by the voters.

NEW SECTION. Sec. 42. MOTOR VEHICLE EXCISE TAX FOR HIGH CAPACITY TRANSPORTATION SERVICE. Any city that operates a transit system, county transportation authority, metropolitan municipal corporation, or public transportation benefit area, for the purpose of providing high capacity transportation service may submit an authorizing proposition to the voters, and if approved, may levy and collect an excise tax, at a rate approved by the voters, but not exceeding one percent on the value, under chapter 82.44 RCW, of every motor vehicle owned by a resident of such city, county transportation authority, metropolitan municipal corporation, or public transportation benefit area.

NEW SECTION. Sec. 43. EXCESS AD VALOREM PROPERTY TAXES FOR HIGH CAPACITY TRANSPORTATION SERVICE. (1) County transportation authorities and public transportation benefit areas, for the purpose of providing high capacity transportation service, may levy excess property tax levies at a rate not to exceed three dollars per one thousand dollars of assessed value in any one-year period, whenever authorized by the voters of the taxing district pursuant to RCW 84.52.052 and Article VII, section 2(a) of the state Constitution. In addition, cities that operate transit systems and metropolitan municipal corporations may levy excess property tax levies for the purpose of providing high capacity transportation service, whenever authorized by the voters of the taxing district pursuant to RCW 84.52.052 and Article VII, section 2(a) of the state Constitution.

(2) Cities that operate transit systems, county transportation authorities, metropolitan municipal corporations, and public transportation benefit areas, for the purpose of providing high capacity transportation service, may provide for the retirement of voter-approved general obligation bonds, issued for capital purposes only, not including the replacement of equipment, excess property tax levies, in excess of the one percent limitation, whenever authorized by the voters of the taxing district pursuant to Article VII, section 2(b) of the state Constitution and RCW 84.52.056.

NEW SECTION. Sec. 44. BONDING FOR PROPERTY TAX. (1) The following taxing districts: Cities, county transportation authorities, metropolitan municipal corporations, and public transportation benefit areas, for the purpose of providing high capacity transportation service, may issue general obligation bonds, not to exceed an amount, together with any other outstanding nonvoter approved general obligation indebtedness, equal to three-fourths of one percent of the value of taxable property within the district, as the term 'value of taxable property' is defined in RCW 39.36.015. This authority is in addition to any other existing authority to issue nonvoter-approved general obligation bonds. For the purpose of providing high capacity transportation service, a city, county transportation authority, or public transportation benefit area may additionally issue general obligation bonds for capital purposes only, together with any other outstanding general obligation indebtedness, not to exceed an amount equal to one and one-fourth percent of the value of the taxable property within the district, as the term 'value of taxable property' is defined in RCW 39.36.015, when authorized by the voters of the taxing district pursuant to Article VIII, section 6 of the state Constitution, and to provide for the retirement thereof by excess property tax levies as provided in RCW 36.83.030(2). The taxing district may submit a single proposition to the voters which, if approved, authorizes both the issuance of the bonds and the bond retirement property tax levies.

(2) General obligation bonds with a maturity in excess of forty years shall not be issued. The bonds shall be issued and sold in accordance with chapter 39.46 RCW.

Sec. 45. Section 18, chapter 1, Laws of 1988 ex. sess. and RCW 84.52.052 are each amended to read as follows:

The limitations imposed by RCW 84.52.050 through 84.52.056, and RCW 84.52.043 shall not prevent the levy of additional taxes by any taxing district except school districts in which a larger levy is necessary in order to prevent the impairment of the obligation of contracts. Any county, metropolitan park district, park and recreation service area, park and recreation district, sewer district, water district, solid waste disposal district, public facilities district, flood control zone district, county rail district, service district, public hospital district, road district, rural county library district, island library district, intercounty rural library district, fire protection district, cemetery district, city, town, or cultural arts, stadium, ((and)) convention district, transportation benefit district, county transportation authority, metropolitan municipal corporation, and public transportation benefit area may levy and collect taxes at a rate in excess of the rate specified in RCW 84.52.050 through 84.52.056 and RCW 84.52.043, or RCW 84.55.010 through 84.55.050, when authorized so to do by the electors of such county, metropolitan park district, park and recreation service area, park and recreation district, sewer district, water district, solid waste disposal district, public facilities district, flood control zone district, county rail district, service district, public hospital district, road district, rural county library district, island library district, intercounty rural library district, fire protection district, cemetery district, city, town, or cultural arts, stadium, ((and)) convention district, transportation benefit district, county transportation authority, metropolitan municipal corporation, and public transportation benefit area in the manner set forth in Article VII, section 2(a) of the Constitution of this state, as amended by Amendment 64 and as thereafter amended, at a special or general election to be held in the year in which the levy is made.

A special election may be called and the time therefor fixed by the county legislative authority, or council, board of commissioners, or other governing body of any metropolitan park district, park and recreation service area, park and recreation district, sewer district, water district, solid waste disposal district, public facilities district, flood control zone district, county rail district, service district, public hospital district, road district, rural county library district, island library district, intercounty rural library district, fire protection district, cemetery district, city, town, or cultural arts, stadium, ((and)) convention district, transportation benefit district, county transportation authority, metropolitan municipal corporation, and public transportation benefit area, by giving notice thereof by publication in the manner provided by law for giving notices of general elections, at which special election the proposition authorizing such excess levy shall be submitted in such form as to enable the voters favoring the proposition to vote 'yes' and those opposed thereto to vote 'no.'

NEW SECTION. Sec. 46. SALES AND USE TAXES FOR HIGH CAPACITY TRANSPORTATION SERVICE. The legislative bodies of cities that operate transit systems, county transportation authorities, metropolitan municipal corporations, and public transportation benefit areas, for the purpose of providing high capacity transportation service may submit an authorizing proposition to the voters and if approved by a majority of persons voting, fix and impose a sales and use tax in accordance with the terms of this chapter.

The tax authorized pursuant to this section shall be in addition to the tax authorized by RCW 82.14.030 and shall be collected from those persons who are taxable by the state pursuant to chapters 82.08 and 82.12 RCW upon the occurrence of any taxable event within such city, county transportation authority, metropolitan municipal corporation, or public transportation benefit area, as the case may be. The rate of such tax shall be approved by the voters and shall not exceed one percent of the selling price (in the case of a sales tax) or value of the article used (in the case of a use tax).

NEW SECTION, Sec. 47. BOND RETIREMENT FOR HIGH CAPACITY TRANSPORTATION SERVICE. Cities that operate transit systems, county transportation authorities, metropolitan municipal corporations, and public transportation benefit areas are authorized to pledge revenues from the employer tax authorized by section 41 of this act, the special motor vehicle excise tax authorized by section 42 of this act, the excess property tax authorized by section 43 of this act, and the sales and use tax authorized by section 46 of this act, to retire bonds issued for the purpose of providing high capacity transportation service.

NEW SECTION, Sec. 48. CONTRACT FOR COLLECTION OF TAXES. Cities that operate transit systems, county transportation authorities, metropolitan municipal corporations, and public transportation benefit areas may contract with the state department of revenue or other appropriate entities for administration and collection of any tax authorized by sections 41, 42, 43, and 46 of this act.

PART VI

HIGH CAPACITY TRANSPORTATION ACCOUNT

NEW SECTION, Sec. 49. HIGH CAPACITY TRANSPORTATION ACCOUNT REVIEW. The department of transportation shall review the high capacity transportation account funding sources and allocation formula and propose any appropriate changes to the 1991 legislature.

Sec. 50. Section 1, chapter 428, Laws of 1987 and RCW 47.78.010 are each amended to read as follows:

There is hereby established in the state treasury the ~~((rail development))~~ high capacity transportation account. Money in the account shall be used, after appropriation, for local ~~((rail passenger and))~~ high capacity transportation purposes including rail freight ~~((purposes))~~. All earnings of investments of any balances in the ~~((rail development))~~ high capacity transportation account shall be credited to the ~~((rail development))~~ account except as provided in RCW 43.84.090 and 43.84.092.

Sec. 51. Section 1, chapter 18, Laws of 1988 and RCW 82.44.150 are each amended to read as follows:

(1) The director of licensing shall on the twenty-fifth day of February, May, August, and November of each year, commencing with November, 1971, advise the state treasurer of the total amount of motor vehicle excise taxes remitted to the department of licensing during the preceding calendar quarter ending on the last day of March, June, September, and December, respectively, except for those payable under RCW 82.44.020(6) and 82.44.030, from motor vehicle owners residing within each municipality which has levied a tax under RCW 35.58.273, which amount of excise taxes shall be determined by the director as follows:

The total amount of motor vehicle excise taxes remitted to the department, except those payable under RCW 82.44.020(6) and 82.44.030, from each county shall be multiplied by a fraction, the numerator of which is the population of the municipality residing in such county, and the denominator of which is the total population of the county in which such municipality or portion thereof is located. The product of this computation shall be the amount of excise taxes from motor vehicle owners residing within such municipality or portion thereof. Where the municipality levying a tax under RCW 35.58.273 is located in more than one county, the above computation shall be made by county, and the combined products shall provide the total amount of motor vehicle excise taxes from motor vehicle owners residing in the municipality as a whole. Population figures required for these computations shall be supplied to the director by the office of financial management, who shall adjust the fraction annually.

(2) On the first day of the months of January, April, July, and October of each year, the state treasurer based upon information provided by the department of licensing shall make the following apportionment and distribution of motor vehicle excise taxes deposited in the general fund except taxes collected under RCW 82.44.020(6). A sum equal to seventeen percent thereof shall be paid to cities and towns in the proportions and for the purposes hereinafter set forth: a sum equal to two percent thereof shall be allocable to the county sales and use tax equalization account under RCW 82.14.200; and a sum equal to four and two-tenths percent of the special excise tax levied under RCW 35.58.273 by those municipalities authorized to levy a special excise tax at a rate not exceeding ninety-six one-hundredths of one percent on the fair market value of every motor vehicle owned by a resident of such municipality shall be deposited in the ~~((rail development))~~ high capacity transportation account established in RCW 47.78.010.

(3) The amount payable to cities and towns shall be apportioned among the several cities and towns within the state according to the following formula:

(a) Sixty-five percent of the sum specified in subsection (2) of this section to be paid to cities and towns shall be apportioned ratably on the basis of population as last determined by the office of financial management.

(b) Thirty-five percent of the sum specified in subsection (2) of this section to be paid to cities and towns shall be apportioned to cities and towns under RCW 82.14.210.

(4) When so apportioned, the amount payable to each such city and town shall be transmitted to the city treasurer thereof, and shall be utilized by such city or town for the purposes of police and fire protection and the preservation of the public health therein, and not otherwise.

In case it be adjudged that revenue derived from the excise tax imposed by this chapter cannot lawfully be apportioned or distributed to cities or towns, all moneys directed by this section to be apportioned and distributed to cities and towns shall be credited and transferred to the state general fund.

(5) On the first day of the months of January, April, July, and October of each year, the state treasurer, based upon information provided by the department of licensing, shall remit motor vehicle excise tax revenues imposed and collected under RCW 35.58.273 as follows:

(a) The amount required to be remitted by the state treasurer to the treasurer of any municipality levying the tax shall not exceed in any calendar year the amount of locally-generated tax revenues, excluding the excise tax imposed under RCW 35.58.273 for the purposes of this section, which shall have been budgeted by the municipality to be collected in such calendar year for any public transportation purposes including but not limited to operating costs, capital costs, and debt service on general obligation or revenue bonds issued for these purposes; and

(b) In no event may the amount remitted in a single calendar quarter exceed the amount collected on behalf of the municipality under RCW 35.58.273 during the calendar quarter next preceding the immediately preceding quarter.

(6) At the close of each calendar year accounting period, but not later than April 1, each municipality that has received motor vehicle excise taxes under subsection (5) of this section shall transmit to the director of licensing and the state auditor a written report showing by source the previous year's budgeted tax revenues for public transportation purposes as compared to actual collections. Any municipality that has not submitted the report by April 1 shall cease to be eligible to receive motor vehicle excise taxes under subsection (5) of this section until the report is received by the director of licensing. If a municipality has received more or less money under subsection (5) of this section for the period covered by the report than it is entitled to receive by reason of its locally-generated collected tax revenues, the director of licensing shall, during the next ensuing quarter that the municipality is eligible to receive motor vehicle excise tax funds, increase or decrease the amount to be remitted in an amount equal to the difference between the locally-generated budgeted tax revenues and the locally-generated collected tax revenues. In no event may the amount remitted for a calendar year exceed the amount collected on behalf of the municipality under RCW 35.58.273 during that same calendar year. At the time of the next fiscal audit of each municipality, the state auditor shall verify the accuracy of the report submitted and notify the director of licensing of any discrepancies.

(7) The motor vehicle excise taxes imposed under RCW 35.58.273 and required to be remitted under this section shall be remitted without legislative appropriation.

(8) Any municipality levying and collecting a tax under RCW 35.58.273 which does not have an operating, public transit system or a contract for public transportation services in effect within one year from the initial effective date of the tax shall return to the state treasurer all motor vehicle excise taxes received under subsection (5) of this section.

PART VII MISCELLANEOUS

NEW SECTION. Sec. 52. Sections 1 through 10 of this act are each added to chapter 47.76 RCW.

NEW SECTION. Sec. 53. Sections 12 through 21 of this act shall constitute a new chapter in Title 81 RCW.

NEW SECTION. Sec. 54. Sections 22 through 35, 41 through 44, 46, and 47 of this act shall constitute a new chapter in Title 81 RCW.

NEW SECTION. Sec. 55. Sections 36 through 40 of this act shall constitute a new chapter in Title 47 RCW.

NEW SECTION. Sec. 56. Section headings, part headings, and the index as used in this act do not constitute any part of the law.

NEW SECTION. Sec. 57. This act shall be liberally construed to give effect to the intent of this act.

NEW SECTION. Sec. 58. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 59. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect July 1, 1989.

Mr. Walk moved adoption of the following amendment by Representatives Walk and Prince to the amendment:

On page 5, line 18, after "after" strike "consultation with" and insert "obtaining the approval of"

Mr. Walk spoke in favor of adoption of the amendment to the amendment, and it was adopted.

Ms. Cantwell moved adoption of the following amendments to the amendment:

- On page 8, line 9, after "that" strike "transit agencies" and insert "counties"
- On page 8, line 34, after "(1)" strike "Transit agencies located in a" and insert "A"
- On page 9, line 1, after "or" strike "in"
- On page 9, line 2, after "AA county" strike "and in a county"
- On page 9, beginning on line 8, strike all material through "agencies" on line 10 and insert "counties"
- On page 9, line 19, after "(3) A" strike "transit agency" and insert "county"
- On page 9, line 21, strike "transit agency" and insert "county"
- On page 9, line 29, strike "transit agency" and insert "county"
- On page 9, line 34, strike "transit agency" and insert "county"
- On page 10, line 2, after "encourages" insert "counties, in conjunction with"
- On page 10, line 4, after "any" strike "transit agency" and insert "county"
- On page 10, line 6, after "goals," strike "transit agencies" and insert "counties"
- On page 10, line 21, after "TAX." strike "Metropolitan municipal corporations in a" and insert "A"
- On page 10, line 22, after "and" strike "county transportation authorities in"
- On page 10, line 27, after "the" strike "agency's jurisdiction" and insert "county"
- On page 10, line 30, strike "Transit agencies" and insert "counties"
- On page 11, line 5, after "by the" strike "transit agency" and insert "county"
- On page 11, line 15, after "to the" strike "transit agencies" and insert "counties"
- On page 11, line 22, after "by the" strike "transit agency" and insert "county"
- On page 11, line 32, after "for" insert "transit agency"
- On page 12, line 13, strike "Transit agencies shall" and insert "Counties may" and after "cities" strike ", counties."
- On page 12, line 19, after "AGREEMENTS." strike "Transit agencies" and insert "Counties"
- On page 12, line 22, after "transportation" strike "counties."
- On page 12, line 27, after "more" strike "transit agencies in a county or"
- On page 12, line 28, after "the" strike "transit agencies" and insert "counties"

Ms. Cantwell spoke in favor of adoption of the amendments to the amendment.

Mr. May demanded an electric roll call vote, and the demand was sustained.

Mr. Walk spoke in favor of adoption of the amendments to the amendment.

ROLL CALL

The Clerk called the roll on the adoption of the amendments by Representative Cantwell to the amendment by Representatives Walk and R. Fisher to Substitute House Bill No. 1825, and the amendments to the amendment were adopted by the following vote: Yeas, 95; absent, 1; excused, 2.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Baugher, Beck, Belcher, Betzoff, Bowman, Braddock, Brekke, Bristow, Brooks, Brough, Brumsickle, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Fraser, Fuhrman, Grant, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Insee, Jacobsen, Jesernig, Jones, King P, King R, Kremen, Leonard, Locke, May, McLean, Meyers R, Miller, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, Padden, Patrick, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith, Sommers D, Sommers H, Spanel, Sprenkle, Tate, Todd, Valle, Van Luven, Vekich, Walk, Walker, Wilson K, Wilson S, Wineberry, Winsley, Wolfe, Wood, Youngsman, Zellinsky, and Mr. Speaker - 95.

Absent: Representative O'Brien - 1.

Excused: Representatives Gallagher, Wang - 2.

Ms. Haugen moved adoption of the following amendments to the amendment:

- On page 23, line 30, after "act," insert "and"
 - On page 23, line 31, after "(c)" strike all material through "(d)" on line 33
 - On page 26, beginning on line 25, strike all of section 43-45
 - On page 30, line 6, after "act," strike all material through "this act."
- Renumber remaining sections consecutively and correct internal references and index accordingly.

Representatives Haugen, Walk and Ferguson spoke in favor of adoption of the amendments to the amendment, and they were adopted.

Mr. Betzoff moved adoption of the following amendment to the amendment:

- On page 8, beginning on line 2, strike all material through page 12, line 33
- Renumber the remaining sections consecutively and correct internal references.

Representatives Betrozoff and Schmidt spoke in favor of adoption of the amendment to the amendment, and Representatives Walk and Nelson opposed it.

Mr. May demanded an electric roll call vote, and the demand was sustained.

Mr. Betrozoff again spoke in favor of the amendment to the amendment.

ROLL CALL

The Clerk called the roll on the adoption of the amendment by Representative Betrozoff to the amendment by Representatives Walk and R. Fisher to Substitute House Bill No. 1825, and the amendment to the amendment was not adopted by the following vote: Yeas, 38; nays, 58; excused, 2.

Voting yea: Representatives Ballard, Beck, Betrozoff, Bowman, Brooks, Brough, Brumsickle, Chandler, Dorn, Doty, Ferguson, Fuhrman, Hankins, Haugen, Holland, Horn, May, McLean, Meyers R, Miller, Morris, Moyer, Nealey, Padden, Patrick, Prince, Schmidt, Schoon, Silver, Smith, Sommers D, Tate, Van Luven, Walker, Wilson S, Winsley, Wolfe, Youngsman - 38.

Voting nay: Representatives Anderson, Appelwick, Basich, Baugher, Belcher, Braddock, Brekke, Bristow, Cantwell, Cole, Cooper, Crane, Day, Dellwo, Ebersole, Fisher G, Fisher R, Fraser, Grant, Hargrove, Heavey, Hine, Inslee, Jacobsen, Jesernig, Jones, King P, King R, Kremen, Leonard, Locke, Myers H, Nelson, Nutley, O'Brien, Peery, Phillips, Prentice, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Scott, Sommers H, Spanel, Sprenkle, Todd, Valle, Vekich, Walk, Wilson K, Wineberry, Wood, Zellinsky, and Mr. Speaker - 58.

Excused: Representatives Gallagher, Wang - 2.

Mr. Betrozoff moved adoption of the following amendments to the amendment:

On page 22, beginning on line 22, strike all of section 33

On page 23, beginning on line 5, strike all of section 35

On page 26, beginning on line 1, strike all material through page 30, line 15

On page 34, beginning on line 7, strike all of section 53

Renumber the remaining sections consecutively, correct internal references and amend the index and title accordingly.

Mr. Betrozoff spoke in favor of adoption of the amendments to the amendment, and Mr. Walk opposed them.

Mr. May demanded an electric roll call vote, and the demand was sustained.

Ms. Schmidt spoke in favor of adoption of the amendments to the amendment.

ROLL CALL

The Clerk called the roll on the adoption of the amendments by Representative Betrozoff to the amendment by Representatives Walk and R. Fisher to Substitute House Bill No. 1825, and the amendments to the amendment were not adopted by the following vote: Yeas, 37; nays, 58; absent, 1; excused, 2.

Voting yea: Representatives Ballard, Beck, Betrozoff, Bowman, Brooks, Brough, Brumsickle, Chandler, Doty, Ferguson, Fuhrman, Hankins, Holland, Horn, May, McLean, Meyers R, Miller, Morris, Moyer, Myers H, Nealey, Padden, Patrick, Prince, Schmidt, Schoon, Silver, Smith, Sommers D, Tate, Van Luven, Walker, Wilson S, Winsley, Wolfe, Youngsman - 37.

Voting nay: Representatives Anderson, Appelwick, Basich, Baugher, Belcher, Braddock, Brekke, Bristow, Cantwell, Cole, Cooper, Crane, Day, Dellwo, Ebersole, Fisher G, Fisher R, Fraser, Grant, Hargrove, Haugen, Heavey, Hine, Inslee, Jacobsen, Jesernig, Jones, King P, King R, Kremen, Leonard, Locke, Nelson, Nutley, O'Brien, Peery, Phillips, Prentice, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Scott, Sommers H, Spanel, Sprenkle, Todd, Valle, Vekich, Walk, Wilson K, Wineberry, Wood, Zellinsky, and Mr. Speaker - 58.

Absent: Representative Dorn - 1.

Excused: Representatives Gallagher, Wang - 2.

Ms. Schmidt moved adoption of the following amendment to the amendment:

On page 23, line 10 after "systems," insert "These dedicated funding sources, as set forth in sections 41, 42, 43 and 46 of this act, are authorized only for agencies located in class AA counties, class A counties, counties of the first class which border another state, and counties which, on the effective date of this act, are of the second class and which adjoin class A counties."

Representatives Schmidt and Walk spoke in favor of adoption of the amendment to the amendment, and it was adopted.

The amendment as amended was adopted.

With consent of the House, the following amendment to the title was adopted:

On page 1, line 1 of the title, after "systems;" strike the remainder of the title and insert "amending RCW 84.52.052, 47.78.010, and 82.44.150; reenacting and amending RCW 47.76.030; adding new sections to chapter 47.76 RCW; adding a new chapter to Title 47 RCW; adding new chapters to Title 81 RCW; creating new sections; providing an effective date; and declaring an emergency."

The bill was ordered engrossed. With consent of the House, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Representatives R. Fisher and Walk spoke in favor of passage of the bill, and Representatives Betzoff and Schmidt spoke against it.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1825, and the bill passed the House by the following vote: Yeas, 57; nays, 39; excused, 2.

Voting yea: Representatives Anderson, Appelwick, Basich, Baugher, Belcher, Braddock, Brekke, Bristow, Cantwell, Cole, Cooper, Crane, Day, Dellwo, Ebersole, Fisher G, Fisher R, Fraser, Grant, Haugen, Heavey, Hine, Inslee, Jacobsen, Jesernig, Jones, King P, King R, Kremen, Leonard, Locke, Nelson, Nutley, O'Brien, Patrick, Peery, Phillips, Prentice, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Scott, Sommers H, Spanel, Sprengle, Todd, Valle, Vekich, Walk, Wilson K, Wood, Zellinsky, and Mr. Speaker - 57.

Voting nay: Representatives Ballard, Beck, Betzoff, Bowman, Brooks, Brough, Brumsickle, Chandler, Dorn, Doty, Ferguson, Fuhrman, Hankins, Hargrove, Holland, Horn, May, McLean, Meyers R, Miller, Morris, Moyer, Myers H, Nealey, Padden, Prince, Schmidt, Schoon, Silver, Smith, Sommers D, Tate, Van Luven, Walker, Wilson S, Wineberry, Winsley, Wolfe, Youngsman - 39.

Excused: Representatives Gallagher, Wang - 2.

Engrossed Substitute House Bill No. 1825, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND SUBSTITUTE SENATE BILL NO. 5400, by Committee on Ways & Means (originally sponsored by Senators Niemi, West, Kreidler, Wojahn and Talmadge)

Regarding mental health systems.

The bill was read the second time. Committee on Human Services recommendation: Majority, do pass as amended. (For committee amendments, see Journal, 89th Day, April 7, 1989.) Committee on Appropriations recommendation: Majority, do pass as amended by Committee on Appropriations and without amendments by Committee on Human Services. (For committee amendments, see today's Journal, Afternoon Session.)

Mr. Locke moved adoption of the committee amendments by Committee on Appropriations.

Ms. H. Sommers moved adoption of the following amendment by Representatives H. Sommers and Bristow to the committee amendment:

On page 35, after line 34, insert:

"NEW SECTION. Sec. 22. (1) In order to determine the effectiveness of this act, it is necessary to have an independent evaluation of the transition to regional systems of care. The legislative budget committee shall prepare a plan to conduct a study of the effectiveness of the change in the mental health system initiated by this act. The primary goal of the study is to evaluate the progress of the regional support networks in meeting the statutory requirement of this act to serve at least eighty-five percent of the short-term commitments within their boundaries by July 1, 1993. A plan for study shall include, but is not limited to, the following considerations:

(a) Progress in implementing and complying with the intention of this act to create regional support networks;

(b) Effect on short-term commitments to the state hospitals;

(c) Effect on residential options in the community;

(d) Effect on delivery of services, both residential and nonresidential, in the community; and

(e) Effect on continuity of services to the mentally ill.

(2) The plan for conducting a study, including start and completion dates, general research approaches, potential research problems, data requirements, necessary implementation authority, and cost estimates is to be provided to the appropriate policy and fiscal committees of the house of representatives and the senate by December 1, 1990. The plan may

include proposals to use contract evaluators or other options for determining the most appropriate entity to complete the study, and shall identify ways to measure program progress and outcomes. The plan shall take into consideration a study completion date of December 1, 1992.

(3) In order to establish a beginning point for any future study of the effectiveness of the system changes initiated in this act, when the biennial contract is signed by the department of social and health services and a regional support network, the department shall forward a copy of the contract to the legislative budget committee."

Renumber the remaining sections consecutively and correct internal references accordingly.

Representatives H. Sommers and Moyer spoke in favor of adoption of the amendment to the committee amendment, and it was adopted.

The committee amendment by Committee on Appropriations as amended was adopted.

With consent of the House, the committee amendment to the title was adopted.

With consent of the House, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Representatives Bristow, Moyer and Brekke spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Second Substitute Senate Bill No. 5400 as amended by the House, and the bill passed the House by the following vote: Yeas, 94; nays, 2; excused, 2.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Baugher, Beck, Belcher, Berozoff, Bowman, Braddock, Brekke, Bristow, Brooks, Brough, Brumsickle, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Fraser, Fuhrman, Grant, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Insee, Jacobsen, Jesernig, Jones, King P, King R, Kremen, Leonard, Locke, May, McLean, Meyers R, Morris, Myers H, Nealey, Nelson, Nutley, O'Brien, Padden, Patrick, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith, Sommers D, Sommers H, Spanel, Sprenkle, Tate, Todd, Valle, Van Luven, Vekich, Walk, Walker, Wilson K, Wilson S, Wineberry, Winsley, Wolfe, Wood, Youngsman, Zellinsky, and Mr. Speaker - 94.

Voting nay: Representatives Miller, Moyer - 2.

Excused: Representatives Gallagher, Wang - 2.

Second Substitute Senate Bill No. 5400 as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SIGNED BY THE SPEAKER

The Speaker announced he was signing:

SUBSTITUTE HOUSE BILL NO. 1056,
 SUBSTITUTE HOUSE BILL NO. 1074,
 HOUSE BILL NO. 1077,
 HOUSE BILL NO. 1198,
 HOUSE BILL NO. 1231,
 HOUSE BILL NO. 1258,
 HOUSE BILL NO. 1358,
 SUBSTITUTE HOUSE BILL NO. 1386,
 HOUSE BILL NO. 1400,
 SUBSTITUTE HOUSE BILL NO. 1430,
 SUBSTITUTE HOUSE BILL NO. 1455,
 SUBSTITUTE HOUSE BILL NO. 1458,
 HOUSE BILL NO. 1485,
 SUBSTITUTE HOUSE BILL NO. 1572,
 HOUSE BILL NO. 1618,
 SUBSTITUTE HOUSE BILL NO. 1630,
 HOUSE BILL NO. 1690,
 HOUSE BILL NO. 1709,
 HOUSE BILL NO. 1719,
 HOUSE BILL NO. 1757,

HOUSE BILL NO. 1776,
HOUSE BILL NO. 1844,
SUBSTITUTE HOUSE BILL NO. 1853,
SUBSTITUTE HOUSE BILL NO. 1854,
SUBSTITUTE HOUSE BILL NO. 1857,
HOUSE BILL NO. 1872,
SUBSTITUTE HOUSE BILL NO. 1894,
HOUSE BILL NO. 1980,
HOUSE BILL NO. 1993,
HOUSE BILL NO. 2010,
SUBSTITUTE HOUSE BILL NO. 2012,
HOUSE BILL NO. 2037,
HOUSE BILL NO. 2118,
HOUSE JOINT MEMORIAL NO. 4018.

There being no objection, the House advanced to the eleventh order of business.

MOTION

On motion of Mr. Heavey, the House adjourned until 9:30 a.m., Wednesday, April 19, 1989.

JOSEPH E. KING, Speaker

ALAN THOMPSON, Chief Clerk

ONE HUNDRED-FIRST DAY

MORNING SESSION

House Chamber, Olympia, Wednesday, April 19, 1989

The House was called to order at 9:30 a.m. by the Speaker (Mr. O'Brien presiding). The Clerk called the roll and all members were present except Representative Bristow, Gallagher, Hargrove, Locke and Todd. On motion of Ms. Fraser, Representatives Gallagher and Todd were excused.

The flag was escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Joanne Butterfield and Karen Duzenack. Prayer was offered by The Reverend Jim Todd, Minister of the Sunrise Church of God of Olympia.

Reading of the Journal of the previous day was dispensed with and it was ordered to stand approved.

CENTENNIAL MESSAGE FROM THE WASHINGTON STATE HISTORICAL SOCIETY

April 19, 1989

On this day in 1889, supporters of woman suffrage held meetings around the state to try to persuade the Constitutional Convention to permit women to vote. Five of Washington's counties--Cowlitz, Lincoln, Pacific, Wahkiakum and Yakima--had female school superintendents.

On April 19, 1907 a new bronze drinking fountain was erected in Cosmopolis. Costing between three and four hundred dollars, it provided for people, horses and dogs.

On April 19, 1941 water first flowed ninety-five miles in an artificial canal from Yakima to Benton City, allowing more farm lands to be irrigated and increasing production.

And, on this day in 1967, Stokely Carmichael spoke to a community meeting of over four thousand people at Garfield High School in Seattle, praising black racial pride and criticizing racial integration. The meeting was part of the debate over the racial integration of the Seattle public schools.

MESSAGES FROM THE SENATE

April 18, 1989

Mr. Speaker:

The President has signed:

SUBSTITUTE SENATE BILL NO. 5018,
 SUBSTITUTE SENATE BILL NO. 5035,
 SUBSTITUTE SENATE BILL NO. 5048,
 SENATE BILL NO. 5121,
 SUBSTITUTE SENATE BILL NO. 5144,
 SUBSTITUTE SENATE BILL NO. 5173,
 SUBSTITUTE SENATE BILL NO. 5191,
 SUBSTITUTE SENATE BILL NO. 5196,
 SENATE BILL NO. 5233,
 SUBSTITUTE SENATE BILL NO. 5265,
 SUBSTITUTE SENATE BILL NO. 5305,
 SUBSTITUTE SENATE BILL NO. 5357,
 SUBSTITUTE SENATE BILL NO. 5369,
 SENATE BILL NO. 5466,
 SUBSTITUTE SENATE BILL NO. 5474,
 SENATE BILL NO. 5492,
 SUBSTITUTE SENATE BILL NO. 5499.

SUBSTITUTE SENATE BILL NO. 5543,
 SUBSTITUTE SENATE BILL NO. 5560,
 SUBSTITUTE SENATE BILL NO. 5561,
 SUBSTITUTE SENATE BILL NO. 5591,
 SUBSTITUTE SENATE BILL NO. 5713,
 SENATE BILL NO. 5736,
 SUBSTITUTE SENATE BILL NO. 5776,
 SUBSTITUTE SENATE BILL NO. 5810,
 SUBSTITUTE SENATE BILL NO. 5819,
 SUBSTITUTE SENATE BILL NO. 5850,
 SUBSTITUTE SENATE BILL NO. 5859,
 SUBSTITUTE SENATE BILL NO. 5866,
 SUBSTITUTE SENATE BILL NO. 5889,
 SENATE BILL NO. 5950,
 SUBSTITUTE SENATE BILL NO. 5984,
 SENATE BILL NO. 5991,
 SENATE BILL NO. 6005,
 SUBSTITUTE SENATE BILL NO. 6033,
 SENATE BILL NO. 6076,
 SUBSTITUTE SENATE JOINT RESOLUTION NO. 8202,
 SENATE CONCURRENT RESOLUTION NO. 8412,

and the same are herewith transmitted.

Gordon A. Golob, Secretary.

April 19, 1989

Mr. Speaker:

The Senate concurred in the House amendment(s) and passed the following bills as amended by the House:

ENGROSSED SUBSTITUTE SENATE BILL NO. 5107,
 SUBSTITUTE SENATE BILL NO. 5128,
 SUBSTITUTE SENATE BILL NO. 5147,
 SENATE BILL NO. 5167,
 SUBSTITUTE SENATE BILL NO. 5293,
 SUBSTITUTE SENATE BILL NO. 5350,
 SENATE BILL NO. 5381,
 SUBSTITUTE SENATE BILL NO. 5648,
 SUBSTITUTE SENATE BILL NO. 5812,
 SENATE BILL NO. 5858,
 ENGROSSED SUBSTITUTE SENATE BILL NO. 5905,
 SENATE BILL NO. 5907,
 SENATE BILL NO. 5916,
 SUBSTITUTE SENATE BILL NO. 5947,
 SUBSTITUTE SENATE BILL NO. 6013,
 SUBSTITUTE SENATE BILL NO. 6048,
 SENATE JOINT RESOLUTION NO. 8200.

W. D. Naismith, Assistant Secretary.

MESSAGE FROM THE GOVERNOR

April 18, 1989

To the Honorable,
 The House of Representatives
 State of Washington
 Ladies and Gentlemen:

I have the honor to advise you that on April 18, 1989, Governor Gardner approved the following House Bills entitled:

HOUSE BILL NO. 1010: Relating to disability leave supplement for law enforcement officers and firefighters;

HOUSE BILL NO. 1024: Relating to victims/witness enhancement;

HOUSE BILL NO. 1026: Relating to commercial sea urchin fishing;

HOUSE BILL NO. 1038: Relating to meetings of boards of county commissioners;

SUBSTITUTE HOUSE BILL NO. 1039: Relating to information for boaters;

HOUSE BILL NO. 1049: Relating to the private practice of law by prosecuting attorneys;

SUBSTITUTE HOUSE BILL NO. 1168: Relating to the uniform estate tax apportionment act;

SUBSTITUTE HOUSE BILL NO. 1169: Relating to disclaimers of interests by beneficiaries;

HOUSE BILL NO. 1170: Relating to powers of appointment;

SUBSTITUTE HOUSE BILL NO. 1192: Relating to conservation districts;

HOUSE BILL NO. 1249: Relating to plastic in the marine environment;

SUBSTITUTE HOUSE BILL NO. 1259: Relating to license fees for guide and service dogs;

HOUSE BILL NO. 1350: Relating to marital deduction gifts;

SUBSTITUTE HOUSE BILL NO. 1658: Relating to sexual exploitation of children.

Sincerely,

Terry Sebring, Counsel.

There being no objection, the House advanced to the fourth order of business.

INTRODUCTIONS AND FIRST READING

HB 2238 by Representatives Nelson, Bristow, Moyer, Hargrove, Prince, Grant, Chandler, Inslee, Bowman, Basich, Hankins, Jesernig and Rector

AN ACT Relating to growth planning; and creating new sections.

Referred to Committee on Trade & Economic Development.

HCR 4413 by Representative Ebersole

Modifying the cut-off date for Engrossed Substitute House Bill No. 2198.

HCR 4414 by Representatives Sryan, Belcher, Ferguson, Beck, Hargrove, May, Youngsman, Brumsickle, Raiter, Fuhrman, R. Fisher and Dellwo

Resolving to have the joint committee on marine and ocean resources continue its work.

Referred to Committee on Rules.

The Speaker (Mr. O'Brien presiding) referred the bill and resolution listed on today's introduction sheet under the fourth order of business to the committees so designated.

SENATE AMENDMENTS TO HOUSE BILL

April 7, 1989

Mr. Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 2070 with the following amendments:

Strike everything after the enacting clause and insert the following:

NEW SECTION. Sec. 1. The legislature finds that moved buildings or structures can provide affordable housing for many persons of lower income; that many of the moved structures or buildings were legally built to the construction standards of their day; and that requiring the moved building or structure to meet all new construction codes may limit their use as an affordable housing option for persons of lower income.

The legislature further finds that application of the new construction code standards to moved structures and buildings present unique difficulties and that it is the intent of the legislature that any moved structure or building that meets the codes at the time it was constructed does not need to comply with any updated state building code unless the structure is substantially remodeled or rebuilt.

NEW SECTION. Sec. 2. A new section is added to chapter 19.27 RCW to read as follows:

(1) Residential buildings or structures moved into or within a county or city are not required to comply with all of the requirements of the codes enumerated in chapters 19.27 and 19.27A RCW, as amended and maintained by the state building code council, if the original occupancy classification of the building or structure is not changed as a result of the move.

(2) This section shall not apply to residential structures or buildings that are substantially remodeled or rehabilitated, nor to any work performed on a new or existing foundation.

(3) For the purposes of determining whether a moved building or structure has been substantially remodeled or rebuilt, any cost relating to preparation, construction, or renovation of the foundation shall not be considered.

Sec. 3. Section 2, chapter 360, Laws of 1985 and RCW 19.27.074 are each amended to read as follows:

(1) The state building code council shall:

(a) Maintain the codes to which reference is made in RCW 19.27.031 in a status which is consistent with the state's interest as set forth in RCW 19.27.020. In maintaining these codes, the council shall regularly review updated versions of the codes referred to in RCW 19.27.031 and other pertinent information and shall amend the codes as deemed appropriate by the council;

(b) Approve or deny all county or city amendments to any code referred to in RCW 19.27.031 to the degree the amendments apply to single family or multifamily residential buildings;

(c) As required by the legislature, develop and adopt any codes relating to buildings;

~~((and))~~
(d) Propose a budget for the operation of the state building code council to be submitted to the office of financial management pursuant to RCW 43.88.090; and

(e) Adopt rules pursuant to chapter 34.05 RCW for the purpose of this subsection.

(2) The state building code council may:

(a) Appoint technical advisory committees which may include members of the council;

(b) Employ permanent and temporary staff and contract for services; and

(c) Conduct research into matters relating to any code or codes referred to in RCW 19.27.031 or any related matter.

All meetings of the state building code council shall be open to the public under the open public meetings act, chapter 42.30 RCW. All actions of the state building code council which adopt or amend any code of state-wide applicability shall be pursuant to the administrative procedure act, chapter ~~(34.04)~~ 34.05 RCW.

All council decisions relating to the codes enumerated in RCW 19.27.031 shall require approval by at least a majority of the members of the council.

All decisions to adopt or amend codes of state-wide application shall be made prior to December 1 of any year and shall not take effect before the end of the regular legislative session in the next year."

On page 1, line 1 of the title, after "code;" strike the remainder of the title and insert "amending RCW 19.27.074; adding a new section to chapter 19.27 RCW; and creating a new section."

and the same is herewith transmitted.

W. D. Naismith, Assistant Secretary.

MOTION

Ms. Nutley moved that the House do concur in the Senate amendments to Substitute House Bill No. 2070.

Ms. Nutley spoke in favor of the motion, and it was carried.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

The Speaker (Mr. O'Brien presiding) stated the question before the House to be the final passage of Substitute House Bill No. 2070 as amended by the Senate.

Ms. Nutley spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2070 as amended by the Senate, and the bill passed the House by the following vote: Yeas, 93; absent, 3; excused, 2.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Baugher, Beck, Belcher, Betrozoff, Bowman, Braddock, Brekke, Brooks, Brough, Brumsickle, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Fraser, Fuhrman, Grant, Hankins, Haugen, Heavey, Hine, Holland, Horn, Inslee, Jacobsen, Jesernig, Jones, King P, King R, Kremen, Leonard, May, McLean, Meyers R, Miller, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Padden, Patrick, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith, Sommers D, Sommers H, Spanel, Sprengle, Tate, Valle, Van Luvan, Vekich, Walk, Walker, Wang, Wilson K, Wilson S, Wineberry, Winsley, Wolfe, Wood, Youngsman, Zellinsky, and Mr. Speaker - 93.

Absent: Representatives Bristow, Hargrove, Locke - 3.

Excused: Representatives Gallagher, Todd - 2.

Substitute House Bill No. 2070 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SENATE AMENDMENTS TO HOUSE BILL

April 13, 1989

Mr. Speaker:

The Senate has passed ENGROSSED SUBSTITUTE HOUSE BILL NO. 2136 with the following amendments:

Strike everything after the enacting clause and insert the following:

NEW SECTION, Sec. 1. Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

- (1) 'Director' means the director of the department of community development.
- (2) 'Department' means the department of community development.
- (3) 'Fund' means the mobile home park relocation fund established under section 5 of this act consisting of tenant and landlord contributions.
- (4) 'Low-income' means at or below eighty percent of median income as defined by the United States department of housing and urban development, for the county or standard metropolitan statistical area where the park is located.
- (5) 'Mobile home park' or 'park' means real property that is rented or held out for rent to others for the placement of two or more mobile homes for the primary purpose of production of income, except where the real property is rented or held out for rent for seasonal recreational purpose only and is not intended for year-round occupancy.
- (6) 'Landlord' or 'park-owner' means the owner of the mobile home park that is being closed at the time relocation assistance is provided.
- (7) 'Relocate' means to remove the mobile home from the mobile home park being closed.
- (8) 'Relocation assistance' means the monetary assistance provided under section 2 of this act.

NEW SECTION, Sec. 2. (1) If a mobile home park is closed or converted to another use, all affected park tenants are entitled to relocation assistance from the park-owner or the fund at the time the tenant relocates as follows: (a) For a single-wide mobile home, four thousand five hundred dollars; and (b) for a double-wide or larger mobile home, seven thousand five hundred dollars.

(2) When a tenant is forced to relocate before July 1, 1991, the payment of relocation assistance as provided by this section shall be paid by the park-owner. However, if the tenant has been given notice to vacate prior to April 1, 1989, and the tenant has not yet relocated as of the effective date of this act, the payment of relocation assistance by the park-owner shall be required only if the tenant is low income.

(3) When a tenant is forced to relocate after June 30, 1991, the payment of relocation assistance as provided in this section shall be shared as follows: The landlord or park-owner shall provide one-third and the fund shall provide two-thirds.

(4) After July 1, 1992, (a) if twenty-four months' notice of closure is given, the landlord or park-owner shall provide five hundred dollars for a single-wide home or one thousand dollars for a double-wide or larger home and the fund shall provide the balance of the relocation assistance; (b) if the park-owner gives less than twenty-four months' notice the park-owner shall provide one-third and the fund shall provide two-thirds of the relocation assistance.

(5) The parkowner shall make any payment required by this chapter when demanded by the department; however, the department shall not demand such payment earlier than thirty days prior to the expected relocation date of the tenant. If the landlord does not pay his or her portion of the relocation assistance to the department when required by this chapter, the department shall have a lien on the real property on which the park is located. Such lien shall be collected as delinquent general property taxes and shall be forwarded to the department by the county treasurer.

(6) The director or his or her designee shall approve all expenditures from the fund.

(7) Relocation assistance contributions required from landlords or park-owners by this section shall be reduced by the amount paid or required to be paid under any other law for the same mobile home park tenant for the same relocation.

NEW SECTION, Sec. 3. Notice required by RCW 59.20.080 before park closure or conversion of the park, whether twelve months or longer, shall be given to the director and all tenants in writing, and posted at all park entrances. Notice must also include the tenant's right to relocation assistance, if applicable. This section shall apply to all park closures even though notice may have been given prior to the effective date of this act.

NEW SECTION, Sec. 4. A tenant is not entitled to relocation assistance under section 2 of this act if (1) the tenant has given notice to the landlord of his or her intent to vacate the park and terminate the tenancy before any notice of termination required by the landlord under this chapter has been given, or (2) a person purchases a mobile home already situated in the park or moves a mobile home into the park after a closure or change of use notice has been given and the person has received actual prior notice of the change or closure.

NEW SECTION, Sec. 5. (1) The mobile home park relocation fund is created in the custody of the state treasurer. All legislative appropriations for mobile home relocation assistance, receipts from assessments collected under section 6 of this act, and amounts required to be

paid by park-owners shall be deposited into the fund. Expenditures from the fund may be used only for administration of the fund, relocation assistance under section 2 of this act, or transfer to the mobile home park purchase fund under subsection (2) of this section. Only the director of community development or the director's designee may authorize expenditures from the fund. All relocation payments, including those due from the park-owner shall be made from the fund. The fund is subject to allotment procedures under chapter 43.88 RCW, but no appropriation is required for expenditures.

(2) The state treasurer shall maintain the fund and shall invest the fund moneys. Moneys earned on these investments shall be deposited in the fund and shall be used for the same purposes as other fund moneys. Unexpended and unencumbered moneys that remain in the fund at the end of the fiscal year do not revert to the state general fund but remain in the fund, separately accounted for, as a contingency reserve, or if the director determines at the end of any fiscal year beginning after December 31, 1991, that the fund contains a surplus over the projected amount needed for relocation during the upcoming year(s), any surplus may be transferred to the mobile home park purchase fund created by chapter 59.22 RCW. However, the director may cause any uncommitted funds in the mobile home park purchase fund which were transferred from the mobile home park relocation fund to be transferred back to the mobile home park relocation fund if that fund cannot otherwise meet its current obligations.

(3) A tenant who is entitled to relocation assistance under this chapter is entitled to payment only after submitting an application which includes: (a) A copy of the notice from the parkowner that the tenancy is terminated due to closure of the park; (b) a copy of the rental agreement currently in force; and (c) a copy of the contract entered into for the purpose of relocating the mobile home, which includes the date of relocation.

(4) The director may adopt rules for the administration of the fund.

(5) The department may use money from the fund to offset the necessary costs of administering the fund. Administrative cost reimbursement shall not exceed fifty thousand dollars or five percent of the revenue to the fund for any given fiscal year, whichever is greater, to offset expenses incurred during that year.

NEW SECTION. Sec. 6. (1) There is hereby placed on all mobile homes located in mobile home parks an annual assessment of eleven dollars per mobile home beginning on January 1, 1990. The assessment shall be collected by the county treasurer or treasurers within the county or counties where the mobile home or the mobile home park is located. Notice of the assessment created under this section may be included on the notice of property taxes due, or may be sent separately from the notice of property taxes due. The assessment created under this section shall be due at the same time property taxes are due and shall constitute a lien on the mobile home upon which the assessment is imposed. Delinquent assessments created under this section shall be foreclosed in the same manner, and subject to the same time schedules, interest, and penalties as delinquent property taxes. County treasurers may impose a fee for collecting the assessment created in this section not to exceed five percent of the dollar value of the collection of assessments created under this section. The county treasurer may collect the assessment for 1990 at the same time the county treasurer collects the assessment for 1991 if the county treasurer would experience undue hardship in collecting the 1990 assessment in that year.

(2) Upon the request of the treasurer of the county or counties where the mobile home park is located, each park-owner shall provide the county treasurer with a list of all tenants residing in the park on January 1, 1989. This list shall be mailed by August 1, 1989, to the treasurer or treasurers of the county or counties where the mobile home park is located. The list shall include the name and address of each tenant, and the mobile home tax number of each tenant if available. Upon the request of the treasurer of the county or counties where the mobile home park is located, the park-owners shall update the list of tenants residing in the park.

(3) The assessments collected under subsection (1) of this section shall be forwarded to the state treasurer, less any administration fee collected by the county treasurer under this section. The state treasurer shall deposit one dollar of the assessment collected per mobile home in the mobile home affairs account created by RCW 59.22.070; the remainder of the assessment forwarded to the state treasurer under this subsection shall be deposited in the mobile home park relocation fund created under section 5 of this act.

(4) The department of revenue, the state treasurer, and the county treasurers may enact any rules necessary to carry out this section.

Sec. 7. Section 4, chapter 280, Laws of 1988 and RCW 59.22.060 are each amended to read as follows:

(1) Every landlord shall register by October 1, 1988, with the department of revenue under such rules as that department shall prescribe.

(2) Every landlord shall pay a fee of one dollar per lot per year, ~~((and in addition, shall collect from each tenant on January 1 of each year a fee of one dollar per year for each lot rented by the tenant. Both fees))~~ except for unoccupied lots. This fee shall be remitted by the landlord to the department of revenue under such rules as the department shall prescribe. ~~((The fee required by this chapter, to be collected by the landlord, shall be deemed to be held~~

~~in trust by the landlord until paid to the department of revenue, and any landlord who appropriates or converts the fee collected to his or her own use other than the payment to the department shall be guilty of a gross misdemeanor. The provisions of chapter 82.32 RCW shall apply to the collection and enforcement of this fee.)) The department of revenue shall forward the one-dollar fee per lot paid by the landlord to the mobile home affairs account created by RCW 59.22.070.~~

(3) This section shall take effect on January 1, 1990.

Sec. 8. Section 5, chapter 280, Laws of 1988 and RCW 59.22.070 are each amended to read as follows:

There is created in the custody of the state treasurer a special account known as the mobile home affairs account. ~~((All fees collected pursuant to RCW 59.22.060 shall be placed in that account.))~~

Disbursements from this special account shall be as follows:

(1) For the two-year period beginning July 1, 1988, forty thousand dollars, or so much thereof as may be necessary for costs incurred in registering landlords and collecting fees, and thereafter five thousand dollars per year for that purpose.

(2) All remaining amounts shall be remitted to the department of community development for the purpose of implementing RCW 59.22.050 and 59.22.060.

Sec. 9. Section 6, chapter 279, Laws of 1977 ex. sess. as last amended by section 1, chapter 58, Laws of 1984 and RCW 59.20.060 are each amended to read as follows:

(1) Any mobile home space tenancy regardless of the term, shall be based upon a written rental agreement, signed by the parties, which shall contain:

(a) The terms for the payment of rent, including time and place, and any additional charges to be paid by the tenant. Additional charges that occur less frequently than monthly shall be itemized in a billing to the tenant;

(b) Reasonable rules for guest parking which shall be clearly stated;

(c) The rules and regulations of the park;

(d) The name and address of the person who is the landlord, and if such person does not reside in the state there shall also be designated by name and address a person who resides in the county where the mobile home park is located who is authorized to act as agent for the purposes of service of notices and process. If no designation is made of a person to act as agent, then the person to whom rental payments are to be made shall be considered the agent;

(e) (i) A covenant by the landlord that, except for acts or events beyond the control of the landlord, the mobile home park will not be converted to a land use that will prevent the space that is the subject of the lease from continuing to be used for its intended use for a period of three years after the beginning of the term of the rental agreement;

(ii) A rental agreement may, in the alternative, contain a statement that the park may be sold or otherwise transferred at any time with the result that subsequent owners may close the mobile home park, or that the landlord may close the park at any time after the required notice. The covenant or statement required by this subsection must appear in print that is larger than the other text of the lease and must be set off by means of a box, blank space, or comparable visual device;

The requirements of this subsection shall apply to tenancies initiated after the effective date of this act.

(f) The terms and conditions under which any deposit or portion thereof may be withheld by the landlord upon termination of the rental agreement if any moneys are paid to the landlord by the tenant as a deposit or as security for performance of the tenant's obligations in a rental agreement:

~~((f))~~ (g) A listing of the utilities, services, and facilities which will be available to the tenant during the tenancy and the nature of the fees, if any, to be charged;

~~((f))~~ (h) A description of the boundaries of a mobile home space sufficient to inform the tenant of the exact location of his space in relation to other tenants' spaces; and

~~((f))~~ (i) A statement of the current zoning of the land on which the mobile home park is located.

(2) Any rental agreement executed between the landlord and tenant shall not contain any provision:

(a) Which allows the landlord to charge a fee for guest parking unless a violation of the rules for guest parking occurs: PROVIDED, That a fee may be charged for guest parking which covers an extended period of time as defined in the rental agreement;

(b) Which authorizes the towing or impounding of a vehicle except upon notice to the owner thereof or the tenant whose guest is the owner of said vehicle;

(c) Which allows the landlord to alter the due date for rent payment or increase the rent: (i) During the term of the rental agreement if the term is less than one year, or (ii) more frequently than annually if the term is for one year or more: PROVIDED, That a rental agreement may include an escalation clause for a pro rata share of any increase in the mobile home park's real property taxes or utility assessments or charges, over the base taxes or utility assessments or charges of the year in which the rental agreement took effect, if the clause also

provides for a pro rata reduction in rent or other charges in the event of a reduction in real property taxes or utility assessments or charges, below the base year: PROVIDED FURTHER, That a rental agreement for a term exceeding one year may provide for annual increases in rent in specified amounts or by a formula specified in such agreement:

- (d) By which the tenant agrees to waive or forego rights or remedies under this chapter;
- (e) Allowing the landlord to charge an 'entrance fee' or an 'exit fee';
- (f) Which allows the landlord to charge a fee for guests: PROVIDED, That a landlord may establish rules charging for guests who remain on the premises for more than fifteen days in any sixty-day period;
- (g) By which the tenant agrees to waive or forego homestead rights provided by chapter 6.13 RCW. This subsection shall not prohibit such waiver after a default in rent so long as such waiver is in writing signed by the husband and wife or by an unmarried claimant and in consideration of the landlord's agreement not to terminate the tenancy for a period of time specified in the waiver if the landlord would be otherwise entitled to terminate the tenancy under this chapter; or
- (h) By which, at the time the rental agreement is entered into, the landlord and tenant agree to the selection of a particular arbitrator.

NEW SECTION. Sec. 10. If the rental agreement includes a covenant by the landlord as described in RCW 59.20.060(1)(e)(f), the covenant runs with the land and is binding upon the purchasers, successors, and assigns of the landlord.

NEW SECTION. Sec. 11. Before a mobile home park-owner may close a mobile home park or convert it to another use, the owner shall pay amounts owed for relocation assistance under section 2 of this act to the state treasurer for deposit into the fund. A park-owner may give notice as required by RCW 59.20.080 and this chapter before payment of these amounts.

Sec. 12. Section 8, chapter 279, Laws of 1977 ex. sess. as last amended by section 5, chapter 150, Laws of 1988 and RCW 59.20.080 are each amended to read as follows:

(1) Except as provided in subsection (2) of this section, the landlord shall not terminate a tenancy, of whatever duration except for one or more of the following reasons:

(a) Substantial violation, or repeated or periodic violations of the rules of the mobile home park as established by the landlord at the inception of the tenancy or as assumed subsequently with the consent of the tenant or for violation of the tenant's duties as provided in RCW 59.20.140. The tenant shall be given written notice to cease the rule violation immediately. The notice shall state that failure to cease the violation of the rule or any subsequent violation of that or any other rule shall result in termination of the tenancy, and that the tenant shall vacate the premises within fifteen days: PROVIDED, That for a periodic violation the notice shall also specify that repetition of the same violation shall result in termination: PROVIDED FURTHER, That in the case of a violation of a 'material change' in park rules with respect to pets, tenants with minor children living with them, or recreational facilities, the tenant shall be given written notice under this chapter of a six month period in which to comply or vacate;

(b) Nonpayment of rent or other charges specified in the rental agreement, upon five days written notice to pay rent and/or other charges or to vacate;

(c) Conviction of the tenant of a crime, commission of which threatens the health, safety, or welfare of the other mobile home park tenants. The tenant shall be given written notice of a fifteen day period in which to vacate;

(d) Failure of the tenant to comply with local ordinances and state laws and regulations relating to mobile homes or mobile home living within a reasonable time after the tenant's receipt of notice of such noncompliance from the appropriate governmental agency;

(e) Change of land use of the mobile home park including, but not limited to, conversion to a use other than for mobile homes or conversion of the mobile home park to a mobile home park cooperative or mobile home park subdivision: PROVIDED, That the landlord shall give the tenants twelve months' notice in advance of the ~~((proposed))~~ effective date of such change, except that for the period of six months following the effective date of this act the landlord shall give the tenants eighteen months' notice in advance of the proposed effective date of such change:

(f) Engaging in 'drug-related activity.' 'Drug-related activity' means that activity which constitutes a violation of chapter 69.41, 69.50, or 69.52 RCW.

(2) A landlord may terminate any tenancy without cause. Such termination shall be effective twelve months from the date the landlord serves notice of termination upon the tenant or at the end of the current tenancy, whichever is later: PROVIDED, That a landlord shall not terminate a tenancy for any reason or basis which is prohibited under RCW 59.20.070 (3) or (4) or is intended to circumvent the provisions of (1)(e) of this section.

(3) Within five days of a notice of eviction as required by subsection (1)(a) or (2) of this section, the landlord and tenant shall submit any dispute, including the decision to terminate the tenancy without cause, to mediation. The parties may agree in writing to mediation by an independent third party or through industry mediation procedures. If the parties cannot agree, then mediation shall be through industry mediation procedures. A duty is imposed upon both parties to participate in the mediation process in good faith for a period of ten days for an eviction under subsection (1)(a) of this section, or for a period of thirty days for an eviction

under subsection (2) of this section. It is a defense to an eviction under subsection (1)(a) or (2) of this section that a landlord did not participate in the mediation process in good faith.

NEW SECTION. Sec. 13. Any unit of local government may, with the director's approval, give or loan moneys to the fund if insufficient moneys are available to pay the fund's share of relocation assistance under section 2 of this act. When sufficient moneys exist in the fund, the director shall approve the repayment of the loaned moneys to the local government.

NEW SECTION. Sec. 14. A tenant may, with the written approval of his or her attorney at law, waive or compromise their right to relocation assistance under this chapter.

NEW SECTION. Sec. 15. Any person who intentionally violates, intentionally attempts to evade, or intentionally evades the provisions of this act is guilty of a misdemeanor.

NEW SECTION. Sec. 16. Sections 1 through 6, 10, 11, 13, 14, and 15 of this act constitute a new chapter in Title 59 RCW.

NEW SECTION. Sec. 17. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 18. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect immediately."

On page 1, line 1 of the title, after "assistance;" strike the remainder of the title and insert "amending RCW 59.22.060, 59.22.070, 59.20.060, and 59.20.080; adding a new chapter to Title 59 RCW; prescribing penalties; and declaring an emergency."

and the same is herewith transmitted.

W. D. Naismith, Assistant Secretary.

MOTION

Ms. Nutley moved that the House do concur in the Senate amendments to Engrossed Substitute House Bill No. 2136.

Ms. Nutley spoke in favor of the motion, and it was carried.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

The Speaker (Mr. O'Brien presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 2136 as amended by the Senate.

Representatives Nutley, Betrozoff and Cole spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 2136 as amended by the Senate, and the bill passed the House by the following vote: Yeas, 89; nays, 4; absent, 3; excused, 2.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Baugher, Beck, Belcher, Betrozoff, Bowman, Braddock, Brekke, Brooks, Brough, Brumsickle, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Fraser, Fuhrman, Grant, Hankins, Haugen, Hine, Holland, Horn, Jacobsen, Jones, King P, King R, Kremen, Leonard, May, McLean, Meyers R, Miller, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Padden, Patrick, Peery, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith, Sommers D, Sommers H, Spanel, Sprengle, Tate, Valle, Van Luven, Vekich, Waik, Walker, Wang, Wilson K, Wilson S, Wineberry, Winsley, Wolfe, Wood, Youngsman, Zellinsky, and Mr. Speaker - 89:

Voting nay: Representatives Heavey, Inslee, Jesernig, Phillips - 4.

Absent: Representatives Bristow, Hargrove, Locke - 3.

Excused: Representatives Gallagher, Todd - 2.

Engrossed Substitute House Bill No. 2136 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SENATE AMENDMENT TO HOUSE BILL

April 11, 1989

Mr. Speaker:

The Senate has passed HOUSE BILL NO. 2053 with the following amendment:
On page 2, line 1, after "exceed" strike "seven" and insert "nine"
and the same is herewith transmitted.

W. D. Naismith, Assistant Secretary.

MOTION

Mr. Pruitt moved that the House do concur in the Senate amendment to House Bill No. 2053.

Mr. Pruitt spoke in favor of the motion, and it was carried.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

The Speaker (Mr. O'Brien presiding) stated the question before the House to be the final passage of House Bill No. 2053 as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 2053 as amended by the Senate, and the bill passed the House by the following vote: Yeas, 93; absent, 3; excused, 2.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Baugher, Beck, Belcher, Betzoff, Bowman, Braddock, Brekke, Brooks, Brough, Brumsickle, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Ferguson, Fisher G. Fisher R, Fraser, Fuhrman, Grant, Hankins, Haugen, Heavey, Hine, Holland, Horn, Inslee, Jacobsen, Jesernig, Jones, King P, King R, Kremen, Leonard, May, McLean, Meyers R, Miller, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Padden, Patrick, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith, Sommers D, Sommers H, Spanel, Sprenkle, Tate, Valle, Van Luven, Vekich, Walk, Walker, Wang, Wilson K, Wilson S, Wineberry, Winsley, Wolfe, Wood, Youngsman, Zellinsky, and Mr. Speaker - 93.

Absent: Representatives Bristow, Hargrove, Locke - 3.

Excused: Representatives Gallagher, Todd - 2.

House Bill No. 2053 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

Representatives Bristow and Hargrove appeared at the bar of the House.

MESSAGE FROM THE SENATE

April 10, 1989

Mr. Speaker:

The Senate refuses to concur in the House amendments to SUBSTITUTE SENATE BILL NO. 5506, and asks the House to recede therefrom, and the same is herewith transmitted.

W. D. Naismith, Assistant Secretary.

MOTION

Ms. H. Sommers moved that the House recede from its amendments to Substitute Senate Bill No. 5506.

Representatives H. Sommers and Schoon spoke in favor of the motion, and it was carried.

FINAL PASSAGE OF SENATE BILL WITHOUT HOUSE AMENDMENTS

The Speaker (Mr. O'Brien presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 5506 without the House amendments

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5506 with the House amendments, and the bill passed the House by the following vote: Yeas, 95; absent, 1; excused, 2.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Baugher, Beck, Belcher, Betzoff, Bowman, Braddock, Brekke, Bristow, Brooks, Brough, Brumsickle, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Ferguson, Fisher G. Fisher R, Fraser, Fuhrman, Grant, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Inslee, Jacobsen, Jesernig, Jones, King P, King R, Kremen, Leonard, May, McLean, Meyers R, Miller, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Padden, Patrick, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith, Sommers D, Sommers H, Spanel, Sprenkle, Tate, Valle, Van Luven, Vekich, Walk, Walker, Wang, Wilson K, Wilson S, Wineberry, Winsley, Wolfe, Wood, Youngsman, Zellinsky, and Mr. Speaker - 95.

Absent: Representative Locke - 1.

Excused: Representatives Gallagher, Todd - 2.

Substitute Senate Bill No. 5506 without the House amendments, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SPEAKER'S PRIVILEGE

The Speaker (Mr. O'Brien presiding) presented The Honorable Daniel J. Evans, who briefly addressed the members of the House of Representatives.

The Speaker (Mr. O'Brien presiding) declared the House to be at ease.

The Speaker (Mr. Ebersole presiding) called the House to order.

The Speaker (Mr. Ebersole presiding) declared the House to be at ease until 1:00 p.m.

AFTERNOON SESSION

The Speaker (Mr. O'Brien presiding) called the House to order at 1:14 p.m.

Representatives Locke and Todd appeared at the bar of the House.

MESSAGES FROM THE SENATE

April 19, 1989

Mr. Speaker:

The Senate grants the request of the House for a conference on ENGROSSED SUBSTITUTE HOUSE BILL NO. 1028. The President has appointed the following members as conferees: Senators Metcalf, Owen and Anderson.

W. D. Naismith, Assistant Secretary.

April 19, 1989

Mr. Speaker:

The Senate grants the request of the House for a conference on ENGROSSED HOUSE BILL NO. 1070. The President has appointed the following members as conferees: Senators Pullen, Talmadge and Thorsness.

W. D. Naismith, Assistant Secretary.

April 19, 1989

Mr. Speaker:

The Senate grants the request of the House for a conference on ENGROSSED SUBSTITUTE HOUSE BILL NO. 1133. The President has appointed the following members as conferees: Senators Cantu, Niemi and Anderson.

W. D. Naismith, Assistant Secretary.

April 19, 1989

Mr. Speaker:

The Senate grants the request of the House for a conference on SUBSTITUTE HOUSE BILL NO. 2011. The President has appointed the following members as conferees: Senators Metcalf, Owen and Anderson.

W. D. Naismith, Assistant Secretary.

April 19, 1989

Mr. Speaker:

The Senate grants the request of the House for a conference on ENGROSSED SUBSTITUTE HOUSE BILL NO. 2020. The President has appointed the following members as conferees: Senators Saling, Stratton and Patterson.

W. D. Naismith, Assistant Secretary.

April 19, 1989

Mr. Speaker:

The Senate grants the request of the House for a conference on HOUSE BILL NO. 2060. The President has appointed the following members as conferees: Senators Matson, Warnke and West.

W. D. Naismith, Assistant Secretary.

April 19, 1989

Mr. Speaker:

The Senate grants the request of the House for a conference on ENGROSSED SUBSTITUTE HOUSE BILL NO. 2137. The President has appointed the following members as conferees: Senators Lee, McMullen and Amondson.

W. D. Naismith, Assistant Secretary.

April 19, 1989

Mr. Speaker:

The Senate grants the request of the House for a conference on HOUSE BILL NO. 2167. The President has appointed the following members as conferees: Senators Smith, Murray and Bluechel.

W. D. Naismith, Assistant Secretary.

April 19, 1989

Mr. Speaker:

The Senate grants the request of the House for a conference on SUBSTITUTE SENATE BILL NO. 5221. The President has appointed the following members as conferees: Senators Saling, Rinehart and Patterson, and the same is herewith transmitted.

W. D. Naismith, Assistant Secretary.

April 19, 1989

Mr. Speaker:

The Senate grants the request of the House for a conference on ENGROSSED SUBSTITUTE SENATE BILL NO. 5288. The President has appointed the following members as conferees: Senators Metcalf, Stratton and Anderson, and the same is herewith transmitted.

W. D. Naismith, Assistant Secretary.

April 19, 1989

Mr. Speaker:

The Senate grants the request of the House for a conference on SUBSTITUTE SENATE BILL NO. 5289. The President has appointed the following members as conferees: Senators Metcalf, Owen and Anderson, and the same is herewith transmitted.

W. D. Naismith, Assistant Secretary.

April 19, 1989

Mr. Speaker:

The Senate grants the request of the House for a conference on ENGROSSED SUBSTITUTE SENATE BILL NO. 5314. The President has appointed the following members as conferees: Senators Bailey, Rinehart and Metcalf, and the same is herewith transmitted.

W. D. Naismith, Assistant Secretary.

April 19, 1989

Mr. Speaker:

The Senate grants the request of the House for a conference on ENGROSSED SENATE BILL NO. 5597. The President has appointed the following members as conferees: Senators West, Kreidler and Nelson, and the same is herewith transmitted.

W. D. Naismith, Assistant Secretary.

April 19, 1989

Mr. Speaker:

The Senate grants the request of the House for a conference on ENGROSSED SUBSTITUTE SENATE BILL NO. 5759. The President has appointed the following members as conferees: Senators Bailey, Rinehart and Lee, and the same is herewith transmitted.

W. D. Naismith, Assistant Secretary.

April 19, 1989

Mr. Speaker:

The Senate grants the request of the House for a conference on SUBSTITUTE SENATE BILL NO. 5827. The President has appointed the following members as conferees: Senators Barr, Moore and Bailey, and the same is herewith transmitted.

W. D. Naismith, Assistant Secretary.

SENATE AMENDMENT TO HOUSE BILL

April 14, 1989

Mr. Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 1071 with the following amendment:

On page 2, line 15, after "and" strike everything through "standard" on page 2, line 17, and insert "either the legislature has expressly provided that the change in the law is to be applied retroactively, or a court, in interpreting a change in the law that lacks express legislative intent regarding retroactive application, determines that sufficient reasons exist to require retroactive application of the changed legal standard"

and the same is herewith transmitted.

W. D. Naismith, Assistant Secretary.

MOTION

Mr. Crane moved that the House do concur in the Senate amendment to Substitute House Bill No. 1071.

Mr. Crane spoke in favor of the motion, and it was carried.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

The Speaker (Mr. O'Brien presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1071 as amended by the Senate.

Mr. Heavey spoke against passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1071 as amended by the Senate, and the bill passed the House by the following vote: Yeas, 78; nays, 19; excused, 1.

Voting yea: Representatives Ballard, Basich, Baugher, Beck, Betzoff, Bowman, Bristow, Brooks, Brough, Brunsickle, Cantwell, Chandler, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Ferguson, Fisher G. Fraser, Fuhrman, Grant, Hankins, Hargrove, Haugen, Hine, Holland, Horn, Inslee, Jesernig, Jones, King P. King R. Kremen, May, McLean, Meyers R. Miller, Morris, Moyer, Myers H. Nealey, O'Brien, Padden, Patrick, Peery, Prince, Pruitt, Rasmussen, Rayburn, Rector, Sayan, Schmidt, Schoon, Scott, Silver, Smith, Sommers D, Sommers H, Spanel, Sprenkle, Tate, Todd, Valle, Van Luven, Walk, Walker, Wang, Wilson K, Wilson S, Winsley, Wolfe, Wood, Youngsman, Zellinsky, and Mr. Speaker - 78.

Voting nay: Representatives Anderson, Appelwick, Belcher, Braddock, Brekke, Cole, Fisher R. Heavey, Jacobsen, Leonard, Locke, Nelson, Nutley, Phillips, Prentice, Raiter, Rust, Vekich, Wineberry - 19.

Excused: Representative Gallagher - 1.

Substitute House Bill No. 1071 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

STATEMENT FOR THE JOURNAL

My recorded vote on the final passage of Substitute House Bill No. 1071 as amended by the Senate was in error. I intended to vote "No," consistent with my vote on final passage when the bill first passed the House.

ART WANG, 27th District.

SENATE AMENDMENTS TO HOUSE BILL

April 6, 1989

Mr. Speaker:

The Senate has passed ENGROSSED HOUSE BILL NO. 1081 with the following amendments:

Strike everything after the enacting clause and insert the following:

*Sec. 1. Section 2, chapter 62, Laws of 1988, section 12, chapter 145, Laws of 1988, and section 2, chapter 218, Laws of 1988 and RCW 9.94A.320 are each reenacted and amended to read as follows:

TABLE 2
CRIMES INCLUDED WITHIN EACH SERIOUSNESS LEVEL

XIV	Aggravated Murder 1 (RCW 10.95.020)
XIII	Murder 1 (RCW 9A.32.030)
	Homicide by abuse (RCW 9A.32.055)
XII	Murder 2 (RCW 9A.32.050)
XI	Assault 1 (RCW 9A.36.011)
X	Kidnapping 1 (RCW 9A.40.020)
	Rape 1 (RCW 9A.44.040)
	Rape of a Child 1 (RCW 9A.44.073)
	Damaging building, etc., by explosion with threat to human being (RCW 70.74.280(1))
	Over 18 and deliver heroin or narcotic from Schedule I or II to someone under 18 and 3 years junior (RCW 69.50.406)
	Leading Organized Crime (RCW 9A.82.060(1)(a))
IX	Robbery 1 (RCW 9A.56.200)
	Manslaughter 1 (RCW 9A.32.060)
	<u>Vehicular Homicide, by being under the influence of intoxicating liquor or any drug or by the operation of any vehicle in a reckless manner (RCW 46.61.520)</u>
	Explosive devices prohibited (RCW 70.74.180)
	Endangering life and property by explosives with threat to human being (RCW 70.74.270)
	Over 18 and deliver narcotic from Schedule III, IV, or V or a nonnarcotic from Schedule I-V to someone under 18 and 3 years junior (RCW 69.50.406)
	Sexual Exploitation, Under 16 (RCW 9.68A.040(2)(a))
	Inciting Criminal Profiteering (RCW 9A.82.060(1)(b))
VIII	Arson 1 (RCW 9A.48.020)
	Rape 2 (RCW 9A.44.050)
	Rape of a Child 2 (RCW 9A.44.076)
	Child Molestation 1 (RCW 9A.44.083)
	Promoting Prostitution 1 (RCW 9A.88.070)
	Selling heroin for profit (RCW 69.50.410)
VII	Burglary 1 (RCW 9A.52.020)
	<u>Vehicular Homicide, by disregard for the safety of others (RCW 46.61.520)</u>
	Introducing Contraband 1 (RCW 9A.76.140)
	Indecent Liberties (with forcible compulsion) (RCW 9A.44.100(1)(a))
	Sexual Exploitation, Under 18 (RCW 9.68A.040(2)(b))
	Dealing in depictions of minor engaged in sexually explicit conduct (RCW 9.68A.050)
	Sending, bringing into state depictions of minor engaged in sexually explicit conduct (RCW 9.68A.060)
VI	Bribery (RCW 9A.68.010)
	Manslaughter 2 (RCW 9A.32.070)
	Child Molestation 2 (RCW 9A.44.086)
	Intimidating a Juror/Witness (RCW 9A.72.110, 9A.72.130)
	Damaging building, etc., by explosion with no threat to human being (RCW 70.74.280(2))
	Endangering life and property by explosives with no threat to human being (RCW 70.74.270)
	Indecent Liberties (without forcible compulsion) (RCW 9A.44.100(1)(b))
	Incest 1 (RCW 9A.64.020(1))
	Selling for profit (controlled or counterfeit) any controlled substance (except heroin) (RCW 69.50.410)
	Manufacture, deliver, or possess with intent to deliver heroin or narcotics from Schedule I or II (RCW 69.50.401(a)(1)(i))
	Intimidating a Judge (RCW 9A.72.160)
V	Criminal Mistreatment 1 (RCW 9A.42.020)
	Rape 3 (RCW 9A.44.060)
	Kidnapping 2 (RCW 9A.40.030)
	Extortion 1 (RCW 9A.56.120)
	Incest 2 (RCW 9A.64.020(2))
	Perjury 1 (RCW 9A.72.020)
	Extortionate Extension of Credit (RCW 9A.82.020)
	Advancing money or property for extortionate extension of credit (RCW 9A.82.030)
	Extortionate Means to Collect Extensions of Credit (RCW 9A.82.040)

- IV Rendering Criminal Assistance 1 (RCW 9A.76.070)
- Theft of Livestock 1 (RCW 9A.56.080)
- Robbery 2 (RCW 9A.56.210)
- Assault 2 (RCW 9A.36.021)
- Escape 1 (RCW 9A.76.110)
- Arson 2 (RCW 9A.48.030)
- Rape of a Child 3 (RCW 9A.44.079)
- Bribing a Witness/Bribe Received by Witness (RCW 9A.72.090, 9A.72.100)
- Malicious Harassment (RCW 9A.36.080)
- Willful Failure to Return from Furlough (RCW 72.66.060)
- Hit and Run -- Injury Accident (RCW 46.52.020(4))
- Vehicular Assault (RCW 46.61.522)
- Manufacture, deliver, or possess with intent to deliver narcotics from Schedule III, IV, or V or nonnarcotics from Schedule I-V (except marijuana) (RCW 69.50.401(a)(1)(i) through (iv))
- Influencing Outcome of Sporting Event (RCW 9A.82.070)
- Use of Proceeds of Criminal Profiteering (RCW 9A.82.080 (1) and (2))
- Knowingly Trafficking in Stolen Property (RCW 9A.82.050(2))
- III Criminal mistreatment 2 (RCW 9A.42.030)
- Sexual Misconduct with a Minor 1 (RCW 9A.44.093)
- Child Molestation 3 (RCW 9A.44.089)
- Extortion 2 (RCW 9A.56.130)
- Unlawful Imprisonment (RCW 9A.40.040)
- Assault 3 (RCW 9A.36.031)
- Unlawful possession of firearm or pistol by felon (RCW 9A.41.040)
- Harassment (RCW 9A.46.020)
- Promoting Prostitution 2 (RCW 9A.88.080)
- Willful Failure to Return from Work Release (RCW 72.65.070)
- Introducing Contraband 2 (RCW 9A.76.150)
- Communication with a Minor for Immoral Purposes (RCW 9.68A.090)
- Patronizing a Juvenile Prostitute (RCW 9.68A.100)
- Escape 2 (RCW 9A.76.120)
- Perjury 2 (RCW 9A.72.030)
- Intimidating a Public Servant (RCW 9A.76.180)
- Tampering with a Witness (RCW 9A.72.120)
- Manufacture, deliver, or possess with intent to deliver marijuana (RCW 69.50.401(a)(1)(ii))
- Recklessly Trafficking in Stolen Property (RCW 9A.82.050(1))
- Theft of livestock 1 (RCW 9A.56.080)
- II Malicious Mischief 1 (RCW 9A.48.070)
- Possession of Stolen Property 1 (RCW 9A.56.150)
- Theft 1 (RCW 9A.56.030)
- Burglary 2 (RCW 9A.52.030)
- Possession of controlled substance that is either heroin or narcotics from Schedule I or II (RCW 69.50.401(d))
- Create, deliver, or possess a counterfeit controlled substance (RCW 69.50.401(b))
- Computer Trespass 1 (RCW 9A.52.110)
- I Theft 2 (RCW 9A.56.040)
- Possession of Stolen Property 2 (RCW 9A.56.160)
- Forgery (RCW 9A.60.020)
- Taking Motor Vehicle Without Permission (RCW 9A.56.070)
- Vehicle Prowl 1 (RCW 9A.52.095)
- Attempting to Elude a Pursuing Police Vehicle (RCW 46.61.024)
- Malicious Mischief 2 (RCW 9A.48.080)
- Reckless Burning 1 (RCW 9A.48.040)
- Unlawful Issuance of Checks or Drafts (RCW 9A.56.060)
- Unlawful Use of Food Stamps (RCW 9.91.140 (2) and (3))
- False Verification for Welfare (RCW 74.08.055)
- Forged Prescription (RCW 69.41.020)
- Forged Prescription for a Controlled Substance (RCW 69.50.403)
- Possess Controlled Substance that is a Narcotic from Schedule III, IV, or V or Non-narcotic from Schedule I-V (RCW 69.50.401(d))"

On page 1, line 1 of the title, after "assault," strike the remainder of the title and insert "and reenacting and amending RCW 9.94A.320."

and the same is herewith transmitted.

W. D. Naismith, Assistant Secretary.

MOTION

Mr. Crane moved that the House refuse to concur in the Senate amendments to Engrossed House Bill No. 1081 and ask the Senate to recede therefrom. The motion was carried.

SENATE AMENDMENTS TO HOUSE BILL

April 11, 1989

Mr. Speaker:

The Senate has passed ENGROSSED SUBSTITUTE HOUSE BILL NO. 1086 with the following amendments:

Strike everything after the enacting clause and insert the following:

NEW SECTION. Sec. 1. LEGISLATIVE FINDING AND INTENT. The legislature finds that leaking underground storage tanks containing petroleum and other regulated substances pose a serious threat to human health and the environment. To address this threat, the legislature intends for the department of ecology to establish an underground storage tank program designed, operated, and enforced in a manner that, at a minimum, meets the requirements for delegation of the federal underground storage tank program of the Resource Conservation and Recovery Act of 1976, as amended (42 U.S.C. Sec. 6901, et seq.). The legislature intends that state-wide requirements for underground storage tanks adopted by the department be consistent with and no less stringent than the objectives outlined in the federal regulations.

The legislature further finds that certain areas of the state possess physical characteristics that make them especially vulnerable to threats from leaking underground storage tanks and that in these environmentally sensitive areas, local requirements more stringent than the state-wide requirements may apply.

NEW SECTION. Sec. 2. DEFINITIONS. Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

- (1) 'Department' means the department of ecology.
- (2) 'Director' means the director of the department.
- (3) 'Federal act' means the federal Resource Conservation and Recovery Act, as amended (42 U.S.C. Sec. 6901, et seq.).
- (4) 'Federal regulations' means the underground storage tanks regulations (40 C.F.R. Secs. 280 and 281) adopted by the United States environmental protection agency under the federal act.

Except as provided in this section and any rules adopted by the department under this chapter, the definitions contained in the federal regulations apply to the terms in this chapter.

NEW SECTION. Sec. 3. DEPARTMENT'S POWERS AND DUTIES. (1) By July 1, 1990, the department shall adopt rules establishing requirements for all underground storage tanks that are regulated under the federal act, taking into account the various classes or categories of tanks to be regulated. The rules must be consistent with and no less stringent than the federal regulations and consist of requirements for the following:

- (a) New underground storage tank system design, construction, installation, and notification;
 - (b) Upgrading existing underground storage tank systems;
 - (c) General operating requirements;
 - (d) Release detection;
 - (e) Release reporting;
 - (f) Out-of-service underground storage tank systems and closure; and
 - (g) Financial responsibility for underground storage tanks containing regulated substances.
- (2) By July 1, 1990, the department shall adopt rules:
 - (a) Establishing physical site criteria to be used in designating local environmentally sensitive areas;
 - (b) Establishing procedures for local government application for this designation; and
 - (c) Establishing procedures for local government adoption and department approval of rules more stringent than the state-wide standards in these designated areas.
 - (3) By July 1, 1990, the department shall establish by rule an administrative and enforcement program that is consistent with and no less stringent than the program required under the federal regulations in the areas of:
 - (a) Compliance monitoring, including procedures for recordkeeping and a program for systematic inspections;
 - (b) Enforcement;
 - (c) Public participation; and
 - (d) Information sharing.
 - (4) By July 1, 1990, the department shall establish a program that provides for the tagging of underground storage tanks. Tanks are not eligible for tagging unless the owner or operator is in compliance with the requirements of this chapter and annual state and local tank fees

have been remitted. The tank tagging program shall be designed to ensure that tags will be clearly identifiable to persons delivering regulated substances to underground storage tanks.

(5) The department may establish programs to certify persons who conduct inspections, testing, closure, cathodic protection, interior tank lining, corrective action, or other activities required under this chapter. Certification programs shall be designed to ensure that each certification will be effective in all jurisdictions of the state.

(6) When adopting rules under this chapter, the department shall consult with the state building code council to ensure coordination with the building and fire codes adopted under chapter 19.27 RCW.

NEW SECTION, Sec. 4. ADMINISTRATION AND ENFORCEMENT PROGRAM. (1) The department shall establish a state-wide underground storage tank administration and enforcement program that encourages the delegation of program responsibilities to a qualified city, town, or county. The department shall adopt rules establishing requirements for the delegation of program elements. The department shall provide for an appropriate distribution of resources collected under section 10 of this act between the department and the city, town, or county to cover the cost of delegated responsibilities and shall ensure that these moneys be distributed to the city, town, or county upon delegation of program responsibilities.

(2) A city, town, or county may apply to the department for delegation of program responsibilities of part or all of the underground storage tank program within its jurisdictional boundaries. A fire protection district or political subdivision may enter into an agreement under chapter 39.34 RCW with a city, town, or county to assume all or a portion of delegated program responsibilities.

(3) In jurisdictions where partial delegation of program responsibilities occurs, the department shall administer and enforce those program elements not delegated. The department shall administer and enforce the entire underground storage tank program in jurisdictions where no delegation of program responsibilities has occurred.

NEW SECTION, Sec. 5. ENVIRONMENTALLY SENSITIVE AREAS. (1) A city, town, or county may apply to the department to have an area within its jurisdictional boundaries designated an environmentally sensitive area. A city, town, or county may submit a joint application with any other city, town, or county for joint administration under chapter 39.34 RCW of a single environmentally sensitive area located in both jurisdictions.

(2) A city, town, or county may adopt proposed ordinances or resolutions establishing requirements for underground storage tanks located within an environmentally sensitive area that are more stringent than the state-wide standards established under section 3 of this act. If application for the designation of an environmentally sensitive area is made later than five years after the date of final adoption of the rules required under this chapter, proposed local ordinances and resolutions shall only apply to new underground storage tank installations. The local government adopting the ordinances and resolutions shall submit them to the department for approval. Disapproved ordinances and resolutions may be modified and resubmitted to the department for approval. Proposed local ordinances and resolutions become effective when approved by the department.

(3) The department shall approve or disapprove each proposed local ordinance or resolution based on the following criteria:

(a) The area to be regulated is found to be an environmentally sensitive area based on rules adopted by the department; and

(b) The proposed local regulations are reasonably consistent with previously approved local regulations for similar environmentally sensitive areas.

(4) A city, town, or county for which a proposed local ordinance or resolution establishing more stringent requirements is approved by the department may establish local tank fees that meet the requirements of section 10 of this act, if such fees are necessary for enhanced program administration or enforcement.

NEW SECTION, Sec. 6. DELIVERY OF REGULATED SUBSTANCES. Regulated substances shall not be delivered to any underground storage tank in the state required to be tagged under section 3 of this act unless proof of valid tagging is displayed on such tank itself or the dispensing or measuring device connected thereto or, where appropriate, in the office or kiosk of the facility where the tank is located. A supplier shall not refuse to deliver regulated substances to an underground storage tank regulated under this chapter on the basis of its potential to leak contents where the tank is either tagged as required in section 3 of this act or is in compliance with federal underground storage tank regulations and any state or local regulations then in effect. This section does not apply to a supplier who does not directly transfer a regulated substance into an underground storage tank.

NEW SECTION, Sec. 7. INVESTIGATION AND ACCESS. (1) If necessary to determine compliance with the requirements of this chapter, an authorized representative of the state engaged in compliance inspections, monitoring, and testing may, by request, require an owner or operator to submit relevant information or documents. The department may subpoena witnesses, documents, and other relevant information that the department deems necessary. In the case of any refusal to obey the subpoena, the superior court for any county in which the person is found, resides, or transacts business has jurisdiction to issue an order requiring the person to

appear before the department and give testimony or produce documents. Any failure to obey the order of the court may be punished by the court as contempt.

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

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

(4) For purposes of this section, the term 'authorized representative' or 'authorized representative of the state' means an enforcement officer, employee, or representative of the department or a local government unit that has obtained enforcement authority under section 4 of this act.

NEW SECTION. Sec. 8. ENFORCEMENT. The director may seek appropriate injunctive or other judicial relief by filing an action in Thurston county superior court or issue such order as the director deems appropriate to:

(1) Enjoin any threatened or continuing violation of this chapter;

(2) Restrain immediately and effectively a person from engaging in unauthorized activity that results in a violation of any requirement of this chapter and is endangering or causing damage to public health or the environment;

(3) Require compliance with requests for information, access, testing, or monitoring under section 7 of this act; or

(4) Assess and recover civil penalties authorized under section 9 of this act.

NEW SECTION. Sec. 9. PENALTIES. (1) A person who fails to notify the department pursuant to tank notification requirements or who submits false information is subject to a civil penalty not to exceed five thousand dollars per violation.

(2) A person who violates this chapter is subject to a civil penalty not to exceed five thousand dollars for each tank per day of violation.

NEW SECTION. Sec. 10. ANNUAL TANK FEE. (1) An annual state tank fee not exceeding fifty dollars per tank shall be paid according to a schedule adopted by the department, but no later than December 31st of each year by every person who:

(a) Owns an underground storage tank located in this state; and

(b) Was required to provide notification to the department under the federal act.

This fee is not required of persons who have (i) permanently closed their tanks, and (ii) if required, have completed corrective action in accordance with the rules adopted under this chapter.

(2) By July 1, 1989, and April 1st of each year thereafter, the department shall establish by rule the amount of the annual state tank fees. The annual state tank fee shall be assessed per tank. The amount shall be based on the size of the tank and shall be set at a level sufficient to pay the reasonable and necessary costs incurred in administering and enforcing this chapter.

(3) The department may authorize the imposition of additional annual local tank fees in environmentally sensitive areas designated under section 5 of this act. Annual local tank fees may not exceed fifty percent of the annual state tank fee.

(4) State and local tank fees collected under this section shall be deposited in the account established under section 11 of this act.

(5) Other than the annual local tank fee authorized for environmentally sensitive areas, no local government may levy an annual tank fee on the ownership or operation of an underground storage tank.

NEW SECTION. Sec. 11. UNDERGROUND STORAGE TANK ACCOUNT. The underground storage tank account is created in the state treasury. Money in the account may only be spent, subject to legislative appropriation, for the administration and enforcement of the underground storage tank program established under this chapter. The account shall contain:

(1) All fees collected under section 10 of this act;

(2) All fines or penalties collected under section 9 of this act;

(3) Any interest earned on the account, subject to RCW 43.84.090; and

(4) Fees collected which exceed funds necessary for the administration of this chapter shall be transferred to the pollution liability reinsurance fund to be created under the proposed legislation referenced under section 19(2) of this act.

NEW SECTION. Sec. 12. PREEMPTION. (1) Except as provided in section 5 of this act and subsections (2), (3), and (4) of this section, the rules adopted under this chapter supersede and preempt any state or local underground storage tank law, ordinance, or resolution governing any aspect of regulation covered by the rules adopted under this chapter.

(2) Local laws, ordinances, and resolutions pertaining to local authority to take immediate action in response to a release of a regulated substance are not superseded or preempted.

(3) City, town, or county underground storage tank ordinances that are more stringent than the federal regulations and the uniform codes adopted under chapter 19.27 RCW and that are

in effect on November 1, 1988, are not superseded or preempted. A city, town, or county with an ordinance that meets these criteria shall notify the department of the existence of that ordinance by July 1, 1989.

(4) Local laws, ordinances, and resolutions pertaining to permits and fees for the use of underground storage tanks in street right of ways that were in existence prior to the effective date of this section are not superseded or preempted.

NEW SECTION. Sec. 13. The department shall submit an annual report to the appropriate standing committees of the legislature for five years beginning January 1, 1990, on the implementation of the underground storage tank regulatory program, including a report on state and local tank fees. This report shall detail the number of corrective actions taken with regard to leaking underground storage tanks and their associated costs, including anticipated future cleanup costs.

NEW SECTION. Sec. 14. SEVERABILITY CLAUSE. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 15. Section headings used in this act do not constitute any part of the law.

NEW SECTION. Sec. 16. Sections 2 through 14 of this act constitute a new chapter in Title 90 RCW.

NEW SECTION. Sec. 17. (1) Except as provided in subsection (2) of this section, sections 6, 12, and 18 of this act take effect on July 1, 1990.

(2) This section shall apply only if this act becomes effective as provided under section 19(2) of this act.

Sec. 18. Section 8, chapter 96, Laws of 1974 ex. sess. as amended by section 1, chapter 282, Laws of 1975 1st ex. sess. and RCW 19.27.080 are each amended to read as follows:

Nothing in this (~~(1974 act shall)~~ chapter affects the provisions of chapters 19.28, 43.22, 70.77, 70.79, 70.87, 48.48, 18.20, 18.46, 18.51, 28A.02, 28A.04, 70.41, 70.62, 70.75, 70.108, 71.12, 74.15, 70.94, ((or)) 76.04, or 90.-- (sections 2 through 14 of this act) RCW or grant rights to duplicate the authorities provided under chapters 70.94 or 76.04 RCW.

NEW SECTION. Sec. 19. (1) Except as provided in subsection (2) of this section, sections 1 through 5, 7 through 11, 13, and 14 of this act are necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect immediately.

(2) This act shall take effect only if House Bill 1180 or Senate Bill 5280, as amended or substituted, or any other bill establishing a state reinsurance program for the owners and operators of underground storage tanks, is enacted before July 1, 1989. If the enactment of such reinsurance bill is subsequent to the date of enactment of this act, this act shall take effect on the date of the enactment of the reinsurance bill."

On page 1, line 1 of the title, after "tanks;" strike the remainder of the title and insert "amending RCW 19.27.080; adding a new chapter to Title 90 RCW; creating new sections; prescribing penalties; providing an effective date; and declaring an emergency."

and the same is herewith transmitted.

W. D. Naismith, Assistant Secretary.

MOTION

Ms. Rust moved that the House refuse to concur in the Senate amendments to Engrossed Substitute House Bill No. 1086 and ask the Senate to recede therefrom.

Representatives Rust and D. Sommers spoke in favor of the motion, and it was carried.

SENATE AMENDMENTS TO HOUSE BILL

April 11, 1989

Mr. Speaker:

The Senate has passed SECOND SUBSTITUTE HOUSE BILL NO. 1180 with the following amendments:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. (1) The legislature finds that:

(a) Final regulations adopted by the United States environmental protection agency (EPA) require owners and operators of underground petroleum storage tanks to demonstrate financial responsibility for accidental releases of petroleum as a precondition to continued ownership and operation of such tanks;

(b) Financial responsibility is demonstrated through the purchase of pollution liability insurance or an acceptable alternative such as coverage under a state financial responsibility program, in the amount of at least five hundred thousand dollars per occurrence and one million dollars annual aggregate depending upon the nature, use, and number of tanks owned or operated;

(c) Many owners and operators of underground petroleum storage tanks cannot purchase pollution liability insurance either because private insurance is unavailable at any price or because owners and operators cannot meet the rigid underwriting standards of existing insurers, nor can many owners and operators meet the strict regulatory standards imposed for alternatives to the purchase of insurance; and

(d) Without a state financial responsibility program for owners and operators of underground petroleum storage tanks, many tank owners and operators will be forced to discontinue the ownership and operation of these tanks.

(2) The purpose of this chapter is to create a state financial responsibility program meeting EPA standards for owners and operators of underground petroleum storage tanks in a manner that:

(a) Minimizes state involvement in pollution liability claims management and insurance administration;

(b) Protects the state of Washington from unwanted and unanticipated liability for accidental release claims;

(c) Creates incentives for private insurers to provide needed liability insurance; and

(d) Parallels generally accepted principles of insurance and risk management.

To that end, this chapter establishes a program to provide pollution liability reinsurance at a price that will encourage a private insurance company or risk retention group to sell pollution liability insurance in accordance with the requirements of this chapter to owners and operators of underground petroleum storage tanks, thereby allowing the owners and operators to comply with the financial responsibility regulations of the EPA.

(3) It is not the intent of this chapter to permit owners and operators of underground petroleum storage tanks to obtain pollution liability insurance without regard to the quality or condition of their storage tanks or without regard to the risk management practices of tank owners and operators, nor is it the intent of this chapter to provide coverage or funding for past or existing petroleum releases. Further, it is the intent of the legislature that the program follow generally accepted insurance underwriting and actuarial principles and to deviate from those principles only to the extent necessary to make pollution liability insurance reasonably affordable and available to owners and operators who meet the requirements of this chapter.

NEW SECTION. Sec. 2. Unless the context requires otherwise, the definitions in this section apply throughout this chapter.

(1) 'Accidental release' means any sudden or nonsudden release of petroleum arising from operating an underground storage tank that results in a need for corrective action, bodily injury, or property damage neither expected nor intended by the owner or operator.

(2) 'Administrator' means the Washington pollution liability reinsurance program administrator.

(3) 'Bodily injury' means bodily injury, sickness, or disease sustained by any person, including death at any time resulting from the injury, sickness, or disease.

(4) 'Corrective action' means those actions reasonably required to be undertaken by the insured to remove, treat, neutralize, contain, or clean up an accidental release in order to comply with any statute, ordinance, rule, regulation, directive, order, or similar legal requirement of the United States, the state of Washington, or any political subdivision of the United States or the state of Washington in effect at the time of an accidental release. 'Corrective action' includes, when agreed to in writing, in advance by the insurer, action to remove, treat, neutralize, contain, or clean up an accidental release to avert, reduce, or eliminate the liability of the insured for corrective action, bodily injury, or property damage. 'Corrective action' also includes actions reasonably necessary to monitor, assess, and evaluate an accidental release.

'Corrective action' does not include:

(a) Replacement or repair of storage tanks or other receptacles;

(b) Replacement or repair of piping, connections, and valves of storage tanks or other receptacles;

(c) Excavation or backfilling done in conjunction with (a) or (b) of this subsection; or

(d) Testing for a suspected accidental release if the results of the testing indicate that there has been no accidental release.

(5) 'Defense costs' include the costs of legal representation, expert fees, and related costs and expenses incurred in defending against claims or actions brought by or on behalf of:

(a) The United States, the state of Washington, or any political subdivision of the United States or state of Washington to require corrective action or to recover costs of corrective action; or

(b) A third party for bodily injury or property damage caused by an accidental release.

(6) 'Washington pollution liability reinsurance program' or 'program' means the excess of loss reinsurance program created by this chapter.

(7) 'Insured' means the owner or operator who is provided insurance coverage in accordance with this chapter.

(8) 'Insurer' means the insurance company or risk retention group licensed or qualified to do business in Washington and authorized by the administrator to provide insurance coverage in accordance with this chapter.

(9) 'Occurrence' means an accident, including continuous or repeated exposure to conditions, that results in a release from an underground storage tank.

(10) 'Operator' means a person in control of, or having responsibility for, the daily operation of an underground storage tank.

(11) 'Owner' means a person who owns an underground storage tank.

(12) 'Person' means an individual, trust, firm, joint stock company, corporation (including government corporation), partnership, association, consortium, joint venture, commercial entity, state, municipality, commission, political subdivision of a state, interstate body, the federal government, or any department or agency of the federal government.

(13) 'Petroleum' means crude oil or any fraction of crude oil that is liquid at standard conditions of temperature and pressure, which means at sixty degrees Fahrenheit and 14.7 pounds per square inch absolute and includes gasoline, kerosene, heating oils, and diesel fuels.

(14) 'Property damage' means:

(a) Physical injury to, destruction of, or contamination of tangible property, including the loss of use of the property resulting from the injury, destruction, or contamination; or

(b) Loss of use of tangible property that has not been physically injured, destroyed, or contaminated but has been evacuated, withdrawn from use, or rendered inaccessible because of an accidental release.

(15) 'Release' means the emission, discharge, disposal, dispersal, seepage, or escape of petroleum from an underground storage tank into or upon land, ground water, surface water, subsurface soils, or the atmosphere.

(16) 'Tank' means a stationary device, designed to contain an accumulation of petroleum, that is constructed primarily of nonearthen materials such as wood, concrete, steel, or plastic that provides structural support.

(17) 'Underground storage tank' means any one or a combination of tanks including underground pipes connected to the tank, that is used to contain an accumulation of petroleum and the volume of which (including the volume of the underground pipes connected to the tank) is ten percent or more beneath the surface of the ground.

NEW SECTION. Sec. 3. The pollution liability reinsurance program trust account is established in the custody of the state treasurer. All funds appropriated for this chapter and all premiums collected for reinsurance shall be deposited in the account. Expenditures from the account shall be used exclusively for the purposes of this chapter including payment of costs of administering the program. The account is subject to allotment procedures under chapter 43.88 RCW. Expenditures for payment of the costs of administering the program may be made only after appropriation by statute. No appropriation is required for other expenditures from the account. The earnings on any surplus balances in the pollution liability reinsurance program trust account shall be credited to the account notwithstanding RCW 43.84.090.

NEW SECTION. Sec. 4. (1) The Washington pollution liability reinsurance program is created as an independent agency of the state. The administrative head and appointing authority of the program shall be the administrator who shall be appointed by the governor, with the consent of the senate, and shall serve at the pleasure of the governor. The salary for this office shall be set by the governor pursuant to RCW 43.03.040. The administrator shall appoint an assistant administrator. The administrator, assistant administrator, and up to three other employees are exempt from the civil service law, chapter 41.06 RCW.

(2) The administrator shall employ such other staff as are necessary to fulfill the responsibilities and duties of the administrator. The staff is subject to the civil service law, chapter 41.06 RCW. In addition, the administrator may contract with third parties for services necessary to carry out its activities where this will promote economy, avoid duplication of effort, and make best use of available expertise. Any such contractor or consultant is prohibited from releasing, publishing, or otherwise using any information made available to it under its contractual responsibility without specific permission of the program administrator. The administrator may call upon other agencies of the state to provide technical support and available information as necessary to assist the administrator in meeting the administrator's responsibilities under this chapter. Agencies shall supply this support and information as promptly as circumstances permit.

(3) The governor shall appoint a standing technical advisory committee that is representative of the public, the petroleum marketing industry, business and local government owners of underground storage tanks, and insurance professionals. Individuals appointed to the technical advisory committee shall serve at the pleasure of the governor and without compensation for their services as members, but may be reimbursed for their travel expenses in accordance with RCW 43.03.050 and 43.03.060.

(4) A member of the technical advisory committee of the program is not civilly liable for any act or omission in the course and scope of his or her official capacity unless the act or omission constitutes gross negligence.

NEW SECTION. Sec. 5. The administrator may adopt rules consistent with this chapter to carry out the purposes of this chapter. All rules shall be adopted in accordance with chapter 34.05 RCW.

NEW SECTION. Sec. 6. The administrator has the following powers and duties:

(1) To design and from time to time revise an excess of loss reinsurance contract providing coverage to an insurer meeting the requirements of this chapter. In designing the reinsurance contract the administrator shall consider common insurance industry excess of loss reinsurance contract provisions and shall design the contract in accordance with the following guidelines:

(a) The contract shall provide coverage to the insurer for the liability risks of owners and operators of underground storage tanks for third party bodily injury and property damage and corrective action that are underwritten by the insurer.

(b) In the event of an insolvency of the insurer, the reinsurance contract shall provide reinsurance payable directly to the insurer or to its liquidator, receiver, or successor on the basis of the liability of the insurer in accordance with the reinsurance contract. In no event may the program be liable for or provide coverage for that portion of any covered loss that is the responsibility of the insurer whether or not the insurer is able to fulfill the responsibility.

(c) The total limit of liability for reinsurance coverage shall not exceed one million dollars per occurrence and two million dollars annual aggregate for each policy underwritten by the insurer less the ultimate net loss retained by the insurer as defined and provided for in the reinsurance contract.

(d) Disputes between the insurer and the reinsurance program shall be settled through arbitration.

(2) To design and implement a structure of periodic premiums due the administrator from the insurer that takes full advantage of revenue collections and projected revenue collections to ensure affordable premiums to the insured consistent with sound actuarial principles.

(3) To periodically review premium rates for reinsurance to determine whether revenue appropriations supporting the program can be reduced without substantially increasing the insured's premium costs.

(4) To solicit bids from insurers and select an insurer to provide pollution liability insurance to owners and operators of underground storage tanks for third party bodily injury and property damage and corrective action.

(5) To monitor the activities of the insurer to ensure compliance with this chapter and protect the program from excessive loss exposure resulting from claims mismanagement by the insurer.

(6) To monitor the success of the program and periodically make such reports and recommendations to the legislature as the administrator deems appropriate.

(7) To annually report the financial and loss experience of the insurer as to policies issued under the program and the financial and loss experience of the program to the legislature.

(8) To evaluate the effects of the program upon the private market for liability insurance for owners and operators of underground storage tanks and make recommendations to the legislature on the necessity for continuing the program to ensure availability of such coverage.

(9) To enter into contracts with public and private agencies to assist the administrator in his or her duties to design, revise, monitor, and evaluate the program and to provide technical or professional assistance to the administrator.

(10) To examine the affairs, transactions, accounts, records, documents, and assets of insurers as the administrator deems advisable.

NEW SECTION, Sec. 7. (1) All examination and proprietary reports and information obtained by the administrator and the administrator's staff in soliciting bids from insurers and in monitoring the insurer selected by the administrator shall not be made public or otherwise disclosed to any person, firm, corporation, agency, association, governmental body, or other entity.

(2) Subsection (1) of this section notwithstanding, the administrator may furnish all or part of examination reports prepared by the administrator or by any person, firm, corporation, association, or other entity preparing the reports on behalf of the administrator to:

(a) The Washington state insurance commissioner;

(b) A person or organization officially connected with the insurer as officer, director, attorney, auditor, or independent attorney or independent auditor; and

(c) The attorney general in his or her role as legal advisor to the administrator.

(3) Subsection (1) of this section notwithstanding, the administrator may furnish all or part of the examination or proprietary reports or information obtained by the administrator to:

(a) The Washington state insurance commissioner; and

(b) A person, firm, corporation, association, governmental body, or other entity with whom the administrator has contracted for services necessary to perform his or her official duties.

(4) Examination reports and proprietary information obtained by the administrator and the administrator's staff are not subject to public disclosure under chapter 42.17 RCW.

(5) A person who violates any provision of this section is guilty of a gross misdemeanor.

NEW SECTION, Sec. 8. (1) In selecting an insurer to provide pollution liability insurance coverage to owners and operators of underground storage tanks, the administrator shall evaluate bids based upon criteria established by the administrator that shall include:

(a) The insurer's ability to underwrite pollution liability insurance;

(b) The insurer's ability to settle pollution liability claims quickly and efficiently;

(c) The insurer's estimate of underwriting and claims adjustment expenses;

- (d) The insurer's estimate of premium rates for providing coverage;
- (e) The insurer's ability to manage and invest premiums; and
- (f) The insurer's ability to provide risk management guidance to insureds.

The administrator shall select the bidder most qualified to provide insurance consistent with this chapter and need not select the bidder submitting the least expensive bid. The administrator may consider bids by groups of insurers and management companies who propose to act in concert in providing coverage and who otherwise meet the requirements of this chapter.

(2) The successful bidder shall agree to provide liability insurance coverage to owners and operators of underground storage tanks for third party bodily injury and property damage and corrective action consistent with the following minimum standards:

- (a) The insurer shall provide coverage for defense costs.

(b) The insurer shall collect a deductible from the insured for corrective action in an amount approved by the administrator.

(c) The insurer shall provide coverage for accidental releases in the amount of five hundred thousand dollars per occurrence and one million dollars annual aggregate but no more than one million dollars per occurrence and two million dollars annual aggregate exclusive of defense costs.

(d) The insurer shall require insurance applicants to meet at least the following underwriting standards before issuing coverage to the applicant:

(1) The applicant must be in compliance with statutes, ordinances, rules, regulations, and orders governing the ownership and operation of underground storage tanks as identified by the administrator by rule; and

(11) The applicant must exercise adequate underground storage tank risk management as specified by the administrator by rule.

(e) The insurer may exclude coverage for losses arising before the effective date of coverage, and the administrator may adopt rules establishing standards for determining whether a loss was incurred before the effective date of coverage.

(f) The insurer may exclude coverage for bodily injury, property damage, and corrective action as permitted by the administrator by rule.

(g) The insurer shall use a variable rate schedule approved by the administrator taking into account tank type, tank age, and other factors specified by the administrator.

(3) The administrator shall adopt all rules necessary to implement this section. In developing and adopting rules governing rates, deductibles, underwriting standards, and coverage conditions, limitations, and exclusions, the administrator shall balance the owner and operator's need for coverage with the need to maintain the actuarial integrity of the program and shall consult with the standing technical advisory committee established under section 4(3) of this act. In developing and adopting rules governing coverage exclusions affecting corrective action, the administrator shall consult with the Washington state department of ecology.

(4) Notwithstanding the definitions contained in section 2 of this act, the administrator may permit an insurer to use different words or phrases describing the coverage provided under the program. In permitting such deviations from the definitions contained in section 2 of this act, the administrator shall consider the regulations adopted by the United States environmental protection agency requiring financial responsibility by owners and operators of underground petroleum storage tanks.

(5) Owners and operators of underground storage tanks or sites containing underground storage tanks where a preexisting release has been identified or where the owner or operator knows of a preexisting release are eligible for coverage under the program subject to the following conditions:

- (a) The owner or operator must have a plan for proceeding with corrective action; and

(b) If the owner or operator files a claim with the insurer, the owner or operator has the burden of proving that the claim is not related to a preexisting release until the owner or operator demonstrates to the satisfaction of the administrator that corrective action has been completed.

NEW SECTION. Sec. 9. If the insurer cancels or refuses to issue or renew a policy, the affected owner or operator may appeal the insurer's decision to the administrator. The administrator shall conduct a brief adjudicative proceeding under chapter 34.05 RCW.

NEW SECTION. Sec. 10. (1) The activities and operations of the program are exempt from the provisions and requirements of Title 48 RCW and to the extent of their participation in the program, the activities and operations of the insurer selected by the administrator to provide liability insurance coverage to owners and operators of underground storage tanks are exempt from the requirements of Title 48 RCW except for:

- (a) Chapter 48.03 RCW pertaining to examinations;
- (b) RCW 48.05.250 pertaining to annual reports;
- (c) Chapter 48.12 RCW pertaining to assets and liabilities;
- (d) Chapter 48.13 RCW pertaining to investments;
- (e) Chapter 48.30 RCW pertaining to deceptive, false, or fraudulent acts or practices; and
- (f) Chapter 48.92 RCW pertaining to liability risk retention.

(2) To the extent of their participation in the program, the insurer selected by the administrator to provide liability insurance coverage to owners and operators of underground storage tanks shall not participate in the Washington insurance guaranty association nor shall the association be liable for coverage provided to owners and operators of underground storage tanks issued in connection with the program.

NEW SECTION, Sec. 11. (1) The administrator shall report to the legislature by January 1, 1990, on the estimated costs to the insured and the state of implementing the program including proposed coverage, rates, and underwriting the insurer recommended by the administrator. The administrator shall seek advice from the department of revenue on the tax rate imposed under section 16 of this act and include a recommendation in the report on any necessary tax rate adjustments.

(2) Until and unless the legislature enacts legislation authorizing the administrator to fully implement the program, the administrator shall take no action nor enter into any contract that binds the state to providing pollution liability insurance or reinsurance as provided in this chapter.

(3) Nothing contained in this section shall prohibit the administrator from entering into contracts to assist in the development or analysis of information necessary to complete the report to the legislature nor shall this section prohibit the administrator from entering into contracts to analyze and design insurance and reinsurance policies to the extent necessary to develop the probable costs of full program implementation.

NEW SECTION, Sec. 12. The legislature reserves the right to amend or repeal all or any part of this chapter at any time, and there is no vested right of any kind against such amendment or repeal. All the rights, privileges, or immunities conferred by this chapter or any acts done under it exist subject to the power of the legislature to amend or repeal this chapter at any time.

NEW SECTION, Sec. 13. This chapter shall expire June 1, 1995.

NEW SECTION, Sec. 14. It is the intent of this chapter to impose a tax only once for each petroleum product possessed in this state and to tax the first possession of all petroleum products. This chapter is not intended to exempt any person from tax liability under any other law.

NEW SECTION, Sec. 15. Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) 'Petroleum product' means plant condensate, lubricating oil, gasoline, aviation fuel, kerosene, diesel motor fuel, benzol, fuel oil, residual oil, liquefied or liquefiable gases such as butane, ethane, and propane, and every other product derived from the refining of crude oil, but the term does not include crude oil.

(2) 'Possession' means the control of a petroleum product located within this state and includes both actual and constructive possession. 'Actual possession' occurs when the person with control has physical possession. 'Constructive possession' occurs when the person with control does not have physical possession. 'Control' means the power to sell or use a petroleum product or to authorize the sale or use by another.

(3) 'Previously taxed petroleum product' means a petroleum product in respect to which a tax has been paid under this chapter and that has not been remanufactured or reprocessed in any manner (other than mere repackaging or recycling for beneficial reuse) since the tax was paid.

(4) 'Wholesale value' means fair market wholesale value, determined as nearly as possible according to the wholesale selling price at the place of use of similar products of like quality and character, in accordance with rules of the department.

(5) Except for terms defined in this section, the definitions in chapters 82.04, 82.08, and 82.12 RCW apply to this chapter.

NEW SECTION, Sec. 16. (1) A tax is imposed on the privilege of possession of petroleum products in this state. The rate of the tax shall be fifty one-hundredths of one percent multiplied by the wholesale value of the petroleum product.

(2) Moneys collected under this chapter shall be deposited in the pollution liability reinsurance program trust account under section 3 of this act.

(3) Chapter 82.32 RCW applies to the tax imposed in this chapter. The tax due dates, reporting periods, and return requirements applicable to chapter 82.04 RCW apply equally to the tax imposed in this chapter.

(4) If the balance of the pollution liability reinsurance program trust account at the end of any fiscal year is estimated at fifteen million dollars or more, the department of revenue shall not collect during the ensuing fiscal year the tax imposed by this section. If at the end of any fiscal year the balance of the account is estimated at seven and one-half million dollars or less, the department shall collect the tax during the ensuing fiscal year and so continue the collection until the account has reached the amount of fifteen million dollars.

NEW SECTION, Sec. 17. The following are exempt from the tax imposed in this chapter:

(1) Any successive possession of a previously taxed petroleum product. If tax due under this chapter has not been paid with respect to a petroleum product, the department may collect the tax from any person who has had possession of the petroleum product. If the tax is paid by any person other than the first person having taxable possession of a petroleum product, the

amount of tax paid shall constitute a debt owed by the first person having taxable possession to the person who paid the tax.

(2) Any possession of a petroleum product by a natural person under circumstances where the substance is used, or is to be used, for a personal or domestic purpose (and not for any business purpose) by that person or a relative of, or person residing in the same dwelling as, that person.

(3) Persons or activities which the state is prohibited from taxing under the United States Constitution.

(4) Any persons possessing a petroleum product where such possession first occurred before the effective date of this section.

(5) Any possession of (a) natural gas, (b) petroleum coke, or (c) liquid fuel or fuel gas used in petroleum processing.

(6) Any possession of petroleum products that are exported for use or sale outside this state as fuel.

(7) Any possession of petroleum products packaged for sale to ultimate consumers.

NEW SECTION. Sec. 18. (1) Credit shall be allowed in accordance with rules of the department of revenue for taxes paid under this chapter with respect to fuel carried from this state in the fuel tank of any airplane, ship, truck, or other vehicle.

(2) Credit shall be allowed, in accordance with rules of the department, against the taxes imposed in this chapter for any petroleum product tax paid to another state with respect to the same petroleum product. The amount of the credit shall not exceed the tax liability arising under this chapter with respect to that petroleum product. For the purpose of this subsection:

(a) 'Petroleum product tax' means a tax:

(i) That is imposed on the act or privilege of possessing petroleum products, and that is not generally imposed on other activities or privileges; and

(ii) That is measured by the value of the petroleum product, in terms of wholesale value or other terms, and in the determination of which the deductions allowed would not constitute the tax an income tax or value added tax.

(b) 'State' means (i) a state of the United States other than Washington, or any political subdivision of such other state, (ii) the District of Columbia, and (iii) any foreign country or political subdivision thereof.

NEW SECTION. Sec. 19. (1) The sum of three million dollars, or so much thereof as may be necessary, is appropriated from the toxics control reserve account to the pollution liability reinsurance program trust account, for the biennium ending June 30, 1991, subject to transfer to the toxics control reserve account from the state toxics control and local toxics control accounts pursuant to RCW 70.105B.230(2) including accrued interest from July 1, 1988, as determined by the state treasurer. If these funds plus accrued interest are otherwise dedicated or not available, an equal sum is appropriated to the pollution liability reinsurance program trust account from the general fund—state appropriation to the department of ecology.

(2) The sum of four hundred thousand dollars, or as much thereof as may be necessary, is appropriated from the pollution liability reinsurance program trust account to the Washington pollution liability reinsurance program for the biennium ending June 30, 1991, to carry out the purposes of this act.

NEW SECTION. Sec. 20. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 21. Sections 1 through 13 of this act constitute a new chapter in Title 70 RCW. Sections 14 through 18 of this act shall constitute a new chapter in Title 82 RCW.

NEW SECTION. Sec. 22. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect immediately, except sections 14 through 19 of this act shall take effect July 1, 1989."

In line 1 of the title, after "tanks;" strike the remainder of the title and insert "adding a new chapter to Title 70 RCW; adding a new chapter to Title 82 RCW; prescribing penalties; making appropriations; providing an effective date; providing an expiration date; and declaring an emergency."

and the same is herewith transmitted.

W. D. Naismith, Assistant Secretary.

MOTION

Ms. Rust moved that the House refuse to concur in the Senate amendments to Second Substitute House Bill No. 1180 and ask the Senate to recede therefrom.

Representatives Rust and Ferguson spoke in favor of the motion, and it was carried.

SENATE AMENDMENTS TO HOUSE BILL

April 4, 1989

Mr. Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 1208 with the following amendments:

Strike everything after the enacting clause and insert the following:

NEW SECTION. Sec. 1. The legislature finds it necessary to regulate the practice of shorthand reporting or court reporting at the level of certification to protect the public safety and well-being. The legislature intends that only individuals who meet and maintain minimum standards of competence may represent themselves as shorthand or court reporters.

NEW SECTION. Sec. 2. (1) No person may represent himself or herself as a shorthand reporter or a court reporter without first obtaining a certificate as required by this chapter.

(2) A person represents himself or herself to be a shorthand reporter or court reporter when the person adopts or uses any title or description of services that incorporates one or more of the following terms: 'Shorthand reporter,' 'court reporter,' 'certified shorthand reporter,' or 'certified court reporter.'

NEW SECTION. Sec. 3. The 'practice of shorthand reporting or court reporting' means the making by means of written symbols or abbreviations in shorthand or machine writing of a verbatim record of any oral court proceeding, deposition, or proceeding before a jury, referee, court commissioner, special master, governmental entity, or administrative agency and the producing of a transcript from the proceeding.

NEW SECTION. Sec. 4. Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) 'Department' means the department of licensing.

(2) 'Director' means the director of licensing.

(3) 'Shorthand reporter' and 'court reporter' mean an individual certified under this chapter.

(4) 'Board' means the Washington state shorthand reporter advisory board.

NEW SECTION. Sec. 5. Nothing in this chapter prohibits or restricts:

(1) The practice of a profession by individuals who are licensed, certified, or registered under other laws of this state and who are performing services within their authorized scope of practice;

(2) The practice of shorthand reporting by an individual employed by the government of the United States while the individual is performing duties prescribed by the laws and regulations of the United States;

(3) Nothing in this chapter shall be construed to prohibit the introduction of alternate technology.

NEW SECTION. Sec. 6. In addition to any other authority provided by law, the director may:

(1) Adopt rules in accordance with chapter 34.05 RCW that are necessary to implement this chapter;

(2) Set all certification examination, renewal, late renewal, duplicate, and verification fees in accordance with RCW 43.24.086;

(3) Establish the forms and procedures necessary to administer this chapter;

(4) Issue a certificate to any applicant who has met the requirements for certification;

(5) Hire clerical, administrative, and investigative staff as needed to implement and administer this chapter;

(6) Investigate complaints or reports of unprofessional conduct as defined in this chapter and hold hearings pursuant to chapter 34.05 RCW;

(7) Issue subpoenas for records and attendance of witnesses, statements of charges, statements of intent to deny certificates, and orders; administer oaths; take or cause depositions to be taken; and use other discovery procedures as needed in any investigation, hearing, or proceeding held under this chapter;

(8) Maintain the official departmental record of all applicants and certificate holders;

(9) Delegate, in writing to a designee, the authority to issue subpoenas, statements of charges, and statements of intent to deny certification;

(10) Prepare and administer or approve the preparation and administration of examinations for certification;

(11) Establish by rule the procedures for an appeal of a failure of an examination;

(12) Conduct a hearing under chapter 34.05 RCW on an appeal of a denial of a certificate based on the applicant's failure to meet minimum qualifications for certification.

NEW SECTION. Sec. 7. (1) The state shorthand reporters advisory board is established to advise the director concerning the administration of this chapter. The board shall consist of five members appointed by the director. Three members of the board shall be certified shorthand reporters, except for the initial members of the board, two of whom shall be freelance shorthand reporters and one a court-employed shorthand reporter, each engaged in the continuous practice of shorthand reporting for at least five years preceding appointment. Two

members of the board shall be unaffiliated with the profession. One shall be a current member of the state bar association or state judiciary, the other shall be a public member. The term of office for board members is four years, except the terms of the first board members shall be staggered to ensure an orderly succession of new board members. The director may remove a board member for misconduct, incompetency, or neglect of duty as specified by rule. Upon the death, resignation, or removal of a member, the director shall appoint a new member to fill a vacancy on the board for the remainder of the unexpired term. No board member may serve more than two consecutive terms, whether full or partial.

(2) Board members shall be compensated in accordance with RCW 43.03.240 and reimbursed for travel expenses in accordance with RCW 43.03.050 and 43.03.060.

(3) The board shall annually elect a chairperson and vice-chairperson to direct the meetings of the board. The board shall meet at least once each year, at times and locations determined by the director. A simple majority of the board members currently serving constitutes a quorum of the board.

(4) Upon receipt of complaints against shorthand reporters, the director shall investigate and evaluate the complaint to determine if disciplinary action is appropriate. At the discretion of the director, individual board members may participate in or conduct investigations or evaluations of investigation reports and make recommendations regarding further action. The director shall hold disciplinary hearings pursuant to chapter 34.05 RCW.

NEW SECTION. Sec. 8. The director, members of the board, and individuals acting on their behalf shall not be civilly liable for any act performed in good faith in the course of their duties.

NEW SECTION. Sec. 9. (1) The department shall issue a certificate to any applicant who, as determined by the director upon advice of the board, has:

- (a) Successfully completed an examination approved by the director;
- (b) Good moral character;
- (c) Not engaged in unprofessional conduct; and
- (d) Not been determined to be unable to practice with reasonable skill and safety as a result of a physical or mental impairment.

(2) A one-year temporary certificate may be issued, at the discretion of the director, to a person holding one of the following: National shorthand reporters association certificate of proficiency, registered professional reporter certificate, or certificate of merit; a current court or shorthand reporter certification, registration, or license of another state; or a certificate of graduation of a court reporting school. To continue to be certified under this chapter, a person receiving a temporary certificate shall successfully complete the examination under subsection (1)(a) of this section within one year of receiving the temporary certificate, except that the director may renew the temporary certificate if extraordinary circumstances are shown.

(3) The examination required by subsection (1)(a) of this section shall be no more difficult than the examination provided by the court reporter examining committee as authorized by RCW 2.32.180.

NEW SECTION. Sec. 10. Applications for certification shall be submitted on forms provided by the department. The department may require information and documentation to determine whether the applicant meets the criteria for certification as provided in this chapter. Each applicant shall pay a fee determined by the director as provided in RCW 43.24.086 which shall accompany the application.

NEW SECTION. Sec. 11. The director shall establish by rule the requirements and the renewal and late renewal fees for certification. Failure to renew the certificate on or before the expiration date cancels all privileges granted by the certificate. If an individual desires to reinstate a certificate which had not been renewed for three years or more, the individual shall satisfactorily demonstrate continued competence in conformance with standards determined by the director.

NEW SECTION. Sec. 12. Persons with two or more years' experience in shorthand reporting in Washington state as of the effective date of this act shall be granted a shorthand reporters certificate without examination, if application is made within one year of the effective date of this act. Shorthand reporters with less than two years' experience in shorthand reporting in this state as of the effective date of this act shall be granted a temporary certificate for one year. To continue to be certified under this chapter, a person receiving a temporary certificate shall successfully complete the examination under section 9 of this act within one year of receiving the temporary certificate, except that the director may renew the temporary certificate if extraordinary circumstances are shown.

NEW SECTION. Sec. 13. After a hearing conducted under chapter 34.05 RCW and upon a finding that a certificate holder or applicant has committed unprofessional conduct or is unable to practice with reasonable skill and safety due to a physical or mental condition, the director may issue an order providing for one or any combination of the following:

- (1) Revocation of the certification;
- (2) Suspension of the certificate for a fixed or indefinite term;
- (3) Restriction or limitation of the practice;
- (4) Requiring the satisfactory completion of a specific program or remedial education;

- (5) The monitoring of the practice by a supervisor approved by the director;
- (6) Censure or reprimand;
- (7) Compliance with conditions or probation for a designated period of time;
- (8) Denial of the certification request;
- (9) Corrective action;
- (10) Refund of fees billed to or collected from the consumer.

Any of the actions under this section may be totally or partly stayed by the director. In determining what action is appropriate, the director shall consider sanctions necessary to protect the public, after which the director may consider and include in the order requirements designed to rehabilitate the certificate holder or applicant. All costs associated with compliance to orders issued under this section are the obligation of the certificate holder or applicant.

NEW SECTION, Sec. 14. The following conduct, acts, or conditions constitute unprofessional conduct for any certificate holder or applicant under the jurisdiction of this chapter:

(1) The commission of any act involving moral turpitude, dishonesty, or corruption relating to the practice of shorthand reporting, whether or not the act constitutes a crime. If the act constitutes a crime, conviction in a criminal proceeding is not a condition precedent to disciplinary action;

(2) Misrepresentation or concealment of a material fact in obtaining or in seeking reinstatement of a certificate;

(3) Advertising in a false, fraudulent, or misleading manner;

(4) Incompetence or negligence;

(5) Suspension, revocation, or restriction of the individual's certificate, registration, or license to practice shorthand reporting by a regulatory authority in any state, federal, or foreign jurisdiction;

(6) Violation of any state or federal statute or administrative rule regulating the profession;

(7) Failure to cooperate in an inquiry, investigation, or disciplinary action by:

(a) Not furnishing papers or documents;

(b) Not furnishing in writing a full and complete explanation of the matter contained in the complaint filed with the director;

(c) Not responding to subpoenas issued by the director, regardless of whether the recipient of the subpoena is the accused in the proceeding;

(8) Failure to comply with an order issued by the director or an assurance of discontinuance entered into with the director;

(9) Misrepresentation or fraud in any aspect of the conduct of the business or profession;

(10) Conviction of any gross misdemeanor or felony relating to the practice of the profession. For the purpose of this subsection, conviction includes all instances in which a plea of guilty or nolo contendere is the basis for conviction and all proceedings in which the sentence has been deferred or suspended. Nothing in this section abrogates rights guaranteed under chapter 9.96A RCW.

NEW SECTION, Sec. 15. This chapter may be known and cited as the shorthand reporting practice act.

NEW SECTION, Sec. 16. This act shall take effect September 1, 1989 except that the director may immediately take such steps as are necessary to ensure that this act is implemented on its effective date.

NEW SECTION, Sec. 17. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION, Sec. 18. Sections 1 through 17 of this act shall constitute a new chapter in Title 18 RCW.

NEW SECTION, Sec. 19. The sum of forty-eight thousand dollars, or as much thereof as may be necessary, is appropriated from the general fund to the department of licensing for the biennium ending June 30, 1991, to carry out the purposes of this act. The amount spent shall be repaid to the general fund from fees imposed as a result of this act prior to the end of the biennium ending June 30, 1993."

On page 1, line 1 of the title, after "reporters;" strike the remainder of the title and insert "adding a new chapter to Title 18 RCW; making an appropriation; and providing an effective date."

and the same is herewith transmitted.

W. D. Naismith, Assistant Secretary.

MOTION

Ms. Cole moved that the House refuse to concur in the Senate amendments to Substitute House Bill No. 1208 and ask the Senate to recede therefrom. The motion was carried.

SENATE AMENDMENTS TO HOUSE BILL

April 13, 1989

Mr. Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 1217 with the following amendments:

Strike everything after the enacting clause and insert the following:

*Sec. 1. Section 1, chapter 449, Laws of 1987 and RCW 56.08.010 are each amended to read as follows:

A sewer district may acquire by purchase or by condemnation and purchase all lands, property rights, water, and water rights, both within and without the district, necessary for its purposes. A sewer district may lease real or personal property necessary for its purposes for a term of years for which such leased property may reasonably be needed where in the opinion of the board of sewer commissioners such property may not be needed permanently or substantial savings to the district can be effected thereby. The right of eminent domain shall be exercised in the same manner and by the same procedure as provided for cities and towns, insofar as consistent with the provisions of this title, except that all assessments or reassessment rolls required to be filed by eminent domain commissioners or commissioners appointed by the court shall be prepared and filed by the district, and the duties devolving upon the city treasurer shall be imposed upon the county treasurer for the purposes hereof((-t)). A sewer district may construct, condemn and purchase, add to, maintain, and operate systems of sewers for the purpose of furnishing the district and inhabitants thereof with an adequate system of sewers for all uses and purposes, public and private, including but not limited to on-site sewage disposal facilities, approved septic tanks or approved septic tank systems, other facilities and systems for the collection, interception, treatment, and disposal of wastewater, and for the control of pollution from wastewater and for the protection, preservation, and rehabilitation of surface and underground waters, facilities for the drainage of storm or surface waters, public highways, streets, and roads with full authority to regulate the use and operation thereof and the service rates to be charged and may construct, acquire, or own buildings and other necessary district facilities. Such sewage facilities may include facilities which result in combined sewage disposal, treatment, or drainage and electric generation, provided that the electricity generated thereby is a byproduct of the system of sewers. Such electricity may be used by the sewer district or sold to any entity authorized by law to distribute electricity. Such electricity is a byproduct when the electrical generation is subordinate to the primary purpose of sewage disposal, treatment, or drainage. For such purposes a district may conduct sewage throughout the district and throughout other political subdivisions within the district, and construct and lay sewer pipe along and upon public highways, roads, and streets, within and without the district, and condemn and purchase or acquire land and rights of way necessary for such sewer pipe. A district may erect sewage treatment plants, within or without the district, and may acquire by purchase or condemnation, properties or privileges necessary to be had to protect any lakes, rivers, or watercourses and also other areas of land from pollution, from its sewers or its sewage treatment plant. For the purposes of sewage facilities which include facilities which result in combined sewage disposal, treatment, or drainage and electric generation where the electric generation is a byproduct, nothing in this section may be construed to authorize a district to condemn electric generating, transmission, or distribution rights or facilities of entities authorized by law to distribute electricity, or to acquire such rights or facilities without the consent of the owner. A district may charge property owners seeking to connect to the district system of sewers, as a condition to granting the right to so connect, in addition to the cost of such connection, such reasonable connection charge as the board of commissioners shall determine to be proper in order that such property owners shall bear their equitable share of the cost of such system. A district may permit payment of the cost of connection and the reasonable connection charge to be paid with interest in installments over a period not exceeding fifteen years. The county treasurer may charge and collect a fee of three dollars per parcel for each year for the treasurer's services. Such fees shall be a charge to be included as part of each annual installment, and shall be credited to the county current expense fund by the county treasurer. A district may compel all property owners within the sewer district located within an area served by the district system of sewers to connect their private drain and sewer systems with the district system under such penalty as the sewer commissioners shall prescribe by resolution. The district may for such purpose enter upon private property and connect the private drains or sewers with the district system and the cost thereof shall be charged against the property owner and shall be a lien upon property served.

Sec. 2. Section 8, chapter 114, Laws of 1929 as last amended by section 1, chapter 11, Laws of 1988 and RCW 57.08.010 are each amended to read as follows:

A water district may acquire by purchase or condemnation, or both, all property and property rights and all water and water rights, both within and without the district, necessary for its purposes. A water district may lease real or personal property necessary for its purposes for a term of years for which such leased property may reasonably be needed where in the opinion of the board of water commissioners such property may not be needed permanently

or substantial savings to the district can be effected thereby. The right of eminent domain shall be exercised in the same manner and by the same procedure as provided for cities of the third class, insofar as consistent with the provisions of this title, except that all assessment rolls to be prepared and filed by eminent domain commissioners or commissioners appointed by the court shall be prepared and filed by the water district, and the duties devolving upon the city treasurer are hereby imposed upon the county treasurer. A water district may construct, condemn and purchase, purchase, add to, maintain and supply waterworks to furnish the district and inhabitants thereof, and any city or town therein and any other persons, both within and without the district, with an ample supply of water for all uses and purposes public and private with full authority to regulate and control the use, content, distribution, and price thereof in such a manner as is not in conflict with general law and may construct, acquire, or own buildings and other necessary district facilities. A water district contiguous to Canada may contract with a Canadian corporation for the purchase of water and for the construction, purchase, maintenance and supply of waterworks to furnish the district and inhabitants thereof and residents of Canada with an ample supply of water under terms approved by the board of commissioners. Such waterworks may include facilities which result in combined water supply and electric generation, provided that the electricity generated thereby is a byproduct of the water supply system. Such electricity may be used by the water district or sold to any entity authorized by law to distribute electricity. Such electricity is a byproduct when the electrical generation is subordinate to the primary purpose of water supply. For such purposes, a water district may take, condemn and purchase, purchase, acquire and retain water from any public or navigable lake, river or watercourse, or any underflowing water and, by means of aqueducts or pipe line conduct the same throughout such water district and any city or town therein and carry it along and upon public highways, roads and streets, within and without such district. For the purpose of constructing or laying aqueducts or pipe lines, dams, or waterworks or other necessary structures in storing and retaining water or for any other lawful purpose such water district may occupy the beds and shores up to the high water mark of any such lake, river, or other watercourse, and may acquire by purchase or condemnation such property or property rights or privileges as may be necessary to protect its water supply from pollution. For the purposes of waterworks which include facilities for the generation of electricity as a byproduct, nothing in this section may be construed to authorize a water district to condemn electric generating, transmission, or distribution rights or facilities of entities authorized by law to distribute electricity, or to acquire such rights or facilities without the consent of the owner.

A water district may purchase and take water from any municipal corporation.

A water district may fix rates and charges for water supplied and may charge property owners seeking to connect to the district's water supply system, as a condition to granting the right to so connect, in addition to the cost of such connection, such reasonable connection charge as the board of commissioners shall determine to be proper in order that such property owners shall bear their equitable share of the cost of such system.

A district may permit payment of the cost of connection and the reasonable connection charge to be paid with interest in installments over a period not exceeding fifteen years. The county treasurer may charge and collect a fee of three dollars for each year for the treasurer's services. Such fees shall be a charge to be included as part of each annual installment, and shall be credited to the county current expense fund by the county treasurer.

Sec. 3. Section 1, chapter 11, Laws of 1967 ex. sess. as last amended by section 13, chapter 162, Laws of 1988 and RCW 56.24.070 are each amended to read as follows:

Territory ((adjoining or in close proximity to a district)) within the county or counties in which a district is located, or territory adjoining or in close proximity to a district but which is located in another county, may be annexed to and become a part of the district. ((In addition, any nonadjoining territory in a county of the fifth class or smaller composed entirely of islands may be annexed to and become part of a district operating within the county.)) All annexations shall be accomplished in the following manner: Twenty percent of the number of registered voters residing in the territory proposed to be annexed who voted at the last election may file a petition with the district commissioners and cause the question to be submitted to the electors of the territory whether the territory will be annexed and become a part of the district. If the commissioners concur in the petition, they shall file it with the county election officer, who shall, within ten days, examine the signatures thereon and certify to the sufficiency or insufficiency thereof; and for such purpose the county election officer shall have access to all registration books in the possession of the officers of any city or town in the proposed district. If the petition contains a sufficient number of signatures, the election officer shall transmit it, together with a certificate of sufficiency attached thereto to the sewer commissioners of the district. If there are no electors residing in the territory to be annexed, the petition may be signed by such a number as appear of record to own at least a majority of the acreage in the territory, and the petition shall disclose the total number of acres of land in the territory and the names of all record owners of land therein. If the commissioners are satisfied as to the sufficiency of the petition and concur therein, they shall send it, together with their certificate of concurrence attached thereto to the county legislative authority.

The county legislative authority, upon receipt of a petition certified to contain a sufficient number of signatures of electors, or upon receipt of a petition signed by such a number as own at least a majority of the acreage, together with a certificate of concurrence signed by the sewer commissioners, at a regular or special meeting shall cause to be published once a week for at least two weeks in a newspaper in general circulation throughout the territory proposed to be annexed a notice that the petition has been filed, stating the time of the meeting at which it shall be presented, and setting forth the boundaries of the territory proposed to be annexed.

Sec. 4. Section 15, chapter 18, Laws of 1959 as last amended by section 14, chapter 162, Laws of 1988 and RCW 57.24.010 are each amended to read as follows:

~~Territory ((adjoining or in close proximity to a district)) within the county or counties in which a district is located, or territory adjoining or in close proximity to a district but which is located in another county, may be annexed to and become a part of the district. ((In addition, any nonadjoining territory in a county of the fifth class or smaller composed entirely of islands may be annexed to and become part of a district operating within the county.))~~ All annexations shall be accomplished in the following manner: Twenty percent of the number of registered voters residing in the territory proposed to be annexed who voted at the last election may file a petition with the district commissioners and cause the question to be submitted to the electors of the territory whether such territory will be annexed and become a part of the district. If the commissioners concur in the petition, they shall file it with the county election officer of each county in which the real property proposed to be annexed is located, who shall, within ten days, examine and validate the signatures thereon and certify to the sufficiency or insufficiency thereof; and for such purpose the county election officer shall have access to all registration books in the possession of the officers of any city or town in the proposed district. If the petition contains a sufficient number of signatures, the county election officer of the county in which the real property proposed to be annexed is located shall transmit it, together with a certificate of sufficiency attached thereto to the water commissioners of the district. If there are no electors residing in the territory to be annexed, the petition may be signed by such a number as appear of record to own at least a majority of the acreage in the territory, and the petition shall disclose the total number of acres of land in the territory and the names of all record owners of land therein. If the commissioners are satisfied as to the sufficiency of the petition and concur therein, they shall send it, together with their certificate of concurrence attached thereto to the county legislative authority of each county in which the territory proposed to be annexed is located.

The county legislative authority, upon receipt of a petition certified to contain a sufficient number of signatures of electors, or upon receipt of a petition signed by such a number as own at least a majority of the acreage, together with a certificate of concurrence signed by the water commissioners, at a regular or special meeting shall cause to be published once a week for at least two weeks in a newspaper in general circulation throughout the territory proposed to be annexed a notice that the petition has been filed, stating the time of the meeting at which it shall be presented, and setting forth the boundaries of the territory proposed to be annexed.

Sec. 5. Section 1, chapter 51, Laws of 1953 as amended by section 1, chapter 172, Laws of 1984 and RCW 56.08.080 are each amended to read as follows:

The board of commissioners of a sewer district may sell, at public or private sale, property belonging to the district if the board determines ~~((by unanimous vote of the elected members of the board))~~ that the property is not and will not be needed for district purposes and if the board gives notice of intention to sell as in this section provided: PROVIDED, That no notice of intention is required to sell personal property of less than five hundred dollars in value. ~~((If property is sold without notice, such property may not be purchased by a commissioner or an employee of the district, or relatives of commissioners or employees.))~~

The notice of intention to sell shall be published once a week for three consecutive weeks in a newspaper of general circulation in the district. The last publication shall be at least twenty days but not more than thirty days before the date of sale. The notice shall describe the property and state the time and place at which it will be sold or offered for sale, the terms of sale, whether the property is to be sold at public or private sale, and if at public sale the notice shall call for bids, fix the conditions thereof and shall reserve the right to reject any and all bids.

Sec. 6. Section 2, chapter 51, Laws of 1953 as last amended by section 1, chapter 162, Laws of 1988 and RCW 56.08.090 are each amended to read as follows:

(1) Subject to the provisions of subsection (2) of this section, no real property valued at five hundred dollars or more of the district shall be sold for less than ninety percent of the value thereof as established by a written appraisal made not more than six months prior to the date of sale by three disinterested real estate brokers licensed under the laws of the state or professionally designated real estate appraisers as defined in RCW 74.46.020. The appraisal shall be signed by the appraisers and filed with the secretary of the board of commissioners of the district, who shall keep it at the office of the district open to public inspection. Any notice of intention to sell real property of the district shall recite the appraised value thereof: PROVIDED, That there shall be no private sale of real property where the appraised value exceeds the sum of five hundred dollars.

(2) If no purchasers can be obtained for the property at ninety percent or more of its appraised value after one hundred eighty days of offering the property for sale, the board of commissioners of the sewer district may adopt a resolution stating that the district has been unable to sell the property at the ninety percent amount. The sewer district then may sell the property at the highest price it can obtain at public auction. A notice of intention to sell at public auction shall be published once a week for three consecutive weeks in a newspaper of general circulation in the sewer district. The last publication shall be at least twenty days but not more than thirty days before the date of sale. The notice shall describe the property, state the time and place at which it will be offered for sale and the terms of sale, and shall call for bids, fix the conditions thereof, and reserve the right to reject any and all bids.

Sec. 7. Section 1, chapter 50, Laws of 1953 as amended by section 2, chapter 299, Laws of 1977 ex. sess. and RCW 57.08.015 are each amended to read as follows:

The board of commissioners of a water district may sell, at public or private sale, property belonging to the district if the board determines ~~((by unanimous vote of the elected members of the board))~~ that the property is not and will not be needed for district purposes and if the board gives notice of intention to sell as in this section provided: PROVIDED, That no such notice of intention shall be required to sell personal property of less than ~~((two hundred fifty))~~ five hundred dollars in value.

The notice of intention to sell shall be published once a week for three consecutive weeks in a newspaper of general circulation in the district. The last publication shall be at least twenty days but not more than thirty days before the date of sale. The notice shall describe the property and state the time and place at which it will be sold or offered for sale, the terms of sale, whether the property is to be sold at public or private sale, and if at public sale the notice shall call for bids, fix the conditions thereof and shall reserve the right to reject any and all bids.

Sec. 8. Section 2, chapter 50, Laws of 1953 as last amended by section 2, chapter 162, Laws of 1988 and RCW 57.08.016 are each amended to read as follows:

(1) Subject to the provisions of subsection (2) of this section, no real property valued at five hundred dollars or more of the district shall be sold for less than ninety percent of the value thereof as established by a written appraisal made not more than six months prior to the date of sale by three disinterested real estate brokers licensed under the laws of the state or professionally designated real estate appraisers as defined in RCW 74.46.020. The appraisal shall be signed by the appraisers and filed with the secretary of the board of commissioners of the district, who shall keep it at the office of the district open to public inspection. Any notice of intention to sell real property of the district shall recite the appraised value thereof: PROVIDED, That there shall be no private sale of real property where the appraised value exceeds the sum of five hundred dollars.

(2) If no purchasers can be obtained for the property at ninety percent or more of its appraised value after one hundred eighty days of offering the property for sale, the board of commissioners of the water district may adopt a resolution stating that the district has been unable to sell the property at the ninety percent amount. The water district then may sell the property at the highest price it can obtain at public auction. A notice of intention to sell at public auction shall be published once a week for three consecutive weeks in a newspaper of general circulation in the water district. The last publication shall be at least twenty days but not more than thirty days before the date of sale. The notice shall describe the property, state the time and place at which it will be offered for sale and the terms of sale, and shall call for bids, fix the conditions thereof, and reserve the right to reject any and all bids.

Sec. 9. Section 2, chapter 197, Laws of 1967 as amended by section 1, chapter 86, Laws of 1975 1st ex. sess. and RCW 56.32.010 are each amended to read as follows:

Two or more sewer districts ~~((- adjoining or in close proximity to each other.))~~ may be joined into one consolidated sewer district. The consolidation may be initiated in either of the following ways: Ten percent of the legal electors residing within each of the sewer districts proposed to be consolidated may petition the board of sewer commissioners of each of their respective sewer districts to cause the question to be submitted to the legal electors of the sewer districts proposed to be consolidated; or, the boards of sewer commissioners of each of the sewer districts proposed to be consolidated may by resolution determine that the consolidation of such districts shall be conducive to the public health, welfare, and convenience and to be of special benefit to the lands of such districts.

Sec. 10. Section 9, chapter 197, Laws of 1967 as amended by section 6, chapter 86, Laws of 1975 1st ex. sess. and RCW 56.32.080 are each amended to read as follows:

Whenever ~~((there are))~~ two sewer districts ~~((- the territories of which are adjoining or in close proximity to each other))~~ desire to merge, either district hereinafter referred to as the 'merging district', may merge into the other districts, hereinafter referred to as the 'merger district', and the merger district will survive under its original name or number.

Sec. 11. Section 1, chapter 267, Laws of 1943 as last amended by section 28, chapter 17, Laws of 1982 1st ex. sess. and RCW 57.32.010 are each amended to read as follows:

Two or more water districts ~~((- adjoining or in close proximity to each other.))~~ may be joined into one consolidated water district. The consolidation may be initiated in either of the

following ways: Ten percent of the legal electors residing within each of the water districts proposed to be consolidated may petition the board of water commissioners of each of their respective water districts to cause the question to be submitted to the legal electors of the water districts proposed to be consolidated; or the boards of water commissioners of each of the water districts proposed to be consolidated may by resolution determine that the consolidation of the districts shall be conducive to the public health, welfare, and convenience and to be of special benefit to the lands of the districts.

Sec. 12. Section 1, chapter 28, Laws of 1961 as last amended by section 29, chapter 17, Laws of 1982 1st ex. sess. and RCW 57.36.010 are each amended to read as follows:

Whenever ~~((there are))~~ two water districts ~~((the territories of which are adjoining or in close proximity to each other))~~ desire to merge, either district, hereinafter referred to as the 'merging district', may merge into the other district, hereinafter referred to as the 'merger district', and the merger district will survive under its original number. ~~((The term "in proximity to" as used hereinabove shall mean within one mile of each other, measured in a straight line between the closest points of approach of the territorial boundaries of the two districts.))~~

NEW SECTION. Sec. 13. A new section is added to chapter 36.93 RCW to read as follows:

The proposal by a water district or sewer district to annex territory that is not adjacent to the district shall not be deemed to be violative of the objectives of a boundary review board solely due to the fact that the territory is not adjacent to the water district or sewer district. The proposed consolidation or merger of two or more water districts or two or more sewer districts that are not adjacent to each other shall not be deemed to be violative of the objectives of a boundary review board solely due to the fact that the districts are not adjacent.

NEW SECTION. Sec. 14. A new section is added to chapter 57.08 RCW to read as follows:

A water district may enter into a contract with any person, corporation, or other entity, public or private, that owns a water system located in the water district to manage, operate, maintain, or repair the water system. Such a contract may be entered into only if the general comprehensive plan of the water district reflects the water system that is to be so managed, operated, maintained, or repaired.

A water district shall be liable to provide the services provided in such a contract only if the required contractual payments are made to the district, and such payments shall be secured by a lien on the property served by the water system to the same extent that rates and charges imposed by the water district constitute liens on the property served by the district. The responsibility for all costs incurred by the water system in complying with water quality laws, regulations, and standards shall be solely that of the water system and not the water district, except to the extent payments have been made to the district for the costs of such compliance.

A water district periodically may transfer to another account surplus moneys that may accumulate in an account established by the district to receive payments for the provision of services for such a water system.

Sec. 15. Section 1, chapter 449, Laws of 1987 and RCW 56.08.010 are each amended to read as follows:

A sewer district may acquire by purchase or by condemnation and purchase all lands, property rights, water, and water rights, both within and without the district, necessary for its purposes. A sewer district may lease real or personal property necessary for its purposes for a term of years for which such leased property may reasonably be needed where in the opinion of the board of sewer commissioners such property may not be needed permanently or substantial savings to the district can be effected thereby. The right of eminent domain shall be exercised in the same manner and by the same procedure as provided for cities and towns, insofar as consistent with the provisions of this title, except that all assessments or reassessment rolls required to be filed by eminent domain commissioners or commissioners appointed by the court shall be prepared and filed by the district, and the duties devolving upon the city treasurer shall be imposed upon the county treasurer for the purposes hereof; it may construct, condemn and purchase, add to, maintain, and operate systems of sewers for the purpose of furnishing the district and inhabitants thereof with an adequate system of sewers for all uses and purposes, public and private, including but not limited to on-site sewage disposal facilities, approved septic tanks or approved septic tank systems, other facilities and systems for the collection, interception, treatment, and disposal of wastewater, and for the control of pollution from wastewater and for the protection, preservation, and rehabilitation of surface and underground waters, facilities for the drainage of storm or surface waters, public highways, streets, and roads with full authority to regulate the use and operation thereof and the service rates to be charged. Such sewage facilities may include facilities which result in combined sewage disposal, treatment, or drainage and electric generation, provided that the electricity generated thereby is a byproduct of the system of sewers. Such electricity may be used by the sewer district or sold to any entity authorized by law to distribute electricity. Such electricity is a byproduct when the electrical generation is subordinate to the primary purpose of sewage disposal, treatment, or drainage. For such purposes a district may conduct sewage throughout the district and throughout other political subdivisions within the district, and construct and lay sewer pipe along and upon public highways, roads, and streets, within and without the district, and condemn and purchase or acquire land and rights of way necessary for such sewer pipe.

A district may erect sewage treatment plants, within or without the district, and may acquire by purchase or condemnation, properties or privileges necessary to be had to protect any lakes, rivers, or watercourses and also other areas of land from pollution, from its sewers or its sewage treatment plant. For the purposes of sewage facilities which include facilities which result in combined sewage disposal, treatment, or drainage and electric generation where the electric generation is a byproduct, nothing in this section may be construed to authorize a district to condemn electric generating, transmission, or distribution rights or facilities of entities authorized by law to distribute electricity, or to acquire such rights or facilities without the consent of the owner. A district may charge property owners seeking to connect to the district system of sewers, as a condition to granting the right to so connect, in addition to the cost of such connection, such reasonable connection charge as the board of commissioners shall determine to be proper in order that such property owners shall bear their equitable share of the cost of such system. For purposes of calculating a connection charge, the board of commissioners shall determine the pro rata share of the cost of existing facilities and facilities planned for construction within the next ten years and contained in an adopted comprehensive plan and other costs borne by the district which are directly attributable to the improvements required by property owners seeking to connect to the system. The cost of existing facilities shall not include those portions of the system which have been donated or which have been paid for by grants.

The connection charge may include interest charges applied from the date of construction of the sewer system until the connection, or for a period not to exceed ten years, whichever is shorter, at a rate commensurate with the rate of interest applicable to the district at the time of construction or major rehabilitation of the sewer system, or at the time of installation of the sewer lines to which the property owner is seeking to connect.

A district may permit payment of the cost of connection and the reasonable connection charge to be paid with interest in installments over a period not exceeding fifteen years. The county treasurer may charge and collect a fee of three dollars per parcel for each year for the treasurer's services. Such fees shall be a charge to be included as part of each annual installment, and shall be credited to the county current expense fund by the county treasurer. A district may compel all property owners within the sewer district located within an area served by the district system of sewers to connect their private drain and sewer systems with the district system under such penalty as the sewer commissioners shall prescribe by resolution. The district may for such purpose enter upon private property and connect the private drains or sewers with the district system and the cost thereof shall be charged against the property owner and shall be a lien upon property served.

Revenues from connection charges excluding permit fees are to be considered payments in aid of construction as defined by department of revenue rule.

Sec. 16. Section 17, chapter 210, Laws of 1941 as last amended by section 47, chapter 186, Laws of 1984 and RCW 56.16.030 are each amended to read as follows:

(1) In the same manner as herein provided for the adoption of the general comprehensive plan, and after the adoption of the general comprehensive plan, a plan providing for additions and betterments to the general comprehensive plan, or reorganized district may be adopted. Without limiting its generality 'additions and betterments' shall include any necessary change in, amendment of, or addition to the general comprehensive plan. The sewer district may incur a general indebtedness payable from annual tax levies to be made in excess of the constitutional and/or statutory tax limitations for the construction of the additions and betterments in the same way the general indebtedness may be incurred for the construction of the general comprehensive plan as provided in RCW 56.16.010. Upon ratification by the voters of the entire district, of the proposition to incur such indebtedness, the additions and betterments may be carried out by the sewer commissioners to the extent specified or referred to in the proposition to incur such general indebtedness. The sewer district may issue revenue bonds to pay for the construction of the additions and betterments by resolution of the board of sewer commissioners.

(2) After the effective date of this act, when the district adopts a general comprehensive plan or plans for an area annexed as provided for in RCW 56.08.020, the district shall include a long-term plan for financing the planned projects.

NEW SECTION, Sec. 17. If the sewer district approves an extension to the sewer system, the district shall contract with owners of real estate located within the district boundaries, at an owner's request, for the purpose of permitting extensions to the district's sewer system to be constructed by such owner at such owner's sole cost where such extensions are required as a prerequisite to further property development. The contract shall contain such conditions as the district may require pursuant to the district's adopted policies and standards. The district shall request comprehensive plan approval for such extension, if required, and connection of the extension to the district system is conditioned upon:

(1) Construction of such extension according to plans and specifications approved by the district;

(2) Inspection and approval of such extension by the district;

(3) Transfer to the district of such extension without cost to the district upon acceptance by the district of such extension;

(4) Payment of all required connection charges to the district;

(5) Full compliance with the owner's obligations under such contract and with the district's rules and regulations;

(6) Provision of sufficient security to the district to ensure completion of the extension and other performance under the contract;

(7) Payment by the owner to the district of all of the district's costs associated with such extension including, but not limited to, the district's engineering, legal, and administrative costs; and

(8) Verification and approval of all contracts and costs related to such extension.

NEW SECTION, Sec. 18. The contract shall also provide, subject to the terms and conditions in this section, for the reimbursement to the owner or the owner's assigns for a period not to exceed fifteen years of a portion of the costs of the sewer facilities constructed pursuant to such contract from connection charges received by the district from other property owners who subsequently connect to or use the sewer facilities within the fifteen-year period and who did not contribute to the original cost of such sewer facilities.

NEW SECTION, Sec. 19. The reimbursement shall be a pro rata share of construction and contract administration costs of the sewer project. Reimbursement for sewer projects shall include, but not be limited to, design, engineering, installation, and restoration.

NEW SECTION, Sec. 20. The procedures for reimbursement contracts shall be governed by the following:

(1) A reimbursement area shall be formulated by the board of commissioners within a reasonable time after the acceptance of the extension. The reimbursement shall be based upon a determination by the board of commissioners of which parcels would require similar sewer improvements upon development.

(2) The contract must be recorded in the appropriate county auditor's office after the final execution of the agreement.

NEW SECTION, Sec. 21. As an alternative to financing projects under this chapter solely by owners of real estate, sewer districts may join in the financing of improvement projects and may be reimbursed in the same manner as the owners of real estate who participate in the projects, if the board of commissioners has specified the conditions of its participation in a resolution.

Sec. 22, Section 8, chapter 114, Laws of 1929 as last amended by section 1, chapter 11, Laws of 1988 and RCW 57.08.010 are each amended to read as follows:

(1) (a) A water district may acquire by purchase or condemnation, or both, all property and property rights and all water and water rights, both within and without the district, necessary for its purposes.

(b) A water district may lease real or personal property necessary for its purposes for a term of years for which such leased property may reasonably be needed where in the opinion of the board of water commissioners such property may not be needed permanently or substantial savings to the district can be effected thereby.

(c) The right of eminent domain shall be exercised in the same manner and by the same procedure as provided for cities of the third class, insofar as consistent with the provisions of this title, except that all assessment rolls to be prepared and filed by eminent domain commissioners or commissioners appointed by the court shall be prepared and filed by the water district, and the duties devolving upon the city treasurer are hereby imposed upon the county treasurer.

(d) A water district may construct, condemn and purchase, purchase, add to, maintain and supply waterworks to furnish the district and inhabitants thereof, and any city or town therein and any other persons, both within and without the district, with an ample supply of water for all uses and purposes public and private with full authority to regulate and control the use, content, distribution, and price thereof in such a manner as is not in conflict with general law.

(e) A water district contiguous to Canada may contract with a Canadian corporation for the purchase of water and for the construction, purchase, maintenance and supply of waterworks to furnish the district and inhabitants thereof and residents of Canada with an ample supply of water under terms approved by the board of commissioners. Such waterworks may include facilities which result in combined water supply and electric generation, provided that the electricity generated thereby is a byproduct of the water supply system.

(f) Such electricity may be used by the water district or sold to any entity authorized by law to distribute electricity. Such electricity is a byproduct when the electrical generation is subordinate to the primary purpose of water supply.

(g) For such purposes, a water district may take, condemn and purchase, purchase, acquire and retain water from any public or navigable lake, river or watercourse, or any underflowing water and, by means of aqueducts or pipe line conduct the same throughout such water district and any city or town therein and carry it along and upon public highways, roads and streets, within and without such district.

(h) For the purpose of constructing or laying aqueducts or pipe lines, dams, or waterworks or other necessary structures in storing and retaining water or for any other lawful purpose such water district may occupy the beds and shores up to the high water mark of any such lake, river, or other watercourse, and may acquire by purchase or condemnation such property or property rights or privileges as may be necessary to protect its water supply from pollution.

(i) For the purposes of waterworks which include facilities for the generation of electricity as a byproduct, nothing in this section may be construed to authorize a water district to condemn electric generating, transmission, or distribution rights or facilities of entities authorized by law to distribute electricity, or to acquire such rights or facilities without the consent of the owner.

(2) A water district may purchase and take water from any municipal corporation.

(3) A water district may fix rates and charges for water supplied and may charge property owners seeking to connect to the district's water supply system, as a condition to granting the right to so connect. In addition to the cost of such connection, such reasonable connection charge as the board of commissioners shall determine to be proper in order that such property owners shall bear their equitable share of the cost of such system.

(a) For purposes of calculating a connection charge, the board of commissioners shall determine the pro rata share of the cost of existing facilities and facilities planned for construction within the next ten years and contained in an adopted comprehensive plan and other costs borne by the district which are directly attributable to the improvements required by property owners seeking to connect to the system. The cost of existing facilities shall not include those portions of the system which have been donated or which have been paid for by grants.

(b) The connection charge may include interest charges applied from the date of construction of the water system until the connection, or for a period not to exceed ten years, whichever is shorter, at a rate commensurate with the rate of interest applicable to the district at the time of construction or major rehabilitation of the water system, or at the time of installation of the water lines to which the property owner is seeking to connect.

(4) (a) A district may permit payment of the cost of connection and the reasonable connection charge to be paid with interest in installments over a period not exceeding fifteen years. The county treasurer may charge and collect a fee of three dollars for each year for the treasurer's services. Such fees shall be a charge to be included as part of each annual installment, and shall be credited to the county current expense fund by the county treasurer.

(b) Revenues from connection charges excluding permit fees are to be considered payments in aid of construction as defined by department of revenue rule.

Sec. 23. Section 6, chapter 18, Laws of 1959 as last amended by section 2, chapter 213, Laws of 1982 and RCW 57.16.010 are each amended to read as follows:

The water district commissioners before ordering any improvements hereunder or submitting to vote any proposition for incurring any indebtedness shall adopt a general comprehensive plan of water supply for the district. They shall investigate the several portions and sections of the district for the purpose of determining the present and reasonably foreseeable future needs thereof; shall examine and investigate, determine and select a water supply or water supplies for such district suitable and adequate for present and reasonably foreseeable future needs thereof; and shall consider and determine a general system or plan for acquiring such water supply or water supplies; and the lands, waters and water rights and easements necessary therefor, and for retaining and storing any such waters, erecting dams, reservoirs, aqueducts and pipe lines to convey the same throughout such district. There may be included as part of the system the installation of fire hydrants at suitable places throughout the district, and the purchase and maintenance of necessary fire fighting equipment and apparatus, together with facilities for housing same. The water district commissioners shall determine a general comprehensive plan for distributing such water throughout such portion of the district as may then reasonably be served by means of subsidiary aqueducts and pipe lines, and the method of distributing the cost and expense thereof against such water district and against local improvement districts or utility local improvement districts within such water district for any lawful purpose, and including any such local improvement district or utility local improvement district lying wholly or partially within the limits of any city or town in such district, and shall determine whether the whole or part of the cost and expenses shall be paid from water revenue bonds. After the effective date of this act, when the district adopts a general comprehensive plan or plans for an area annexed as provided for in RCW 57.16.010, the district shall include a long-term plan for the planned projects. The commissioners may employ such engineering and legal service as in their discretion is necessary in carrying out their duties.

The general comprehensive plan shall be adopted by resolution and submitted to an engineer designated by the legislative authority of the county in which fifty-one percent or more of the area of the district is located, and to the director of health of the county in which the district or any portion thereof is located, and must be approved in writing by the engineer and director of health. The general comprehensive plan shall be approved, conditionally approved, or rejected by the director of health within sixty days of the plan's receipt and by the designated engineer within sixty days of the plan's receipt.

Before becoming effective, the general comprehensive plan shall also be submitted to, and approved by resolution of, the legislative authority of every county within whose boundaries all or a portion of the water district lies. The general comprehensive plan shall be approved, conditionally approved, or rejected by each of these county legislative authorities pursuant to the criteria in RCW 57.02.040 for approving the formation, reorganization, annexation, consolidation, or merger of water districts, and the resolution, ordinance, or motion of the legislative body which rejects the comprehensive plan or a part thereof shall specifically state in what particular the comprehensive plan or part thereof rejected fails to meet these criteria. The legislative body may not impose requirements restricting the maximum size of the water supply facilities provided for in the comprehensive plan: PROVIDED, That nothing in this chapter shall preclude a county from rejecting a proposed plan because it is in conflict with the criteria in RCW 57.02.040. Each general comprehensive plan shall be deemed approved if the county legislative authority fails to reject or conditionally approve the plan within ninety days of the plan's submission to the county legislative authority or within thirty days of a hearing on the plan when the hearing is held within ninety days of submission to the county legislative authority: PROVIDED, That the water commissioners and the county legislative authority may mutually agree to an extension of the deadlines in this section. If the district includes portions or all of one or more cities or towns, the general comprehensive plan shall be submitted also to, and approved by resolution of, the legislative authority of cities and towns before becoming effective. The general comprehensive plan shall be deemed approved by the city or town legislative authority if the city or town legislative authority fails to reject or conditionally approve the plan within ninety days of the plan's submission to the city or town or within thirty days of a hearing on the plan when the hearing is held within ninety days of submission to the county legislative authority.

Before becoming effective, any amendment to, alteration of, or addition to, a general comprehensive plan shall also be subject to such approval as if it were a new general comprehensive plan: PROVIDED, That only if the amendment, alteration, or addition affects a particular city or town, shall the amendment, alteration or addition be subject to approval by such particular city or town legislative authority.

NEW SECTION. Sec. 24. If the water district approves an extension to the water system, the district shall contract with owners of real estate located within the district boundaries, at an owner's request, for the purpose of permitting extensions to the district's water system to be constructed by such owner at such owner's sole cost where such extensions are required as a prerequisite to further property development. The contract shall contain such conditions as the district may require pursuant to the district's adopted policies and standards. The district shall request comprehensive plan approval for such extension, if required, and connection of the extension to the district system is conditioned upon:

- (1) Construction of such extension according to plans and specifications approved by the district;
- (2) Inspection and approval of such extension by the district;
- (3) Transfer to the district of such extension without cost to the district upon acceptance by the district of such extension;
- (4) Payment of all required connection charges to the district;
- (5) Full compliance with the owner's obligations under such contract and with the district's rules and regulations;
- (6) Provision of sufficient security to the district to ensure completion of the extension and other performance under the contract;
- (7) Payment by the owner to the district of all of the district's costs associated with such extension including, but not limited to, the district's engineering, legal, and administrative costs; and
- (8) Verification and approval of all contracts and costs related to such extension.

NEW SECTION. Sec. 25. The contract shall also provide, subject to the terms and conditions in this section, for the reimbursement to the owner or the owner's assigns for a period not to exceed fifteen years of a portion of the costs of the water facilities constructed pursuant to such contract from connection charges received by the district from other property owners who subsequently connect to or use the water facilities within the fifteen-year period and who did not contribute to the original cost of such water facilities.

NEW SECTION. Sec. 26. The reimbursement shall be a pro rata share of construction and reimbursement of contract administration costs of the water project. Reimbursement for water projects shall include, but not be limited to, design, engineering, installation, and restoration.

NEW SECTION. Sec. 27. The procedures for reimbursement contracts shall be governed by the following:

- (1) A reimbursement area shall be formulated by the board of commissioners within a reasonable time after the acceptance of the extension. The reimbursement shall be based upon a determination by the board of commissioners of which parcels would require similar water improvements upon development.

- (2) The contract must be recorded in the appropriate county auditor's office after the final execution of the agreement.

NEW SECTION. Sec. 28. As an alternative to financing projects under this chapter solely by owners of real estate, a water district may join in the financing of improvement projects and may be reimbursed in the same manner as the owners of real estate who participate in the projects, if the water district has specified the conditions of its participation in a resolution.

NEW SECTION. Sec. 29. A new section is added to chapter 56.12 RCW to read as follows:

(1) An established sewer district having fifty or fewer residents may, by resolution of its board of commissioners, expand the electorate of the district to include:

(a) All persons who hold title to real property within the district who are registered to vote in the state of Washington; and

(b) Any domestic corporation or domestic partnership that holds title to real property within the district.

(2) Persons described in subsection (1)(a) of this section shall be eligible to vote in a district election if they have held title to real property within the district for a period of at least sixty days preceding the election.

(3) Authorized agents of entities described in subsection (1)(b) of this section shall be eligible to vote in a district election if the entity has held title to real property within the district for a period of at least sixty days preceding the election. Any entity described in subsection (1)(b) of this section shall be entitled to one vote, which may be cast by the authorized agent of the entity if they submit their instrument of authority with the county auditor accompanying their request for a district absentee ballot at least thirty days prior to the date of any district election.

(4) Persons and authorized agents of entities described in subsection (1) of this section shall vote by requesting an absentee district ballot from the auditor of the county in which all or most of the district is located. Such request must be presented to or received by the county auditor at least thirty days prior to the election. The county auditor may require evidence of eligibility to vote.

(5) Persons and authorized agents of entities described in subsection (1) of this section are eligible to seek the office of district commissioner if they have held title to property in the district for at least sixty days at the time of the filing of their declaration of candidacy. Representatives of entities described in subsection (1)(b) of this section must file an instrument recognizing their authority to represent the entity with their declaration of candidacy. The county auditor may require evidence of eligibility to file the declaration of candidacy.

(6) Persons and authorized agents of entities described in subsection (1) of this section may cast votes and be eligible to hold district office only so long as the resident population of the district is fifty or fewer residents. If the number of residents within the district increases to more than fifty residents, the commissioner position or positions held by nonresident electors shall be deemed vacant and shall be filled in the manner provided in RCW 56.12.020.

NEW SECTION. Sec. 30. A new section is added to chapter 56.12 RCW to read as follows:

A sewer district that expands its electorate under the provisions of section 29 of this act shall prepare and maintain a list of presumed eligible voters. The list shall include the assessor's tax number for each lot or parcel in the district, the name or the names of the owners of such lots and parcels, the extent of the ownership interest of such persons, and if such persons are natural persons, whether they are known to be registered voters in the state of Washington. Whenever such a list is prepared, the district shall attempt to notify each owner of the requirements necessary to establish their authority to vote. Whenever lots or parcels in the district are sold, the district shall attempt to notify the purchasers of the requirements necessary to establish their authority to vote. Each special district shall provide a copy of this list, and any revised list, to the auditor of the county within which all or most of the special district is located.

NEW SECTION. Sec. 31. A new section is added to chapter 57.12 RCW to read as follows:

(1) An established water district having fifty or fewer residents may, by resolution of its board of commissioners, expand the electorate of the district to include:

(a) All persons who hold title to real property within the district who are registered to vote in the state of Washington; and

(b) Any domestic corporation or domestic partnership that holds title to real property within the district.

(2) Persons described in subsection (1)(a) of this section shall be eligible to vote in a district election if they have held title to real property within the district for a period of at least sixty days preceding the election.

(3) Authorized agents of entities described in subsection (1)(b) of this section shall be eligible to vote in a district election if the entity has held title to real property within the district for a period of at least sixty days preceding the election. Any entity described in subsection (1)(b) of this section shall be entitled to one vote, which may be cast by the authorized agent of the entity if they submit their instrument of authority with the county auditor accompanying their request for a district absentee ballot at least thirty days prior to the date of any district election.

(4) Persons and authorized agents of entities described in subsection (1) of this section shall vote by requesting an absentee district ballot from the auditor of the county in which all or most of the district is located. Such request must be presented to or received by the county auditor at least thirty days prior to the election. The county auditor may require evidence of eligibility to vote.

(5) Persons and authorized agents of entities described in subsection (1) of this section are eligible to seek the office of district commissioner if they have held title to property in the district for at least sixty days at the time of the filing of their declaration of candidacy. Representatives of entities described in subsection (1)(b) of this section must file an instrument recognizing their authority to represent the entity with their declaration of candidacy. The county auditor may require evidence of eligibility to file the declaration of candidacy.

(6) Persons and authorized agents of entities described in subsection (1) of this section may cast votes and be eligible to hold district office only so long as the resident population of the district is fifty or fewer residents. If the number of residents within the district increases to more than fifty residents, the commissioner position or positions held by nonresident electors shall be deemed vacant and shall be filled in the manner provided in RCW 57.12.020.

NEW SECTION. Sec. 32. A new section is added to chapter 57.12 RCW to read as follows:

A water district that expands its electorate under the provisions of section 31 of this act shall prepare and maintain a list of presumed eligible voters. The list shall include the assessor's tax number for each lot or parcel in the district, the name or the names of the owners of such lots and parcels, the extent of the ownership interest of such persons, and if such persons are natural persons, whether they are known to be registered voters in the state of Washington. Whenever such a list is prepared, the district shall attempt to notify each owner of the requirements necessary to establish their authority to vote. Whenever lots or parcels in the district are sold, the district shall attempt to notify the purchasers of the requirements necessary to establish their authority to vote. Each special district shall provide a copy of this list, and any revised list, to the auditor of the county within which all or most of the special district is located.

NEW SECTION. Sec. 33. (1) Sections 17 through 21 of this act shall constitute a new chapter in Title 56 RCW.

(2) Sections 24 through 28 of this act shall constitute a new chapter in Title 57 RCW."

On page 1, line 1 of the title, after "districts;" strike the remainder of the title and insert "amending RCW 56.08.010, 57.08.010, 56.24.070, 57.24.010, 56.08.080, 56.08.090, 57.08.015, 57.08.016, 56.32.010, 56.32.080, 57.32.010, 57.36.010, 56.08.010, 56.16.030, 57.08.010, and 57.16.010; adding a new section to chapter 36.93 RCW; adding a new section to chapter 57.08 RCW; adding a new chapter to Title 56 RCW; adding a new chapter to Title 57 RCW; adding new sections to chapter 56.12 RCW; and adding new sections to chapter 57.12 RCW"

and the same is herewith transmitted.

W. D. Naismith, Assistant Secretary.

MOTION

Ms. Haugen moved that the House refuse to concur in the Senate amendments to Substitute House Bill No. 1217 and ask the Senate to recede therefrom.

Ms. Haugen spoke in favor of the motion, and it was carried.

SENATE AMENDMENTS TO HOUSE BILL

April 6, 1989

Mr. Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 1457 with the following amendments:

Strike everything after the enacting clause and insert the following:

"Sec. 1. Section 24, chapter 137, Laws of 1981 as last amended by section 6, chapter 224, Laws of 1986 and RCW 9.95.009 are each amended to read as follows:

(1) On July 1, 1986, the board of prison terms and paroles shall be redesignated as the indeterminate sentencing review board. The board's membership shall be reduced as follows: On July 1, 1986, and on July 1st of each year until (~~1992~~) 1998, the number of board members shall be reduced in a manner commensurate with the board's remaining workload as determined by the office of financial management based upon its population forecast for the indeterminate sentencing system and in conjunction with the budget process. To meet the statutory obligations of the indeterminate sentence review board, the number of board members shall not be reduced to fewer than three members, although the office of financial management may designate some or all members as part-time members and specify the extent to which they shall be less than full-time members. Any reduction shall take place by the expiration, on that date, of the term or terms having the least time left to serve.

(2) After July 1, 1984, the board shall continue its functions with respect to persons convicted of crimes committed prior to July 1, 1984, and committed to the department of corrections. When making decisions on duration of confinement, including those relating to persons committed under a mandatory life sentence, and parole release under RCW 9.95.100 and 9.95.110, the board shall consider the purposes, standards, and sentencing ranges adopted pursuant to RCW 9.94A.040 and the minimum term recommendations of the sentencing judge and prosecuting attorney, and shall attempt to make decisions reasonably consistent with those

ranges, standards, purposes, and recommendations: PROVIDED, That the board and its successors shall give adequate written reasons whenever a minimum term or parole release (~~(decision)~~) decision is made which is outside the sentencing ranges adopted pursuant to RCW 9.94A.040. In making such decisions, the board and its successors shall consider the different charging and disposition practices under the indeterminate sentencing system.

NEW SECTION, Sec. 2. A new section is added to chapter 9.95 RCW to read as follows:

(1) The board shall fix the duration of confinement for persons committed to the custody of the department of corrections under a mandatory life sentence for a crime or crimes committed before July 1, 1984. However, no duration of confinement shall be fixed for those persons committed under a life sentence without the possibility of parole.

The duration of confinement for persons covered by this section shall be fixed no later than July 1, 1992, or within six months after the admission or readmission of the convicted person to the custody of the department of corrections, whichever is later.

(2) Prior to fixing a duration of confinement under this section, the board shall request from the sentencing judge and the prosecuting attorney an updated statement in accordance with RCW 9.95.030. In addition to the report and recommendations of the prosecuting attorney and sentencing judge, the board shall also consider any victim impact statement submitted by a victim, survivor, or a representative, and any statement submitted by an investigative law enforcement officer. The board shall provide the convicted person with copies of any new statement and an opportunity to comment thereon prior to fixing the duration of confinement.

Sec. 3. Section 1, chapter 238, Laws of 1951 and RCW 9.95.115 are each amended to read as follows:

The (~~(board of prison terms and paroles)~~) indeterminate sentence review board is hereby granted authority to parole any person sentenced to the (~~(penitentiary or the reformatory)~~) custody of the department of corrections, under a mandatory life sentence (~~(- who)~~) for a crime committed prior to July 1, 1984, except those persons sentenced to life without the possibility of parole. No such person shall be granted parole unless the person has been continuously confined therein for a period of twenty consecutive years less earned good time (~~(- PROVIDED: The superintendent of the penitentiary or the reformatory, as the case may be, certifies to the~~ board of prison terms and paroles that such person's conduct and work have been meritorious, and based thereon, recommends parole for such person)); PROVIDED, That no such person shall be released under parole who is found to be a sexual psychopath under the provisions of and as defined by chapter (~~(71-12)~~) 71.06 RCW.

Sec. 4. Section 12, chapter 224, Laws of 1986 and RCW 9.95.0011 are each amended to read as follows:

(1) The indeterminate sentencing review board shall cease to exist on June 30, (~~(1992, and all of its powers, duties, and functions with respect to persons convicted of crimes committed before July 1, 1984, shall be transferred to the superior courts of the state of Washington)~~) 1998. Prior to June 30, (~~(1992)~~) 1998, the board shall review each inmate convicted of crimes committed before July 1, 1984, and prepare a report (~~(for the superior courts)~~). This report shall include a recommendation regarding the offender's suitability for parole (~~(and)~~), appropriate parole conditions, and, for those persons committed under a mandatory life sentence, duration of confinement. (~~(The sentencing judge or his or her successor in the county of conviction shall thereafter have full jurisdiction and authority over such offenders. These duties may be delegated to commissioners. Actions taken by commissioners shall be in the form of a report and recommendation to the sentencing judge or his or her successors who have sole authority to determine duration of confinement or parole release.)~~)

(2) The governor, through the office of financial management, shall recommend to the legislature alternatives for carrying out the duties of the board. In developing recommendations, the office of financial management shall consult with the indeterminate sentence review board, Washington association of prosecuting attorneys, Washington defender association, department of corrections, and administrator for the courts (~~(- and office of financial management shall prepare an implementation plan to accomplish transfer of the board's powers, duties, and functions to the superior courts of the state of Washington. The plan)~~). Recommendations shall include a detailed fiscal analysis and recommended formulas and procedures for the reimbursement of costs to local governments if necessary. (This plan) Recommendations shall be presented to the (~~(1996)~~) 1997 legislature.

(~~(3)~~) On July 1, 1992, all documents, records, files, equipment, and other tangible property of the indeterminate sentencing review board shall be transferred to the department of corrections. The department of corrections shall assist the judiciary in fulfilling its responsibilities under this chapter, including the preparation of written recommendations.

(4) On July 1, 1992, references to the 'board' or 'the indeterminate sentence review board' contained in this chapter, chapters 7.68, 9.95, 9.96, 71.06, and 72.04A RCW, and RCW 9A.44.045 and 72.68.031 are deemed to refer to the superior court of the state of Washington that originally sentenced the offender to prison.)

NEW SECTION, Sec. 5. A new section is added to chapter 9.95 RCW to read as follows:

The board shall conduct a review of every person who, on the effective date of this act, is incarcerated and has been adjudged under the former provisions of RCW 9.92.090. For those

persons incarcerated on the effective date of this act, the board shall set a minimum term without regard to such status, pursuant to the provisions of chapter 9.95 RCW. Persons who have already served the redetermined minimum term on the effective date of this act, shall be considered for parole on the same basis as all other indeterminate inmates.

NEW SECTION. Sec. 6. The following acts or parts of acts are each repealed:

- (1) Section 1, chapter 224, Laws of 1986 (uncodified);
- (2) Section 13, chapter 224, Laws of 1986 and RCW 9.95.0012;
- (3) Section 14, chapter 224, Laws of 1986 (uncodified); and
- (4) Sections 1 and 2, chapter 86, Laws of 1903, section 34, chapter 249, Laws of 1909 and RCW 9.92.090.

NEW SECTION. Sec. 7. If specific funding for the purposes of this act, referencing this act by bill number, is not provided by June 30, 1989, in the omnibus appropriations act, this act shall be null and void."

On page 1, line 1 of the title, after "board;" strike the remainder of the title and insert "amending RCW 9.95.009, 9.95.115, and 9.95.0011; adding new sections to chapter 9.95 RCW; creating a new section; repealing RCW 9.95.0012 and 9.92.090; repealing section 1, chapter 224, Laws of 1986 (uncodified); and repealing section 14, chapter 224, Laws of 1986 (uncodified)."

and the same is herewith transmitted.

W. D. Naismith, Assistant Secretary.

MOTION

Mr. Appelwick moved that the House do concur in the Senate amendments to Substitute House Bill No. 1457.

Mr. Appelwick spoke in favor of the motion, and Mr. Padden spoke against it.

The Speaker (Mr. O'Brien presiding) stated the question before the House to be the motion by Representative Appelwick to concur in the Senate amendments to Substitute House Bill No. 1457.

The Speaker (Mr. O'Brien presiding), being in doubt, called upon the House to divide. The result of the division was: Yeas - 45; Nays - 52. The motion was not carried.

The Speaker (Mr. O'Brien presiding) stated that, by its action, the House refused to concur in the Senate amendments to Substitute House Bill No. 1457 and asked the Senate for a conference thereon.

SENATE AMENDMENT TO HOUSE BILL

April 14, 1989

Mr. Speaker:

The Senate has passed ENGROSSED HOUSE BILL NO. 1518 with the following amendment:

On page 1, line 12, after "state" and before the period, insert "PROVIDED, That any common or contract carrier or its successor that formerly had coverage under this title and by virtue of being exclusively engaged in interstate or foreign commerce, or any combination thereof, withdrew its acceptance of liability under this title by filing written notice with the director of the withdrawal of its acceptance prior to January 2, 1987, shall be governed by the provisions of this section that were in effect as of that date"

and the same is herewith transmitted.

W. D. Naismith, Assistant Secretary.

MOTION

Mr. Vekich moved that the House do concur in the Senate amendment to Engrossed House Bill No. 1518. The motion was carried.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

The Speaker (Mr. O'Brien presiding) stated the question before the House to be the final passage of Engrossed House Bill No. 1518 as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 1518 as amended by the Senate, and the bill passed the House by the following vote: Yeas, 97; excused, 1.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Baugher, Beck, Belcher, Betrozoff, Bowman, Braddock, Brekke, Bristow, Brooks, Brough, Brumsickle, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R,

Fraser, Fuhrman, Grant, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Inslee, Jacobsen, Jesernig, Jones, King P, King R, Kremen, Leonard, Locke, May, McLean, Meyers R, Miller, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Padden, Patrick, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith, Sommers D, Sommers H, Spanel, Sprenkle, Tate, Todd, Valle, Van Luven, Vekich, Walk, Walker, Wang, Wilson K, Wilson S, Wineberry, Winsley, Wolfe, Wood, Youngsman, Zellinsky, and Mr. Speaker - 97.

Excused: Representative Gallagher - 1.

Engrossed House Bill No. 1518 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SENATE AMENDMENTS TO HOUSE BILL

April 14, 1989

Mr. Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 1560 with the following amendments:

Strike everything after the enacting clause and insert the following:

*Sec. 1. Section 20, chapter 5, Laws of 1987 1st ex. sess. and RCW 74.09.730 are each amended to read as follows:

~~((1) The department of social and health services shall, to the extent that funds are specifically appropriated for this purpose, provide matching grants on a one-to-one state/local basis to hospitals that are designated by the hospital commission as meeting all of the following criteria:~~

~~(a) Providing an amount of charity care equal to or greater than two hundred fifty percent of the state average;~~

~~(b) A tertiary care center; and~~

~~(c) Providing ten percent of the tertiary care to patients from outside the county in which the hospital is located;~~

~~(2) Grants shall be allocated to eligible hospitals based on the hospital's relative amount of charity care;~~

~~(3) Local matching funds shall be from a nonrate-setting revenue source as defined by the hospital commission;~~

~~((4) The department shall seek matching federal Title XIX medicaid funds pursuant to the 'disproportionate share' provisions of the federal social security act. If necessary to obtain federal funds, the department may use the following provision in lieu of those set forth in subsections (1), (2), and (3) of this section: A hospital is eligible for a grant if it is designated by the hospital commission as having medical assistance charges exceeding twenty percent of the hospital's total rate-setting revenue during the preceding calendar year.)) In establishing Title XIX payment rates for inpatient hospital services:~~

~~(1) The department of social and health services shall take into account the situation of hospitals which serve a disproportionate number of low-income patients with special needs;~~

~~(2) The department shall define eligible disproportionate share hospitals by regulation, and shall consider a hospital's Medicaid utilization rate, its low-income utilization rate, and its provision of obstetric services;~~

~~(3) The payment methodology for disproportionate share hospitals shall be specified by the department in regulation.~~

Sec. 2. Section 2, chapter 303, Laws of 1986 as amended by section 21, chapter 5, Laws of 1987 1st ex. sess. and RCW 74.09.522 are each amended to read as follows:

(1) For the purposes of this section, 'managed health care system' means any health care organization, including health care providers, insurers, health care service contractors, health maintenance organizations, health insuring organizations, or any combination thereof, that provides directly or by contract health care services covered under RCW 74.09.520 and rendered by licensed providers, on a prepaid capitated case management basis and that meets the requirements of section 1903(m)(1)(A) of Title XIX of the federal social security act.

(2) No later than July 1, ~~((1989))~~ 1991, the department of social and health services shall enter into agreements with managed health care systems to provide health care services to recipients of aid to families with dependent children under the following conditions:

(a) Agreements shall be made ~~((within one class A county in the eastern part of the state))~~ for at least ~~((ten))~~ thirty thousand recipients ~~((; and one class AA county for at least fifteen thousand recipients in the western part of the state; and one first class county of at least five thousand recipients in the western part of the state))~~ state-wide;

(b) Agreements in at least one ~~((of the agreements))~~ county shall include enrollment of all recipients of aid to families with dependent children ~~((residing in a defined geographical area));~~

(c) To the extent that this provision is consistent with section 1903(m) of Title XIX of the federal social security act, recipients shall have a choice of systems in which to enroll and shall

have the right to terminate their enrollment in a system: PROVIDED, That the department may limit recipient termination of enrollment without cause to the first month of a period of enrollment, which period shall not exceed six months; AND PROVIDED FURTHER, That the department shall not restrict a recipient's right to terminate enrollment in a system for cause;

(d) To the extent that this provision is consistent with section 1903(m) of Title XIX of the federal social security act, participating managed health care systems shall not enroll a disproportionate number of medical assistance recipients within the total numbers of persons served by the managed health care systems, except that this subsection (d) shall not apply to entities described in subparagraph (B) of section 1903(m) of Title XIX of the federal social security act;

(e) Prior to negotiating with any managed health care system, the department shall estimate, on an actuarially sound basis, the expected cost of providing the health care services expressed in terms of upper and lower limits, and recognizing variations in the cost of providing the services through the various systems and in different project areas. In negotiating with managed health care systems the department shall adopt a uniform procedure ~~((that includes at least request for proposals))~~ to negotiate and enter into contractual arrangements, including standards regarding the quality of services to be provided; and financial integrity of the responding system ~~((The department may negotiate with respondents to the extent necessary to refine any proposals));~~

(f) The department shall seek waivers from federal requirements as necessary to implement this chapter;

(g) The department shall, wherever possible, enter into prepaid capitation contracts that include inpatient care. However, if this is not possible or feasible, the department may enter into prepaid capitation contracts that do not include inpatient care;

(h) The department shall define those circumstances under which a managed health care system is responsible for out-of-system services and assure that recipients shall not be charged for such services; and

(i) Nothing in this section prevents the department from entering into similar agreements ~~((in additional counties or))~~ for other groups of people eligible to receive services under chapter 74.09 RCW.

(3) The department shall seek to obtain a large number of contracts with providers of health services to medicaid recipients. The department shall ensure that publicly supported community health centers and providers in rural areas, who show serious intent and apparent capability to participate in the project as managed health care systems are seriously considered as providers in the project. The department shall coordinate these projects with the plans developed under chapter 70.47 RCW.

(4) The department shall work jointly with the state of Oregon and other states in this geographical region in order to develop recommendations to be presented to the appropriate federal agencies and the United States congress for improving health care of the poor, while controlling related costs.

NEW SECTION. Sec. 3. A new section is added to chapter 70.24 RCW to read as follows:

(1) 'Class IV human immunodeficiency virus insurance program,' as used in this section, means the program financed by state funds to assure health insurance coverage for individuals with class IV human immunodeficiency virus infection, as defined by the state board of health, who meet eligibility requirements established by the department.

(2) The department may pay for health insurance coverage with funds appropriated for this purpose on behalf of persons who are infected with class IV human immunodeficiency virus, meet program eligibility requirements, and are eligible for 'continuation coverage' as provided by the federal consolidated omnibus budget reconciliation act of 1985 or group health insurance policies: PROVIDED, That this authorization to pay for health insurance shall cease on June 30, 1991, as to any coverage not initiated prior to that date.

Sec. 4. Section 3, chapter 305, Laws of 1971 ex. sess. as last amended by section 502, chapter 212, Laws of 1987 and RCW 18.71.210 are each amended to read as follows:

No act or omission of any physician's trained mobile intensive care paramedic, intravenous therapy technician, or airway management technician, as defined in RCW 18.71.200 as now or hereafter amended, any emergency medical technician or first responder as defined in RCW 18.73.030, ~~((or any first responder under RCW 18.73.265)),~~ done or omitted in good faith while rendering emergency medical service under the responsible supervision and control of a licensed physician or an approved medical program director or delegate(s) to a person who has suffered illness or bodily injury shall impose any liability upon:

(1) The trained mobile intensive care paramedic, intravenous therapy technician, airway management technician, emergency medical technician, or first responder;

(2) The medical program director;

(3) The supervising physician(s);

(4) Any hospital, the officers, members of the staff, nurses, or other employees of a hospital;

(5) Any training agency or training physician(s);

(6) Any licensed ambulance service; or

(7) Any federal, state, county, city or other local governmental unit or employees of such a governmental unit.

This section shall apply to an act or omission committed or omitted in the performance of the actual emergency medical procedures and not in the commission or omission of an act which is not within the field of medical expertise of the physician's trained mobile intensive care paramedic, intravenous therapy technician, airway management technician, emergency medical technician, or first responder, as the case may be.

This section shall not relieve a physician or a hospital of any duty otherwise imposed by law upon such physician or hospital for the designation or training of a physician's trained mobile intensive care paramedic, intravenous therapy technician, airway management technician, emergency medical technician, or first responder, nor shall this section relieve any individual or other entity listed in this section of any duty otherwise imposed by law for the provision or maintenance of equipment to be used by the physician's trained mobile intensive care paramedics, intravenous therapy technicians, airway management technicians, emergency medical technicians, or first responders.

This section shall not apply to any act or omission which constitutes either gross negligence or willful or wanton misconduct."

On page 1, line 1 of the title, after "assistance," strike the remainder of the title and insert "amending RCW 74.09.730, 74.09.522, and 18.71.210; and adding a new section to chapter 70.24 RCW."

and the same is herewith transmitted.

W. D. Naismith, Assistant Secretary.

MOTION

Mr. Braddock moved that the House do concur in the Senate amendments to Substitute House Bill No. 1560.

Mr. Braddock spoke in favor of the motion, and it was carried.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

The Speaker (Mr. O'Brien presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1560 as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1560 as amended by the Senate, and the bill passed the House by the following vote: Yeas, 92; nays, 5; excused, 1.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Baugher, Beck, Belcher, Betzoff, Bowman, Braddock, Brekke, Bristow, Brooks, Brough, Brumsickle, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Fraser, Fuhrman, Grant, Hanks, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Inslée, Jacobsen, Jesernig, Jones, King P, King R, Kremen, Leonard, Locke, McLean, Meyers R, Miller, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Padden, Patrick, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Saryan, Schmidt, Scott, Smith, Sommers D, Sommers H, Spanel, Sprengle, Tate, Todd, Valle, Van Luven, Vekich, Waik, Walker, Wang, Wilson K, Wilson S, Wineberry, Wolfe, Wood, Zellinsky, and Mr. Speaker - 92.

Voting nay: Representatives Mary, Schoon, Silver, Winsley, Youngsman - 5.

Excused: Representative Gallagher - 1.

Substitute House Bill No. 1560 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SENATE AMENDMENTS TO HOUSE BILL

April 13, 1989

Mr. Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 1624 with the following amendments:

On page 1, after line 4, insert the following:

"NEW SECTION, Sec. 1. A new section is added to chapter 79.96 RCW to read as follows:

The commissioner of public lands and the director of the department of fisheries shall jointly appoint a geoduck advisory committee to advise the commissioner of public lands, the department of natural resources, and the department of fisheries, and to make recommendations regarding management of the geoduck program. The composition of the committee shall be balanced to ensure that all affected and interested parties are represented. All meetings of the committee shall be open to the public. The committee shall meet no less than four times per year. Committee members shall receive subsistence and travel expenses reimbursement under RCW 43.03.050 and 43.03.060.

NEW SECTION. Sec. 2. (1) The geoduck advisory committee shall review all aspects of the geoduck program, including but not limited to: (a) The accuracy of geoduck surveys; (b) all rules adopted by the departments relating to the geoduck program; (c) the marking of geoduck tracts; (d) lease, agreement, and bid procedures; (e) enforcement budget, enforcement personnel, and enforcement procedures; (f) market practices; (g) gear requirements; (h) funding for laboratory facilities and for research; (i) postharvest assessments of the effects of geoduck harvesting on the resource and on the environment; (j) multiyear harvest plans; (k) methods to diversify and expand the industry; (l) review of income from the resource, the department of natural resources and the department of fisheries expenditures; and (m) methods to separate tract leases to provide better enforcement and a safer working environment.

(2) The geoduck advisory committee shall develop tract enforcement standards and tract safety standards and submit such standards to the legislature for review not later than January 1, 1990.

(3) The committee shall submit an annual report to the legislature not later than January 1 of each year."

Reumber the remaining sections consecutively and correct internal references accordingly.

On page 1, after line 4, insert the following:

NEW SECTION. Sec. 1. A new section is added to chapter 79.96 RCW to read as follows:

The department of natural resources is hereby directed to establish not less than two recreational geoduck harvesting areas of which:

(1) One area shall be withdrawn from the department's commercial harvesting tracts by authority of the commissioner of public lands at a location of the department's choosing; and

(2) One area shall be withdrawn from the department's commercial harvesting tracts by authority of the commissioner of public lands in the aquatic lands adjacent to the east side of Cooper Point, on Budd Inlet."

Reumber the remaining sections consecutively and correct internal references accordingly.

On page 1, line 3 of the title, after "79.96.080;" insert "adding a new section to chapter 79.96 RCW;"

and the same is herewith transmitted.

W. D. Naismith, Assistant Secretary.

MOTION

Ms. K. Wilson moved that the House refuse to concur in the Senate amendments to Substitute House Bill No. 1624 and ask the Senate to recede therefrom.

Ms. K. Wilson spoke in favor of the motion, and it was carried.

SENATE AMENDMENT TO HOUSE BILL

April 13, 1989

Mr. Speaker:

The Senate has passed HOUSE BILL NO. 1631 with the following amendment:

On page 3, line 1, after "structures" insert "in cities imposing a special excise tax pursuant to RCW 67.40.100(2). Assessments for purposes of convention center facilities or structures may be levied only to the extent necessary to cover a funding shortfall that occurs when funds received from special excise taxes imposed pursuant to RCW 67.28.180 and RCW 67.40.100(2) are insufficient to fund the annual debt service for such facilities or structures, and may not be levied on property exclusively maintained as single-family or multi-family permanent residences whether they are rented, leased, or owner occupied"

and the same is herewith transmitted.

W. D. Naismith, Assistant Secretary.

MOTION

Ms. Haugen moved that the House do concur in the Senate amendment to House Bill No. 1631.

Ms. Haugen spoke in favor of the motion, and it was carried.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

The Speaker (Mr. O'Brien presiding) stated the question before the House to be the final passage of House Bill No. 1631 as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1631 as amended by the Senate, and the bill passed the House by the following vote: Yeas, 97; excused, 1.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Baugher, Beck, Belcher, Betrozoff, Bowman, Braddock, Brekke, Bristow, Brooks, Brough, Brumsickle, Cantwell, Chandler, Cole, Cooper, Crane, Dary, Dellwo, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Fraser, Fuhrman, Grant, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Inslée, Jacobsen, Jesernig, Jones, King P, King R, Kremen, Leonard, Locke, May, McLean, Meyers R, Miller, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Padden, Patrick, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith, Sommers D, Sommers H, Spanel, Sprengle, Tate, Todd, Valle, Van Luven, Vekich, Walk, Walker, Wang, Wilson S, Wineberry, Winsley, Wolfe, Wood, Youngsman, Zellinsky, and Mr. Speaker - 97.

Excused: Representative Gallagher - 1.

House Bill No. 1631 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SENATE AMENDMENTS TO HOUSE BILL

April 6, 1989

Mr. Speaker:

The Senate has passed ENGROSSED HOUSE BILL NO. 1334 with the following amendments:

Strike everything after the enacting clause and insert the following:

NEW SECTION, Sec. 1. A new section is added to Title 28A RCW to read as follows:

(1) Senior citizens have a wealth of experience and knowledge which can be of value to the children of our state. To encourage the exchange of knowledge and experience between senior citizens and our children, the six-plus-sixty volunteer program is created. The purpose of the program is to encourage senior citizens to volunteer in our public schools.

(2) The superintendent of public instruction may grant funds to selected school districts for planning and implementation of a volunteer program utilizing senior citizens. The funds may be used to provide information on volunteer opportunities to the community, to schools, and to senior citizens and may also be used to provide training to the senior citizens who participate in the program. Funds may also be used to compensate volunteers for their transportation costs by paying mileage, providing transportation on school buses, and providing a school lunch.

(3) The superintendent shall appoint an advisory committee composed of certificated and noncertificated staff, administrators, senior citizens, and the state center for voluntary action under chapter 43.150 RCW. The committee shall propose criteria to the superintendent to evaluate grant proposals for the six-plus-sixty volunteer program.

NEW SECTION, Sec. 2. (1) The superintendent of public instruction shall develop a model intergenerational child care program. The superintendent of public instruction shall design the program to:

(a) Provide child care to children five years of age and under, whose mothers are under the age of eighteen, and other children five years of age and under as space is available;

(b) Involve senior citizens in the community in the provision of care and also involve in the provision of care other persons in the community including students at public and private colleges and universities and students at vocational-technical institutes;

(c) Seek funding from multiple sources, including but not limited to, business and industry, private foundations, local governments, the federal government, and other state agencies;

(d) Select at least one site for the program, in an area that has a rate of teenage pregnancy higher than the state-wide average and also has a large senior citizen population;

(e) Develop innovative service delivery models including combining programs which may include existing programs such as: Project even start under chapter 28A.130 RCW; the early childhood education and assistance program under chapter 28A.34A RCW; a before-and-after school care program authorized under chapter 28A.34 RCW; a child care program at a college or university; and an existing child care program funded with any combination of private or public moneys; and

(f) Select facilities, if possible, that have access to or are part of other community services such as senior centers, community centers, park facilities, schools, colleges or universities, vocational-technical institutes, private business or industry, or health care institutions.

(2) In developing and implementing the program, the department shall work with state, federal, and local agencies."

On page 1, line 1 of the title, after "schools," strike the remainder of the title and insert "adding a new section to Title 28A RCW; and creating a new section."

and the same is herewith transmitted.

W. D. Naismith, Assistant Secretary.

MOTION

Mr. G. Fisher moved that the House refuse to concur in the Senate amendments to Engrossed House Bill No. 1334 and ask the Senate to recede therefrom. The motion was carried.

SENATE AMENDMENTS TO HOUSE BILL

April 11, 1989

Mr. Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 1759 with the following amendments:

Strike everything after the enacting clause and insert the following:

***NEW SECTION.** Sec. 1. A new section is added to chapter 28A.04 RCW to read as follows:

(1) The state board of education and the state board for community college education, in consultation with the superintendent of public instruction, the higher education coordinating board, the state apprenticeship training council, and community colleges, shall work cooperatively to develop by September 1, 1992, a ninety unit educational paraprofessional associate of arts degree.

(2) As used in this section, an 'educational paraprofessional' is an individual who has completed an associate of arts degree for an educational paraprofessional. The educational paraprofessional may be hired by a school district to assist certificated instructional staff in the direct instruction of children in small and large groups, individualized instruction, testing of children, recordkeeping, and preparation of materials. The educational paraprofessional shall work under the direction of instructional certificated staff.

(3) The training program for an educational paraprofessional associate of arts degree shall include, but is not limited to, the general requirements for receipt of an associate of arts degree and training in the areas of introduction to childhood education, orientation to handicapped children, fundamentals of childhood education, creative activities for children, instructional materials for children, fine art experiences for children, the psychology of learning, introduction to education, child health and safety, child development and guidance, first aid, and a practicum in a school setting.

(4) In developing the program, consideration shall be given to transferability of credit earned in this program to teacher preparation programs at colleges and universities.

(5) The agencies identified under subsection (1) of this section shall adopt rules as necessary under chapter 34.05 RCW to implement this section."

On page 1, line 1 of the title, after "staff," strike the remainder of the title and insert "and adding a new section to chapter 28A.04 RCW."

and the same is herewith transmitted.

W. D. Naismith, Assistant Secretary.

MOTION

Mr. Peery moved that the House do concur in the Senate amendments to Substitute House Bill No. 1759.

Mr. Peery spoke in favor of the motion, and it was carried.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

The Speaker (Mr. O'Brien presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1759 as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1759 as amended by the Senate, and the bill passed the House by the following vote: Yeas, 97; excused, 1.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Baugher, Beck, Belcher, Betzozoff, Bowman, Braddock, Brekke, Bristow, Brooks, Brough, Brumsickle, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Fraser, Fuhrman, Grant, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Inslee, Jacobsen, Jesernig, Jones, King P, King R, Kremen, Leonard, Locke, May, McLean, Meyers R, Miller, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Padden, Patrick, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith, Sommers D, Sommers H, Spanel, Sprengle, Tate, Todd, Valle, Van Luven, Vekich, Waik, Walker, Wang, Wilson K, Wilson S, Wineberry, Winsley, Wolte, Wood, Youngsman, Zellinsky, and Mr. Speaker - 97.

Excused: Representative Gallagher - 1.

Substitute House Bill No. 1759 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SENATE AMENDMENTS TO HOUSE BILL

April 13, 1989

Mr. Speaker:

The Senate has passed ENGROSSED HOUSE BILL NO. 1768 with the following amendments:

On page 1, line 19, after "unit," insert "The state building code council shall within one year of the effective date of this act, adopt rules, under chapter 34.05 RCW, for the purpose of recommending changes in the fee and surcharges provided in this subsection."

On page 1, beginning on line 23, strike the remainder of the bill

On page 1, line 2 of the title, after "19.27.085" strike "; and making an appropriation" and the same is herewith transmitted.

W. D. Naismith, Assistant Secretary.

MOTIONS

Ms. Nutley moved that the House do concur in the Senate amendments on page 1, beginning on line 23, and page 1, line 2 of the title, to Engrossed House Bill No. 1768. The motion was carried.

Ms. Nutley moved that the House refuse to concur in the Senate amendment on page 1, line 19, to Engrossed House Bill No. 1768, and ask the Senate to recede therefrom.

Ms. Nutley spoke in favor of the motion, and it was carried.

SENATE AMENDMENT TO HOUSE BILL

April 13, 1989

Mr. Speaker:

The Senate has passed ENGROSSED HOUSE BILL NO. 1841 with the following amendment:

On page 2, line 2, after "parents" strike "and others" and the same is herewith transmitted.

W. D. Naismith, Assistant Secretary.

MOTION

Mr. Peery moved that the House do concur in the Senate amendment to Engrossed House Bill No. 1841.

Mr. Peery spoke in favor of the motion, and it was carried.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

The Speaker (Mr. O'Brien presiding) stated the question before the House to be the final passage of Engrossed House Bill No. 1841 as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 1841 as amended by the Senate, and the bill passed the House by the following vote: Yeas, 96; nays, 1; excused, 1.

Voting yea: Representatives Appelwick, Ballard, Basich, Baugher, Beck, Belcher, Betzoff, Bowman, Braddock, Brekke, Bristol, Brooks, Brough, Brumsickle, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Fraser, Fuhrman, Grant, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Inslee, Jacobsen, Jesernig, Jones, King P, King R, Kremen, Leonard, Locke, May, McLean, Meyers R, Miller, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Padden, Patrick, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith, Sommers D, Sommers H, Spanel, Sprenkle, Tate, Todd, Valle, Van Luven, Vekich, Walk, Walker, Wang, Wilson K, Wilson S, Wineberry, Winsley, Wolfe, Wood, Youngsman, Zellinsky, and Mr. Speaker - 96.

Voting nay: Representative Anderson - 1.

Excused: Representative Gallagher - 1.

Engrossed House Bill No. 1841 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SENATE AMENDMENTS TO HOUSE BILL

April 12, 1989

Mr. Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 1475 with the following amendments:

Strike everything after the enacting clause and insert the following:

NEW SECTION, Sec. 1. A new section is added to chapter 4.56 RCW to read as follows:

In an action seeking damages for property damage to a motor vehicle, the measure of damages is the reasonable cost of repair or the difference between the value of the vehicle immediately before the damage occurred and the value after the damage occurred, plus a reasonable amount of damages for loss of use of the vehicle or the amount reasonably expended on a temporary replacement vehicle for all time periods during which the vehicle is not available as a result of such damage. When the cost to repair or replace the damaged motor vehicle exceeds the value of the vehicle immediately before the damage occurred, damages for the loss of use of the vehicle are limited to that time period from the date of loss until the defendant has offered full payment of property damage."

On page 1, line 1 of the title, after "vehicle," strike the remainder of the title and insert "and adding a new section to chapter 4.56 RCW."

and the same is herewith transmitted.

W. D. Naismith, Assistant Secretary.

MOTION

Mr. Appelwick moved that the House refuse to concur in the Senate amendments to Substitute House Bill No. 1475 and ask the Senate for a conference thereon.

Mr. Appelwick spoke in favor of the motion, and it was carried.

APPOINTMENT OF CONFEREES

The Speaker (Mr. O'Brien presiding) appointed Representatives R. Meyers, Insee and Padden as conferees on Substitute House Bill No. 1475.

There being no objection, the House advanced to the eighth order of business.

RESOLUTION

HOUSE FLOOR RESOLUTION NO. 89-4678, by Representatives Nutley, Cooper, Raiter, H. Myers, Leonard, Holland, Morris, Peery, J. King, Cantwell, Chandler, Belcher, G. Fisher, R. Fisher, Prince and Betzoff

WHEREAS, No street or avenue in the District of Columbia is named for the State of Washington; and

WHEREAS, Each of the forty-nine other states have streets or avenues named after them in our nation's capital; and

WHEREAS, Washington is celebrating its centennial year and this would be an excellent time for the District of Columbia to honor the state with this distinction; and

WHEREAS, Residents appreciate the efforts of the District of Columbia's Public Works Department to find an appropriate street to be named after Washington, the proud and beautiful Evergreen state; and

WHEREAS, This would allow our nation's capital to have a complete listing of streets or avenues named after the fifty states; and

WHEREAS, This is not a partisan or political issue, but a matter of state pride and a desire to enjoy the same status as the other forty-nine states;

NOW, THEREFORE, BE IT RESOLVED, That the House of Representatives of the State of Washington supports the naming of a street or avenue after Washington, the state.

Ms. Nutley moved adoption of the resolution and spoke in favor of it.

House Floor Resolution No. 89-4678 was adopted.

SENATE AMENDMENTS TO HOUSE BILL

April 3, 1989

Mr. Speaker:

The Senate has passed ENGROSSED HOUSE BILL NO. 1881 with the following amendments:

Strike everything after the enacting clause and insert the following:

*Sec. 1. Section 35, page 689, Laws of 1889-90 as last amended by section 3, chapter 168, Laws of 1984 and RCW 87.03.435 are each amended to read as follows:

(1) Any person to whom a contract may have been awarded for the construction of a canal or any of the works of the district, or any portion thereof, or for the furnishing of labor or material, shall enter into a bond with good and sufficient sureties, to be approved by the board of directors, payable to the district for its use, for at least twenty-five percent of the amount of the contract price, conditioned for the faithful performance of said contract, and with such further conditions as may be required by law in the case of contracts for public work, and as may be required by resolution of the board. All works shall be done under the direction and to the satisfaction of the engineer of the district, and be approved by the board. Except as provided in subsections (2) and (3) of this section and section 2 of this act, whenever in the construction of the district canal or canals, or other works, or the furnishing of materials therefor, the board of directors shall determine to let a contract or contracts for the doing of the work or the furnishing of the materials, a notice calling for sealed proposals shall be published. The notice shall be published in a newspaper in the county in which the office of the board is situated, and in any other newspaper which may be designated by the board, and for such length of time, not less than once each week for two weeks, as may be fixed by the board. At the time and place appointed in the notice for the opening of bids, the sealed proposals shall be opened in public, and as soon as convenient thereafter, the board shall let the work or the contract for the purchase of materials, either in portions or as a whole, to the lowest responsible bidder, or the board may reject any or all bids and readvertise, or may proceed to construct the work under its own superintendence~~(-PROVIDED, That)~~;

(2) The provisions of this section in regard to public bidding shall not apply in cases where the board is authorized to exchange bonds of the district in payment for labor and material~~(-PROVIDED FURTHER, That)~~;

(3) The provisions of this section ~~(shall)~~ do not apply;

(a) In the case of any contract between the district and the United States;

(b) In the case of an emergency when the public interest or property of the district would suffer material injury or damage by delay, upon resolution of the board of directors or proclamation of an official designated by the board to act for the board during such emergencies. The resolution or proclamation shall declare the existence of the emergency and recite the facts constituting the emergency; or

(c) To purchases which 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 established by direct negotiation.

NEW SECTION. Sec. 2. A new section is added to chapter 87.03 RCW to read as follows:

All contract projects, the estimated cost of which is less than sixty thousand dollars, may be awarded to a contractor on the small works roster. The small works roster shall be comprised of all responsible contractors who have requested to be on the list. The board of directors shall authorize by resolution a procedure for securing telephone or written quotations, or both, from the contractors on the small works roster to assure establishment of a competitive price and for awarding contracts to the lowest responsible bidder. Such procedure shall require that a good-faith effort be made to request quotations from all responsible contractors on the small works roster. Immediately after an award is made, the bid quotations obtained shall be recorded, open to public inspection, and available by telephone inquiry. The small works roster shall be revised once a year.

Sec. 3. Section 39, page 692, Laws of 1889-90 as last amended by section 4, chapter 168, Laws of 1984 and RCW 87.03.460 are each amended to read as follows:

~~((The directors shall each receive not to exceed forty dollars per day in attending meetings and while performing other services for the district, to be fixed by resolution and entered in the minutes of their proceedings, and))~~ In addition ~~((thereto))~~ to their reasonable expenses in accordance with chapter 42.24 RCW, the directors shall each receive an amount for attending meetings and while performing other services for the district. The amount shall be fixed by resolution and entered in the minutes of the proceedings of the board. The amount shall not exceed fifty dollars for each day or portion thereof spent by a director for such attendance or performance. The total amount of such additional compensation received by a director may not exceed four thousand eight hundred dollars in a calendar year. The board shall fix the compensation of the secretary and all other employees.

On page 1, line 1 of the title, after "districts;" strike the remainder of the title and insert "amending RCW 87.03.435 and 87.03.460; and adding a new section to chapter 87.03 RCW."

and the same is herewith transmitted.

W. D. Naismith, Assistant Secretary.

MOTION

Ms. Rayburn moved that the House do concur in the Senate amendments to Engrossed House Bill No. 1881.

POINT OF ORDER

Ms. Haugen: I would ask that the Speaker rule on the scope and object of the Senate amendments to Engrossed Senate Bill No. 1881.

ANNOUNCEMENT BY THE SPEAKER

The Speaker (Mr. O'Brien presiding) deferred further action on Engrossed House Bill No. 1881.

SENATE AMENDMENTS TO HOUSE BILL

April 13, 1989

Mr. Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 1983 with the following amendments:

Strike everything after the enacting clause and insert the following:

NEW SECTION. Sec. 1. The definitions in this section apply throughout this chapter:

(1) 'Contempt of court' means intentional:

(a) Disorderly, contemptuous, or insolent behavior toward the judge while holding the court, tending to impair its authority, or to interrupt the due course of a trial or other judicial proceedings;

(b) Disobedience of any lawful judgment, decree, order, or process of the court;

(c) Refusal as a witness to appear, be sworn, or, without lawful authority, to answer a question; or

(d) Refusal, without lawful authority, to produce a record, document, or other object.

(2) 'Punitive sanction' means a sanction imposed to punish a past contempt of court for the purpose of upholding the authority of the court.

(3) 'Remedial sanction' means a sanction imposed for the purpose of coercing performance when the contempt consists of the omission or refusal to perform an act that is yet in the person's power to perform.

NEW SECTION. Sec. 2. A judge or commissioner of the supreme court, the court of appeals, or the superior court, and a judge of a court of limited jurisdiction may impose a sanction for contempt of court under this chapter.

NEW SECTION. Sec. 3. (1) The court may initiate a proceeding to impose a remedial sanction on its own motion or on the motion of a person aggrieved by a contempt of court in the proceeding to which the contempt is related. Except as provided in section 5 of this act, the court, after notice and hearing, may impose a remedial sanction authorized by this chapter.

(2) If the court finds that the person has failed or refused to perform an act that is yet within the person's power to perform, the court may find the person in contempt of court and impose one or more of the following remedial sanctions:

(a) Imprisonment if the contempt of court is of a type defined in section 1(1)(b) through (d) of this act. The imprisonment may extend only so long as it serves a coercive purpose.

(b) A forfeiture not to exceed two thousand dollars for each day the contempt of court continues.

(c) An order designed to ensure compliance with a prior order of the court.

(d) Any other remedial sanction other than the sanctions specified in (a) through (c) of this subsection if the court expressly finds that those sanctions would be ineffectual to terminate a continuing contempt of court.

(3) The court may, in addition to the remedial sanctions set forth in subsection (2) of this section, order a person found in contempt of court to pay a party for any losses suffered by the party as a result of the contempt and any costs incurred in connection with the contempt proceeding, including reasonable attorney's fees.

NEW SECTION. Sec. 4. (1) Except as otherwise provided in section 5 of this act, a punitive sanction for contempt of court may be imposed only pursuant to this section.

(2)(a) An action to impose a punitive sanction for contempt of court shall be commenced by a complaint or information filed by the prosecuting attorney or city attorney charging a person with contempt of court and reciting the punitive sanction sought to be imposed.

(b) If there is probable cause to believe that a contempt has been committed, the prosecuting attorney or city attorney may file the information or complaint on his or her own initiative or at the request of a person aggrieved by the contempt.

(c) A request that the prosecuting attorney or the city attorney commence an action under this section may be made by a judge presiding in an action or proceeding to which a contempt relates. If required for the administration of justice, the judge making the request may appoint a special counsel to prosecute an action to impose a punitive sanction for contempt of court.

A judge making a request pursuant to this subsection shall be disqualified from presiding at the trial.

(d) If the alleged contempt involves disrespect to or criticism of a judge, that judge is disqualified from presiding at the trial of the contempt unless the person charged consents to the judge presiding at the trial.

(2) The court may hold a hearing on a motion for a remedial sanction jointly with a trial on an information or complaint seeking a punitive sanction.

(3) A punitive sanction may be imposed for past conduct that was a contempt of court even though similar present conduct is a continuing contempt of court.

(4) If the defendant is found guilty of contempt of court under this section, the court may impose for each separate contempt of court a fine of not more than five thousand dollars or imprisonment in the county jail for not more than one year, or both.

NEW SECTION. Sec. 5. (1) The judge presiding in an action or proceeding may summarily impose either a remedial or punitive sanction authorized by this chapter upon a person who commits a contempt of court within the courtroom if the judge certifies that he or she saw or heard the contempt. The judge shall impose the sanctions immediately after the contempt of court or at the end of the proceeding and only for the purpose of preserving order in the court and protecting the authority and dignity of the court. The person committing the contempt of court shall be given an opportunity to speak in mitigation of the contempt unless compelling circumstances demand otherwise. The order of contempt shall recite the facts, state the sanctions imposed, and be signed by the judge and entered on the record.

(2) A court, after a finding of contempt of court in a proceeding under subsection (1) of this section may impose for each separate contempt of court a punitive sanction of a fine of not more than five hundred dollars or imprisonment in the county jail for not more than thirty days, or both, or a remedial sanction set forth in section 3(3) of this act. A forfeiture imposed as a remedial sanction under this subsection may not exceed more than five hundred dollars for each day the contempt continues.

NEW SECTION. Sec. 6. A state administrative agency conducting an action or proceeding or a party to the action or proceeding may petition the superior court in the county in which the action or proceeding is being conducted for a remedial sanction specified in section 3 of this act for conduct specified in section 1 of this act in the action or proceeding.

NEW SECTION. Sec. 7. A party in a proceeding or action under this chapter may seek appellate review under applicable court rules. Appellate review does not stay the proceedings in any other action, suit, or proceeding, or any judgment, decree, or order in the action, suit, or proceeding to which the contempt relates.

Sec. 8. Section 301, page 188, Laws of 1854 as last amended by section 399, Code of 1881 and RCW 5.56.061 are each amended to read as follows:

~~((Such)) A failure to attend as required by the subpoena, shall also be considered a contempt, and upon due proof, the witness may be punished by a fine not exceeding fifty dollars, and stand committed until said fine and costs are paid or until discharged by due course of law)) of court as provided in chapter 7.-- RCW (sections 1 through 7 of this act).~~

Sec. 9. Section 14, chapter 141, Laws of 1988 and RCW 7.43.110 are each amended to read as follows:

An intentional violation of a restraining order, preliminary injunction, or order of abatement under this chapter is ~~((punishable as))~~ a contempt of court ~~((by a fine of not more than ten thousand dollars which may not be waived, or by imprisonment for not more than one year, or by both))~~ as provided in chapter 7.-- RCW (sections 1 through 7 of this act).

Sec. 10. Section 15, chapter 141, Laws of 1988 and RCW 7.43.120 are each amended to read as follows:

Whenever the owner of a building or unit within a building upon which the act or acts constituting the contempt have been committed, or the owner of any interest in the building or unit has been ~~((guilty of a))~~ found in contempt of court, and fined in any proceedings under this chapter, the fine is a lien upon the building or unit within a building to the extent of the owner's interest. The lien is enforceable and collectible by execution issued by order of the court.

Sec. 11. Section 4, chapter 127, Laws of 1913 as amended by section 16, chapter 1, Laws of 1979 and RCW 7.48.080 are each amended to read as follows:

~~((In case of the)) A violation of any injunction granted under ~~((the provisions of))~~ RCW 7.48.050 through 7.48.100 ~~((as now or hereafter amended, the court or judge may summarily try and punish the offender. The proceedings shall be commenced by filing with the clerk of the court an information under oath, setting out the alleged facts constituting such violation, upon which the court or judge shall cause an attachment to issue, under which the defendant shall be arrested. The trial may be had upon affidavits, or either party may demand the production and oral examination of the witnesses. A party found guilty of contempt under the provisions of~~~~

~~this section shall be punished by a fine of not less than two hundred nor more than one thousand dollars, or by imprisonment in the county jail not less than three nor more than six months; or by both fine and imprisonment)) is a contempt of court as provided in chapter 7.-- RCW (sections 1 through 7 of this act).~~

Sec. 12. Section 24, chapter 456, Laws of 1987 and RCW 7.80.160 are each amended to read as follows:

(1) A person who fails to sign a notice of civil infraction is guilty of a misdemeanor.

(2) Any person willfully violating his or her written and signed promise to appear in court or his or her written and signed promise to respond to a notice of civil infraction is guilty of a misdemeanor regardless of the disposition of the notice of civil infraction ~~((PROVIDED: That))~~. A written promise to appear in court or a written promise to respond to a notice of civil infraction may be complied with by an appearance by counsel.

(3) A person who willfully fails to pay a monetary penalty or to perform community service as required by a court under this chapter may be found in ~~((civil))~~ contempt of court ~~((after notice and hearing))~~ as provided in chapter 7.-- RCW (sections 1 through 7 of this act).

Sec. 13. Section 3, chapter 96, Laws of 1975-'76 2nd ex. sess. and RCW 10.01.180 are each amended to read as follows:

(1) ~~((When))~~ A defendant sentenced to pay a fine or costs who defaults in the payment thereof or of any installment ~~((the court on motion of the prosecuting attorney or upon its own motion may require him to show cause why his default should not be treated as))~~ is in contempt of court ~~((and))~~ as provided in chapter 7.-- RCW (sections 1 through 7 of this act). The court may issue a ~~((show cause citation or a))~~ warrant of arrest for his appearance.

(2) ~~((Unless the defendant shows that his default was not attributable to an intentional refusal to obey the order of the court or to a failure on his part to make a good faith effort to make the payment, the court may find that his default constitutes contempt and may order him committed until the fine or costs, or a specified part thereof, is paid.~~

(3)) When a fine or assessment of costs is imposed on a corporation or unincorporated association, it is the duty of the person authorized to make disbursement from the assets of the corporation or association to pay the fine or costs from those assets, and his failure to do so may be held to be contempt ~~((unless he makes the showing required in subsection (2) of this section)).~~

~~((4))~~ (3) If a term of imprisonment for contempt for nonpayment of a fine or costs is ordered, the term of imprisonment shall be set forth in the commitment order, and shall not exceed one day for each twenty-five dollars of the fine or costs, thirty days if the fine or assessment of costs was imposed upon conviction of a violation or misdemeanor, or one year in any other case, whichever is the shorter period. A person committed for nonpayment of a fine or costs shall be given credit toward payment for each day of imprisonment at the rate specified in the commitment order.

~~((5))~~ (4) If it appears to the satisfaction of the court that the default in the payment of a fine or costs is not contempt, the court may enter an order allowing the defendant additional time for payment, reducing the amount thereof or of each installment or revoking the fine or costs or the unpaid portion thereof in whole or in part.

~~((6))~~ (5) A default in the payment of a fine or costs or any installment thereof may be collected by any means authorized by law for the enforcement of a judgment. The levy of execution for the collection of a fine or costs shall not discharge a defendant committed to imprisonment for contempt until the amount of the fine or costs has actually been collected.

Sec. 14. Section 12, chapter 280, Laws of 1987 and RCW 10.14.120 are each amended to read as follows:

Any willful disobedience by the respondent of any temporary antiharassment protection order or civil antiharassment protection order issued under this chapter ~~((shall))~~ subjects the respondent to criminal penalties under this chapter. Any respondent who willfully disobeys the terms of any order issued under this chapter may also, in the court's discretion, be found in contempt of court and subject to penalties under chapter ~~((7-20))~~ 7.-- RCW (sections 1 through 7 of this act).

Sec. 15. Section 11.64.022, chapter 145, Laws of 1965 as amended by section 16, chapter 234, Laws of 1977 ex. sess. and RCW 11.64.022 are each amended to read as follows:

If the surviving partner or partners fail or refuse to furnish an inventory or list of liabilities, to permit an appraisal, or to account to the personal representative, or to furnish a bond when required pursuant to RCW 11.64.016, ~~((said))~~ the court shall order a citation to issue requiring the surviving partner or partners to appear and show cause why they have not furnished an inventory list of liabilities, or permitted an appraisal or why they should not account to the personal representative or file a bond. The citation shall be served not less than ten days before the return day designated therein, or such shorter period as the court upon a showing of good cause deems appropriate. If the surviving partner or partners neglect or refuse to file an inventory or list of liabilities, or to permit an appraisal, or fail to account to the court or to file a bond, after they have been directed to do so, they may be punished for a contempt ~~((or the court may commit them to jail until they comply with the order of the))~~ of court as provided in chapter 7.-- RCW (sections 1 through 7 of this act). Where the surviving partner or partners fail

to file a bond after being ordered to do so by the court, the court may also appoint a receiver of the partnership estate with like powers and duties of receivers in equity, and order the costs and expenses of the proceedings to be paid out of the partnership estate or out of the estate of the decedent, or by the surviving partner or partners personally, or partly by each of the parties.

Sec. 16. Section 14, chapter 298, Laws of 1981 and RCW 13.32A.250 are each amended to read as follows:

(1) Failure by a party to comply with an order entered under this chapter is ~~((punishable as))~~ a contempt of court as provided in chapter 7.-- RCW (sections 1 through 7 of this act), subject to the limitations of subsection (2) of this section.

(2) ~~((Contempt under this section is punishable by))~~ The court may impose a fine of up to one hundred dollars and imprisonment for up to seven days, or both for contempt of court under this section.

(3) A child ~~((found in))~~ imprisoned for contempt under this section shall be imprisoned only in a secure juvenile detention facility operated by or pursuant to a contract with a county.

(4) ~~((The procedure in a contempt proceeding held under this section is governed by RCW 7-20.040 through 7-20.080, as now law or hereafter amended:))~~

(5) A motion for contempt may be made by a parent, a child, juvenile court personnel, or by any public agency, organization, or person having custody of the child under a court order adopted pursuant to this chapter.

Sec. 17. Section 1, chapter 257, Laws of 1985 and RCW 13.34.165 are each amended to read as follows:

(1) Failure by a party to comply with an order entered under this chapter is ~~((punishable as))~~ contempt of court as provided in chapter 7.-- RCW (sections 1 through 7 of this act).

(2) The maximum term of imprisonment that may be imposed as a punitive sanction for contempt of court under this section is ((punishable by)) confinement for up to seven days.

(3) A child ~~((found in))~~ imprisoned for contempt under this section shall be confined only in a secure juvenile detention facility operated by or pursuant to a contract with a county.

(4) ~~((The procedure in a contempt proceeding under this section is governed by RCW 7-20.040 through 7-20.080:))~~

(5) A motion for contempt may be made by a parent, juvenile court personnel, or by any public agency, organization, or person having custody of the child under a court order entered pursuant to this chapter.

Sec. 18. Section 19, chapter 202, Laws of 1955 and RCW 18.72.190 are each amended to read as follows:

Subpoenas issued by the board to compel the attendance of witnesses at any investigation or hearing shall be served in accordance with the provisions of chapter 5.56 RCW, governing the service of subpoenas in court actions. The board shall issue subpoenas at the request and on the behalf of the accused. In case any person contumaciously refuses to obey a subpoena issued by the board or to answer any proper question put to him during the hearing or proceeding, the superior court of any county in which the proceeding is carried on or in which the person guilty of refusal to obey the subpoena or to answer the question resides or is found shall have jurisdiction, upon application by the board, to issue to such person an order requiring him to appear before the board or its hearing committee, there to produce evidence if so ordered, or there to give testimony concerning the matter under investigation or question. Any failure to obey such order of the court ~~((may be punished by the court as a civil))~~ is a contempt ((may be punished)) of court under chapter 7.-- RCW (sections 1 through 7 of this act).

Sec. 19. Section 7, chapter 279, Laws of 1984 as amended by section 4, chapter 259, Laws of 1986 and RCW 18.130.070 are each amended to read as follows:

(1) The disciplining authority may adopt rules requiring any person, including, but not limited to, licensees, corporations, organizations, health care facilities, and state or local governmental agencies, to report to the disciplining authority any conviction, determination, or finding that a license holder has committed an act which constitutes unprofessional conduct, or to report information which indicates that the license holder may not be able to practice his or her profession with reasonable skill and safety to consumers as a result of a mental or physical condition. To facilitate meeting the intent of this section, the cooperation of agencies of the federal government is requested by reporting any conviction, determination, or finding that a federal employee or contractor regulated by the disciplinary authorities enumerated in this chapter has committed an act which constituted unprofessional conduct and reporting any information which indicates that a federal employee or contractor regulated by the disciplinary authorities enumerated in this chapter may not be able to practice his or her profession with reasonable skill and safety as a result of a mental or physical condition.

(2) If a person fails to furnish a required report, the disciplining authority may petition the superior court of the county in which the person resides or is found, and the court shall issue to the person an order to furnish the required report. A failure to obey the order ~~((shall be punished by the court as civil))~~ is a contempt of court as provided in chapter 7.-- RCW (sections 1 through 7 of this act).

(3) A person is immune from civil liability, whether direct or derivative, for providing information to the disciplining authority pursuant to the rules adopted under subsection (1) of this section.

(4) The holder of a license subject to the jurisdiction of this chapter shall report to the disciplining authority any conviction, determination, or finding that the licensee has committed unprofessional conduct or is unable to practice with reasonable skill or safety. Failure to report within thirty days of notice of the conviction, determination, or finding constitutes grounds for disciplinary action.

Sec. 20. Section 19, chapter 279, Laws of 1984 as last amended by section 7, chapter 150, Laws of 1987 and RCW 18.130.190 are each amended to read as follows:

(1) The director shall investigate complaints concerning practice by unlicensed persons of a profession or business for which a license is required by the chapters specified in RCW 18.130.040. In the investigation of the complaints, the director shall have the same authority as provided the director under RCW 18.130.050. The director shall issue a cease and desist order to a person after notice and hearing and upon a determination that the person has violated this subsection. If the director makes a written finding of fact that the public interest will be irreparably harmed by delay in issuing an order, the director may issue a temporary cease and desist order. The cease and desist order shall not relieve the person so practicing or operating a business without a license from criminal prosecution therefor, but the remedy of a cease and desist order shall be in addition to any criminal liability. The cease and desist order is conclusive proof of unlicensed practice and may be enforced (~~by civil contempt~~) under section 6 of this act.

(2) The attorney general, a county prosecuting attorney, the director, a board, or any person may in accordance with the laws of this state governing injunctions, maintain an action in the name of this state to enjoin any person practicing a profession or business for which a license is required by the chapters specified in RCW 18.130.040 without a license from engaging in such practice or operating such business until the required license is secured. However, the injunction shall not relieve the person so practicing or operating a business without a license from criminal prosecution therefor, but the remedy by injunction shall be in addition to any criminal liability.

(3) Unlicensed practice of a profession or operating a business for which a license is required by the chapters specified in RCW 18.130.040, unless otherwise exempted by law, constitutes a gross misdemeanor. All fees, fines, forfeitures, and penalties collected or assessed by a court because of a violation of this section shall be remitted to the health professions account.

Sec. 21. Section 16, chapter 157, Laws of 1973 1st ex. sess. as amended by section 12, chapter 460, Laws of 1987 and RCW 26.09.160 are each amended to read as follows:

The performance of parental functions and the duty to provide child support are distinct responsibilities in the care of a child. If a party fails to comply with a provision of a decree or temporary order of injunction, the obligation of the other party to make payments for support or maintenance or to permit contact with children is not suspended. An attempt by a parent, in either the negotiation or the performance of a parenting plan, to condition one aspect of the parenting plan upon another may be deemed to be in bad faith. If the court finds that a parent acted in bad faith in an attempt to condition parental functions, in a refusal to perform the duties provided in the parenting plan, or in the hindrance of performance by the other parent, the court has broad discretion to punish the conduct by a punitive award or other remedies, including (~~civil or criminal~~) contempt of court, and may consider the conduct in awarding attorneys' fees.

Sec. 22. Section 5, chapter 260, Laws of 1984 and RCW 26.18.050 are each amended to read as follows:

(1) If an obligor fails to comply with a support order, a petition or motion may be filed without notice under RCW 26.18.040 to initiate a contempt action (~~if an obligor fails to comply with a support order~~) as provided in chapter 7.-- RCW (sections 1 through 7 of this act). If the court finds there is reasonable cause to believe the obligor has failed to comply with a support order, the court may issue an order to show cause requiring the obligor to appear at a certain time and place for a hearing, at which time the obligor may appear to show cause why the relief requested should not be granted. A copy of the petition or motion shall be served on the obligor along with the order to show cause.

(2) Service of the order to show cause shall be by personal service, or in the manner provided in the civil rules of superior court or applicable statute.

(3) If the order to show cause served upon the obligor included a warning that an arrest warrant could be issued for failure to appear, the court may issue a bench warrant for the arrest of the obligor if the obligor fails to appear on the return date provided in the order.

(4) (~~if the court finds, after hearing, that the obligor failed to comply with the support order previously entered and that the obligor has not established that he or she was unable to comply with the order, the court shall find the obligor in contempt of court. Contempt under this section is punishable by imprisonment in the county jail for a term of up to one hundred eighty days. The court may suspend all or a part of the sentence upon terms that are reasonably likely to result in compliance with the support order.~~)

(5)) If the obligor contends at the hearing that he or she lacked the means to comply with the support order, the obligor shall establish that he or she exercised due diligence in seeking employment, in conserving assets, or otherwise in rendering himself or herself able to comply with the court's order.

Sec. 23. Section 2, chapter 35, Laws of 1985 and RCW 26.44.067 are each amended to read as follows:

(1) Any person having had actual notice of the existence of a restraining order issued by a court of competent jurisdiction pursuant to RCW 26.44.063 who refuses to comply with the provisions of such order when requested by any peace officer of the state shall be guilty of a misdemeanor.

(2) The notice requirements of subsection (1) of this section may be satisfied by the peace officer giving oral or written evidence to the person subject to the order by reading from or handing to that person a copy certified by a notary public or the clerk of the court to be an accurate copy of the original court order which is on file. The copy may be supplied by the court or any party.

(3) The remedies provided in this section shall not apply unless restraining orders subject to this section shall bear this legend: VIOLATION OF THIS ORDER WITH ACTUAL NOTICE OF ITS TERMS IS A CRIMINAL OFFENSE UNDER CHAPTER 26.44 RCW AND IS ALSO SUBJECT TO ~~((FINE))~~ CONTEMPT PROCEEDINGS.

(4) It is a defense to prosecution under subsection (1) of this section that the court order was issued contrary to law or court rule (~~(-PROVIDED, That)~~). No right of action shall accrue against any peace officer acting upon a properly certified copy of a court order lawful on its face if such officer employs otherwise lawful means to effect the arrest.

Sec. 24. Section 8, chapter 131, Laws of 1973 and RCW 41.56.490 are each amended to read as follows:

The right of uniformed employees to engage in any strike, work slowdown, or stoppage is not granted. ~~((Where)) An organization((;)) recognized as the bargaining representative of uniformed employees subject to this chapter(~~(-as amended by this 1973 amendatory act.)) that willfully disobeys a lawful order of enforcement by a superior court pursuant to RCW 41.56.480 and 41.56.490, or willfully offers resistance to such order, whether by strike or otherwise, ((the punishment for each day that such contempt persists, may be a fine fixed in the discretion of the court in an amount not to exceed two hundred fifty dollars per day. Where)) is in contempt of court as provided in chapter 7.-- RCW (sections 1 through 7 of this act). An employer that willfully disobeys a lawful order of enforcement by a superior court pursuant to RCW 41.56.480 or willfully offers resistance to such order(~~(-the punishment for each day that such contempt persists may be a fine, fixed at the discretion of the court in an amount not to exceed two hundred fifty dollars per day to be assessed against the employer)) is in contempt of court as provided in chapter 7.-- RCW (sections 1 through 7 of this act).~~~~~~

Sec. 25. Section 5, chapter 15, Laws of 1983 and RCW 47.64.140 are each amended to read as follows:

(1) It is unlawful for any ferry system employee or any employee organization, directly or indirectly, to induce, instigate, encourage, authorize, ratify, or participate in a strike or work stoppage against the ferry system.

(2) It is unlawful for ferry system management to authorize, consent to, or condone a strike or work stoppage; or to conduct a lockout; or to pay or agree to pay any ferry system employee for any day in which the employee participates in a strike or work stoppage; or to pay or agree to pay any increase in compensation or benefits to any ferry system employee in response to or as a result of any strike or work stoppage or any act that violates subsection (1) of this section. It is unlawful for any official, director, or representative of the ferry system to authorize, ratify, or participate in any violation of this subsection. Nothing in this subsection prevents new or renewed bargaining and agreement within the scope of negotiations as defined by this chapter, at any time. No collective bargaining agreement provision regarding suspension or modification of any court-ordered penalty provided in this section is binding on the courts.

(3) In the event of any violation or imminently threatened violation of subsection (1) or (2) of this section, any citizen domiciled within the jurisdictional boundaries of the state may petition the superior court for Thurston county for an injunction restraining the violation or imminently threatened violation. Rules of civil procedure regarding injunctions apply to the action. However, the court shall grant a temporary injunction if it appears to the court that a violation has occurred or is imminently threatened; the plaintiff need not show that the violation or threatened violation would greatly or irreparably injure him or her; and no bond may be required of the plaintiff unless the court determines that a bond is necessary in the public interest. Failure to comply with any temporary or permanent injunction granted under this section ~~((constitutes)) is a (punishable), contempt of court as provided in chapter 7.-- RCW (sections 1 through 7 of this act). The ((punishment shall not exceed)) court may impose a penalty of up to ten thousand dollars for an employee organization or the ferry system, for each day during which the failure to comply continues(~~(-or imprisonment in a county jail for officials thereof not exceeding six months, or both such fine and imprisonment)).~~ The ~~((punishment)) sanctions~~~~

for a ferry employee found to be in contempt shall be as provided in chapter ~~((7-29))~~ 7.— RCW (sections 1 through 7 of this act). An individual or an employee organization which makes an active good faith effort to comply fully with the injunction shall not be deemed to be in contempt.

(4) The right of ferry system employees to engage in strike or work slowdown or stoppage is not granted and nothing in this chapter may be construed to grant such a right.

(5) Each of the remedies and penalties provided by this section is separate and several, and is in addition to any other legal or equitable remedy or penalty.

(6) In addition to the remedies and penalties provided by this section the successful litigant is entitled to recover reasonable attorney fees and costs incurred in the litigation.

(7) Notwithstanding the provisions of chapter 88.04 RCW and chapter 88.08 RCW, the department of transportation shall promulgate rules and regulations allowing vessels, as defined in RCW 88.04.300, as well as other watercraft, to engage in emergency passenger service on the waters of Puget Sound in the event ferry employees engage in a work slowdown or stoppage. Such emergency rules and regulations shall allow emergency passenger service on the waters of Puget Sound within seventy-two hours following a work slowdown or stoppage. Such rules and regulations that are promulgated shall give due consideration to the needs and the health, safety, and welfare of the people of the state of Washington.

Sec. 26. Section 186, chapter 255, Laws of 1927 as last amended by section 54, chapter 292, Laws of 1971 ex. sess. and RCW 79.01.704 are each amended to read as follows:

In all hearings pertaining to public lands of the state, as provided by this chapter, the board of natural resources, or the commissioner of public lands, as the case may be, shall, in its or his discretion have power to issue subpoenas and compel thereby the attendance of witnesses and the production of books and papers, at such time and place as may be fixed by the board, or the commissioner, to be stated in the subpoena and to conduct the examination thereof.

~~((Said))~~ The subpoena may be served by the sheriff of any county, or by any officer authorized by law to serve process, or by any person eighteen years of age or over, competent to be a witness, but who is not a party to the matter in which the subpoena is issued.

Each witness subpoenaed by the board, or commissioner, as a witness on behalf of the state, shall be allowed the same fees and mileage as provided by law to be paid witnesses in courts of record in this state, said fees and mileage to be paid by warrants on the general fund from the appropriation for the office of the commissioner of public lands.

Any person duly served with a subpoena ~~((as herein provided, and))~~ who ~~((shall))~~ fails to obey the same, without legal excuse, shall be considered in contempt ~~((and))~~. The board, or commissioner, shall certify the facts thereof to the superior court of the county in which such witness may reside ~~((and upon legal proof thereof, such witness shall suffer the same penalties as are now provided in like cases))~~ for contempt of court ~~((and))~~ proceedings as provided in chapter 7.— RCW (sections 1 through 7 of this act). The certificate of the board, or commissioner, shall be considered by the court as prima facie evidence of the ~~((guilt of the party charged with))~~ contempt.

Sec. 27. Section 82.32.110, chapter 15, Laws of 1961 as amended by section 79, chapter 278, Laws of 1975 1st ex. sess. and RCW 82.32.110 are each amended to read as follows:

The department of revenue or its duly authorized agent may examine any books, papers, records, or other data, or stock of merchandise bearing upon the amount of any tax payable or upon the correctness of any return, or for the purpose of making a return where none has been made, or in order to ascertain whether a return should be made; and may require the attendance of any person at a time and place fixed in a summons served by any sheriff in the same manner as a subpoena is served in a civil case, or served in like manner by an agent of the department of revenue.

The persons summoned may be required to testify and produce any books, papers, records, or data required by the department with respect to any tax, or the liability of any person therefor.

The director of the department of revenue, or any duly authorized agent thereof, shall have power to administer an oath to the person required to testify; and any person giving false testimony after the administration of such oath shall be guilty of perjury in the first degree.

If any person summoned as a witness before the department, or its authorized agent, fails or refuses to obey the summons, or refuses to testify or answer any material questions, or to produce any book, record, paper, or data when required to do so, ~~((he shall be guilty of))~~ the person is subject to proceedings for contempt, and the department shall thereupon institute contempt of court proceedings in the superior court of Thurston county ~~((:))~~ or of the county in which such person resides ~~((to punish him as for contempt of court))~~.

NEW SECTION. Sec. 28. The following acts or parts of acts are each repealed:

(1) Section 667, page 167, Laws of 1869, section 730, page 147, Laws of 1877, section 725, Code of 1881 and RCW 7.20.010;

(2) Section 668, page 168, Laws of 1869, section 731, page 148, Laws of 1877, section 726, Code of 1881 and RCW 7.20.020;

(3) Section 669, page 168, Laws of 1869, section 732, page 148, Laws of 1877, section 727, Code of 1881 and RCW 7.20.030;

(4) Section 670, page 169, Laws of 1869, section 733, page 148, Laws of 1877, section 728, Code of 1881 and RCW 7.20.040;

(5) Section 671, page 169, Laws of 1869, section 734, page 149, Laws of 1877, section 729, Code of 1881 and RCW 7.20.050;

(6) Section 672, page 169, Laws of 1869, section 735, page 149, Laws of 1877, section 730, Code of 1881 and RCW 7.20.060;

(7) Section 673, page 169, Laws of 1869, section 736, page 149, Laws of 1877, section 731, Code of 1881 and RCW 7.20.070;

(8) Section 674, page 169, Laws of 1869, section 737, page 149, Laws of 1877, section 732, Code of 1881 and RCW 7.20.080;

(9) Section 675, page 170, Laws of 1869, section 738, page 149, Laws of 1877, section 733, Code of 1881 and RCW 7.20.090;

(10) Section 676, page 170, Laws of 1869, section 739, page 149, Laws of 1877, section 734, Code of 1881 and RCW 7.20.100;

(11) Section 677, page 170, Laws of 1869, section 740, page 149, Laws of 1877, section 735, Code of 1881 and RCW 7.20.110;

(12) Section 678, page 170, Laws of 1869, section 741, page 150, Laws of 1877, section 736, Code of 1881, section 8, chapter 51, Laws of 1957 and RCW 7.20.120;

(13) Section 679, page 170, Laws of 1869, section 742, page 150, Laws of 1877, section 737, Code of 1881 and RCW 7.20.130;

(14) Section 680, page 171, Laws of 1869, section 743, page 150, Laws of 1877, section 738, Code of 1881 section 70, chapter 258, Laws of 1984, section 5, chapter 202, Laws of 1988 and RCW 7.20.140;

(15) Section 667, page 167, Laws of 1869, section 725, Code of 1881, section 120, chapter 249, Laws of 1909 and RCW 9.23.010.

NEW SECTION. Sec. 29. Sections 1 through 7 of this act shall constitute a new chapter in Title 7 RCW.

NEW SECTION. Sec. 30. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected."

On page 1, line 1 of the title, after "court," strike the remainder of the title and insert "amending RCW 5.56.061, 7.43.110, 7.43.120, 7.48.080, 7.80.160, 10.01.180, 10.14.120, 11.64.022, 13.32A.250, 13.34.165, 18.72.190, 18.130.070, 18.130.190, 26.09.160, 26.18.050, 26.44.067, 41.56.490, 47.64.140, 79.01.704, and 82.32.110; adding a new chapter to Title 7 RCW; repealing RCW 7.20.010, 7.20.020, 7.20.030, 7.20.040, 7.20.050, 7.20.060, 7.20.070, 7.20.080, 7.20.090, 7.20.100, 7.20.110, 7.20.120, 7.20.130, 7.20.140, and 9.23.010; and prescribing penalties."

and the same is herewith transmitted.

W. D. Naismith, Assistant Secretary.

MOTION

Mr. Crane moved that the House do concur in the Senate amendments to Substitute House Bill No. 1983.

Mr. Crane spoke in favor of the motion, and it was carried.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

The Speaker (Mr. O'Brien presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1983 as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1983 as amended by the Senate, and the bill passed the House by the following vote: Yeas, 97; excused, 1.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Baugher, Beck, Belcher, Betrozoff, Bowman, Braddock, Brekke, Bristow, Brooks, Brough, Brumsickle, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Fraser, Fuhrman, Grant, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Inslie, Jacobsen, Jesernig, Jones, King P, King R, Kremen, Leonard, Locke, May, McLean, Meyers R, Miller, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Padden, Patrick, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith, Sommers D, Sommers H, Spanel, Sprengle, Tate, Todd, Valle, Van Luven, Vekich, Walk, Walker, Wang, Wilson K, Wilson S, Wineberry, Winsley, Wolfe, Wood, Youngsman, Zellinsky, and Mr. Speaker - 97.

Excused: Representative Gallagher - 1.

Substitute House Bill No. 1983 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SENATE AMENDMENTS TO HOUSE BILL

April 13, 1989

Mr. Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 2041 with the following amendments:

On page 1, line 18, after "~~fee of~~" strike "~~twenty~~" and insert "thirty-five"

On page 11, beginning on line 31, strike all of Section 10

Renumber the remaining sections consecutively and correct internal references accordingly.

On page 22, line 36, after "although" strike all of the material through "requirements" on page 23, line 2 and insert "any counterclaim shall be dismissed without prejudice if the court or arbitrator determines that the tenant failed to follow the notice requirements contained in this section"

On page 23, line 8, after "landlord's" insert "or tenant's"

On page 24, line 9, after "on" strike "January 1, 1990" and insert "August 1, 1989"

On page 1, line 3 of the title, after "59.18.280," strike "59.18.300,"

and the same is herewith transmitted.

Gordon A. Golob, Secretary.

MOTIONS

Ms. Nutley moved that the House refuse to concur in the Senate amendment on page 1, line 18, to Substitute House Bill No. 2041 and ask the Senate to recede therefrom.

Ms. Nutley spoke in favor of the motion, and it was carried.

Ms. Nutley moved that the House do concur in the Senate amendments on pages 11, 22, 23 and 24, and on page 1, line 3 of the title. The motion was carried.

SENATE AMENDMENTS TO HOUSE BILL

April 14, 1989

Mr. Speaker:

The Senate has passed ENGROSSED SUBSTITUTE HOUSE BILL NO. 2066 with the following amendments:

On page 1, beginning on line 20, strike all of subsection (3) through and including "committees." on page 1, line 22, and insert the following:

"(3) Staffing for the task force shall be provided by the traffic safety commission and the office of the superintendent of public instruction. The governor and the legislature may provide additional staff and facilities as may be reasonably required to assist the task force in carrying out its duties and responsibilities."

On page 1, line 13, strike all of subsection (c)

Reletter the remaining subsection accordingly

On page 2, following line 14, insert the following:

"Sec. 2. Section 6, chapter 271, Laws of 1969 ex. sess. as last amended by section 5, chapter 354, Laws of 1987 ex. sess. and RCW 58.17.060 are each amended to read as follows:

(1) The legislative body of a city, town, or county shall adopt regulations and procedures, and appoint administrative personnel for the summary approval of short plats and short subdivisions or alteration or vacation thereof. When an alteration or vacation involves a public dedication, the alteration or vacation shall be processed as provided in RCW 58.17.212 or 58.17.215. Such regulations shall be adopted by ordinance and may contain wholly different requirements than those governing the approval of preliminary and final plats of subdivisions and may require surveys and monumentations and shall require filing of a short plat, or alteration or vacation thereof, for record in the office of the county auditor: PROVIDED, That such regulations must contain a requirement that land in short subdivisions may not be further divided in any manner within a period of five years without the filing of a final plat, except that when the short plat contains fewer than four parcels, nothing in this section shall prevent the owner who filed the short plat from filing an alteration within the five-year period to create up to a total of four lots within the original short plat boundaries: PROVIDED FURTHER, That such regulations are not required to contain a penalty clause as provided in RCW 36.32.120 and may provide for wholly injunctive relief.

An ordinance requiring a survey shall require that the survey be completed and filed with the application for approval of the short subdivision.

(2) Cities, towns, and counties shall include in their short plat regulations and procedures pursuant to subsection (1) of this section provisions for considering sidewalks and other planning features that assure safe walking conditions for students who walk to and from school.

Sec. 3. Section 11, chapter 271, Laws of 1969 ex. sess. as amended by section 5, chapter 134, Laws of 1974 ex. sess. and RCW 58.17.110 are each amended to read as follows:

The city, town, or county legislative body shall inquire into the public use and interest proposed to be served by the establishment of the subdivision and dedication. It shall determine if appropriate provisions are made for, but not limited to, the public health, safety, and general welfare, for open spaces, drainage ways, streets, alleys, other public ways, water supplies, sanitary wastes, parks, playgrounds, sites for schools and schoolgrounds, and shall consider all other relevant facts, including sidewalks and other planning features that assure safe walking conditions for students who walk to and from school, and determine whether the public interest will be served by the subdivision and dedication. If it finds that the proposed plat makes appropriate provisions for the public health, safety, and general welfare and for such open spaces, drainage ways, streets, alleys, other public ways, water supplies, sanitary wastes, parks, playgrounds, sites for schools and schoolgrounds and all other relevant facts, including sidewalks and other planning features that assure safe walking conditions for students who walk to and from school, and that the public use and interest will be served by the platting of such subdivision, then it shall be approved. If it finds that the proposed plat does not make such appropriate provisions or that the public use and interest will not be served, then the legislative body may disapprove the proposed plat. Dedication of land to any public body, may be required as a condition of subdivision approval and shall be clearly shown on the final plat. The legislative body shall not as a condition to the approval of any plat require a release from damages to be procured from other property owners."

On page 1, line 2 of the title, after "evaluation," insert "amending RCW 58.17.060; amending RCW 58.17.110:"

and the same is herewith transmitted.

W. D. Naismith, Assistant Secretary.

MOTION

Mr. Peery moved that the House do concur in the Senate amendments to Engrossed Substitute House Bill No. 2066.

Mr. Peery spoke in favor of the motion, and it was carried.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

The Speaker (Mr. O'Brien presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 2066 as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 2066 as amended by the Senate, and the bill passed the House by the following vote: Yeas, 97; excused, 1.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Baugher, Beck, Belcher, Betzoff, Bowman, Braddock, Brekke, Bristow, Brooks, Brough, Brumsickle, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Fraser, Fuhrman, Grant, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Inslie, Jacobsen, Jesernig, Jones, King P, King R, Kremen, Leonard, Locke, May, McLean, Meyers R, Miller, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Padden, Patrick, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith, Sommers D, Sommers H, Spanel, Sprengle, Tate, Todd, Valle, Van Luvan, Vekich, Walk, Walker, Wang, Wilson K, Wilson S, Wineberry, Winsley, Wolfe, Wood, Youngsman, Zellinsky, and Mr. Speaker - 97.

Excused: Representative Gallagher - 1.

Engrossed Substitute House Bill No. 2066 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SENATE AMENDMENTS TO HOUSE BILL

April 13, 1989

Mr. Speaker:

The Senate has passed ENGROSSED HOUSE BILL NO. 2155 with the following amendments:

Strike everything after line 11 and insert the following:

*Sec. 1. Section 1, chapter 157, Laws of 1973 1st ex. sess. as last amended by section 1, chapter 460, Laws of 1987 and RCW 26.09.010 are each amended to read as follows:

(1) Except as otherwise specifically provided herein, the practice in civil action shall govern all proceedings under this chapter, except that trial by jury is dispensed with.

(2) A proceeding for dissolution of marriage, legal separation or a declaration concerning the validity of a marriage shall be entitled 'In re the marriage of and'. Such proceeding may be filed in the superior court of the county where the petitioner resides.

(3) In cases where there has been no prior proceeding in this state involving the marital status of the parties or support obligations for a minor child, a separate parenting and support proceeding between the parents shall be entitled 'In re the parenting and support of

(4) The initial pleading in all proceedings (~~for dissolution of marriage~~) under this chapter shall be denominated a petition. A responsive pleading shall be denominated a response. Other pleadings, and all pleadings in other matters under this chapter shall be denominated as provided in the civil rules for superior court.

(5) In this chapter, 'decree' includes 'judgment'.

(6) A decree of dissolution, of legal separation, or a declaration concerning the validity of a marriage shall not be awarded to one of the parties, but shall provide that it affects the status previously existing between the parties in the manner decreed.

Sec. 2. Section 4, chapter 95, Laws of 1986 and RCW 26.09.015 are each amended to read as follows:

(1) In any proceeding under this chapter, the matter may be set for mediation of the contested issues before or concurrent with the setting of the matter for hearing. The purpose of the mediation proceeding shall be to reduce acrimony which may exist between the parties and to develop an agreement assuring the child's close and continuing contact with both parents after the marriage is dissolved. The mediator shall use his or her best efforts to effect a settlement of the (~~custody or visitation~~) dispute.

(2) Each superior court may make available a mediator. The mediator may be a member of the professional staff of a family court or mental health services agency, or may be any other person or agency designated by the court. In order to provide mediation services, the court is not required to institute a family court.

(3) Mediation proceedings shall be held in private and shall be confidential. The mediator shall not testify as to any aspect of the mediation proceedings.

(4) The mediator shall assess the needs and interests of the child or children involved in the controversy and may interview the child or children if the mediator deems such interview appropriate or necessary.

(5) Any agreement reached by the parties as a result of mediation shall be reported to the court and to counsel for the parties by the mediator on the day set for mediation or any time thereafter designated by the court.

(6) This section shall not apply to postdecree mediation required pursuant to a parenting plan.

Sec. 3. Section 2, chapter 157, Laws of 1973 1st ex. sess. as last amended by section 2, chapter 45, Laws of 1983 1st ex. sess. and RCW 26.09.020 are each amended to read as follows:

(1) A petition in a proceeding for dissolution of marriage, legal separation, or for a declaration concerning the validity of a marriage, shall allege the following:

(a) The last known residence of each party;

(b) The date and place of the marriage;

(c) If the parties are separated the date on which the separation occurred;

(d) The names, ages, and addresses of any child dependent upon either or both spouses and whether the wife is pregnant;

(e) Any arrangements as to the (~~custody, visitation~~) residential schedule of, decision making for, dispute resolution for, and support of the children and the maintenance of a spouse;

(f) A statement specifying whether there is community or separate property owned by the parties to be disposed of;

(g) The relief sought.

(2) Either or both parties to the marriage may initiate the proceeding.

(3) The petitioner shall complete and file with the petition a certificate under RCW 70.58.200 on the form provided by the department of social and health services.

Sec. 4. Section 7, chapter 157, Laws of 1973 1st ex. sess. as amended by section 6, chapter 460, Laws of 1987 and RCW 26.09.070 are each amended to read as follows:

(1) The parties to a marriage, in order to promote the amicable settlement of disputes attendant upon their separation or upon the filing of a petition for dissolution of their marriage, a decree of legal separation, or declaration of invalidity of their marriage, may enter into a written separation contract providing for the maintenance of either of them, the disposition of any property owned by both or either of them, the parenting plan and support for their children and for the release of each other from all obligation except that expressed in the contract.

(2) If the parties to such contract elect to live separate and apart without any court decree, they may record such contract and cause notice thereof to be published in a legal newspaper of the county wherein the parties resided prior to their separation. Recording such contract and publishing notice of the making thereof shall constitute notice to all persons of such separation and of the facts contained in the recorded document.

(3) If either or both of the parties to a separation contract shall at the time of the execution thereof, or at a subsequent time, petition the court for dissolution of their marriage, for a decree of legal separation, or for a declaration of invalidity of their marriage, the contract, except for those terms providing for a parenting plan for their children, shall be binding upon the court unless it finds, after considering the economic circumstances of the parties and any other relevant evidence produced by the parties on their own motion or on request of the court, that the separation contract was unfair at the time of its execution. Child support may be included in the separation contract and shall be reviewed in the subsequent proceeding for compliance with RCW 26.19.020.

(4) If the court in an action for dissolution of marriage, legal separation, or declaration of invalidity finds that the separation contract was unfair at the time of its execution, it may make orders for the maintenance of either party, the disposition of their property and the discharge of their obligations.

(5) Unless the separation contract provides to the contrary, the agreement shall be set forth in the decree of dissolution, legal separation, or declaration of invalidity, or filed in the action or made an exhibit and incorporated by reference, except that in all cases the terms of the parenting plan shall be set out in the decree, and the parties shall be ordered to comply with its terms.

(6) Terms of the contract set forth or incorporated by reference in the decree may be enforced by all remedies available for the enforcement of a judgment, including contempt, and are enforceable as contract terms.

(7) When the separation contract so provides, the decree may expressly preclude or limit modification of any provision for maintenance set forth in the decree. Terms of a separation contract pertaining to ~~((a))~~ a parenting plan for the children and, in the absence of express provision to the contrary, terms providing for maintenance set forth or incorporated by reference in the decree are automatically modified by modification of the decree.

(8) If at any time the parties to the separation contract by mutual agreement elect to terminate the separation contract they may do so without formality unless the contract was recorded as in subsection (2) of this section, in which case a statement should be filed terminating the contract.

Sec. 5. Section 8, chapter 157, Laws of 1973 1st ex. sess. and RCW 26.09.080 are each amended to read as follows:

In a proceeding for dissolution of the marriage, legal separation, declaration of invalidity, or in a proceeding for disposition of property following dissolution of the marriage by a court which lacked personal jurisdiction over the absent spouse or lacked jurisdiction to dispose of the property, the court shall, without regard to marital misconduct, make such disposition of the property and the liabilities of the parties, either community or separate, as shall appear just and equitable after considering all relevant factors including, but not limited to:

- (1) The nature and extent of the community property;
- (2) The nature and extent of the separate property;
- (3) The duration of the marriage; and
- (4) The economic circumstances of each spouse at the time the division of property is to become effective, including the desirability of awarding the family home or the right to live therein for reasonable periods to a spouse ~~((having custody of any children))~~ with whom the children reside the majority of the time.

Sec. 6. Section 9, chapter 157, Laws of 1973 1st ex. sess. and RCW 26.09.090 are each amended to read as follows:

(1) In a proceeding for dissolution of marriage, legal separation, declaration of invalidity, or in a proceeding for maintenance following dissolution of the marriage by a court which lacked personal jurisdiction over the absent spouse, the court may grant a maintenance order for either spouse. The maintenance order shall be in such amounts and for such periods of time as the court deems just, without regard to marital misconduct, after considering all relevant factors including but not limited to:

(a) The financial resources of the party seeking maintenance, including separate or community property apportioned to him, and his ability to meet his needs independently, including the extent to which a provision for support of a child living with the party includes a sum for that party ~~((as custodian))~~;

(b) The time necessary to acquire sufficient education or training to enable the party seeking maintenance to find employment appropriate to his skill, interests, style of life, and other attendant circumstances;

(c) The standard of living established during the marriage;

(d) The duration of the marriage;

(e) The age, physical and emotional condition, and financial obligations of the spouse seeking maintenance; and

(f) The ability of the spouse from whom maintenance is sought to meet his needs and financial obligations while meeting those of the spouse seeking maintenance.

Sec. 7. Section 10, chapter 157, Laws of 1973 1st ex. sess. as last amended by section 9, chapter 275, Laws of 1988 and RCW 26.09.100 are each amended to read as follows:

In a proceeding for dissolution of marriage, legal separation, declaration of invalidity, maintenance, or child support, after considering all relevant factors but without regard to marital misconduct, the court may order either or both parents owing a duty of support to any child of the marriage dependent upon either or both spouses to pay an amount determined pursuant to the schedule adopted under RCW 26.19.040. The court may require ((annual)) periodic adjustments of support ((based upon changes in a party's income or the child's needs, or based upon changes in the child support schedule)).

Sec. 8. Section 7, chapter 460, Laws of 1987 and RCW 26.09.181 are each amended to read as follows:

(1) SUBMISSION OF PROPOSED PLANS. ((The petition and the response shall contain a proposed parenting plan where there are minor children of the parties. Where the petition or the response does not contain a proposed permanent parenting plan, the party who has filed a proposed permanent parenting plan may move for a default)) (a) In any proceeding under this chapter, except a modification, each party shall file and serve a proposed permanent parenting plan on or before the earliest date of:

(i) Thirty days after filing and service by either party of a notice for trial; or

(ii) One hundred eighty days after commencement of the action which one hundred eighty day period may be extended by stipulation of the parties.

(b) In proceedings for a modification of custody or a parenting plan, a proposed parenting plan shall be filed and served with the motion for modification and with the response to the motion for modification.

(c) No proposed permanent parenting plan shall be required after filing of an agreed permanent parenting plan, after entry of a final decree, or after dismissal of the cause of action.

(d) A party who files a proposed parenting plan in compliance with this section may move the court for an order of default adopting that party's parenting plan if the other party has failed to file a proposed parenting plan as required in this section.

(2) AMENDING PROPOSED PARENTING PLANS. Either party may file and serve an amended proposed permanent parenting plan according to the rules for amending pleadings.

(3) GOOD FAITH PROPOSAL. The parent submitting a proposed parenting plan shall attach a verified statement that the plan is proposed by that parent in good faith.

(4) AGREED PERMANENT PARENTING PLANS. The parents may make an agreed permanent parenting plan.

~~((4))~~ (5) MANDATORY SETTLEMENT CONFERENCE. Where mandatory settlement conferences are provided under court rule, the parents shall attend a mandatory settlement conference. The mandatory settlement conference shall be presided over by a judge or a court commissioner, who shall apply the criteria in RCW 26.09.187 and 26.09.191. The parents shall in good faith review the proposed terms of the parenting plans and any other issues relevant to the cause of action with the presiding judge or court commissioner. Facts and legal issues that are not then in dispute shall be entered as stipulations for purposes of final hearing or trial in the matter.

~~((5))~~ (6) TRIAL SETTING. Trial dates for actions involving minor children brought under this chapter shall receive priority.

(7) ENTRY OF FINAL ORDER. The final order or decree shall be entered not sooner than ninety days after filing and service.

(8) This section does not apply to decrees of legal separation.

Sec. 9. Section 8, chapter 460, Laws of 1987 and RCW 26.09.184 are each amended to read as follows:

(1) OBJECTIVES. The objectives of the permanent parenting plan are to:

(a) Provide for the child's physical care;

(b) Maintain the child's emotional stability;

(c) Provide for the child's changing needs as the child grows and matures, in a way that minimizes the need for future modifications to the permanent parenting plan;

(d) Set forth the authority and responsibilities of each parent with respect to the child, consistent with the criteria in RCW 26.09.187 and 26.09.191;

(e) Minimize the child's exposure to harmful parental conflict;

(f) Encourage the parents, where appropriate under RCW 26.09.187 and 26.09.191, to meet their responsibilities to their ~~((dependent))~~ minor children through agreements in the permanent parenting plan, rather than by relying on judicial intervention; and

(g) To otherwise protect the best interests of the child consistent with RCW 26.09.002.

(2) CONTENTS OF THE PERMANENT PARENTING PLAN. The permanent parenting plan shall contain provisions for resolution of future disputes between the parents, allocation of decision-

making authority, and residential provisions for the child ((and financial support for the child consistent with the criteria in RCW 26.09.187 and 26.09.191)).

(3) DISPUTE RESOLUTION. A process for resolving disputes, other than court action, shall be provided unless precluded or limited by RCW 26.09.187 or 26.09.191. A dispute resolution process may include counseling, mediation, or arbitration by a specified individual or agency, or court action. In ~~((setting forth a))~~ the dispute resolution process((the permanent parenting plan shall state that)):

(a) Preference shall be given to carrying out the parenting plan;

(b) The parents shall use the designated process to resolve disputes relating to implementation of the plan, except those related to financial support, unless an emergency exists;

(c) A written record shall be prepared of any agreement reached in counseling or mediation and of each arbitration award and shall be provided to each party;

(d) If the court finds that a parent has used or frustrated the dispute resolution process without good reason, the court shall award attorneys' fees and financial sanctions to the prevailing parent; ((and

(d))) (e) The parties have the right of review from the dispute resolution process to the superior court; and

(f) The provisions of (a) through (e) of this subsection shall be set forth in the decree.

(4) ALLOCATION OF DECISION-MAKING AUTHORITY.

(a) The plan shall allocate decision-making authority to one or both parties regarding the children's education, health care, and religious upbringing. The parties may incorporate an agreement related to the care and growth of the child in these specified areas, or in other areas, into their plan, consistent with the criteria in RCW 26.09.187 and 26.09.191. Regardless of the allocation of decision-making in the parenting plan, either parent may make emergency decisions affecting the health or safety of the child.

~~(b) ((The plan shall state that:~~

~~(b))) Each parent may make decisions regarding the day-to-day care and control of the child while the child is residing with that parent((:)).~~

~~(((((b))) (c) When mutual decision making is designated but cannot be achieved, the parties shall make a good-faith effort to resolve the issue through the dispute resolution process.~~

(5) RESIDENTIAL PROVISIONS FOR THE CHILD. The plan shall include a residential schedule which designates in which parent's home each ~~((dependent))~~ minor child shall reside on given days of the year, including provision for holidays, birthdays of family members, vacations, and other special occasions, consistent with the criteria in RCW 26.09.187 and 26.09.191.

~~(6) ((CHILD SUPPORT. Provision shall be made for the financial support of the child in accordance with RCW 26.09.188, 26.09.138, and 26.09.135. The provision shall state the identity of the child for whom support is paid, the amount of support to be paid and by whom, provision for medical and dental insurance consistent with RCW 26.09.185, notice regarding mandatory wage assignments as required by RCW 26.09.135, and the terms under which the support obligation terminates.~~

~~(7) The plan shall state that)) PARENTS' OBLIGATION UNAFFECTED. If a parent fails to comply with a provision of a parenting plan, the other parent's obligations under the parenting plan are not affected.~~

(7) PROVISIONS TO BE SET FORTH IN PERMANENT PARENTING PLAN. The permanent parenting plan shall set forth the provisions of subsections (3) (a) through (c), (4) (b) and (c), and (6) of this section.

Sec. 10. Section 9, chapter 460, Laws of 1987 and RCW 26.09.187 are each amended to read as follows:

(1) DISPUTE RESOLUTION PROCESS. The court shall not order a dispute resolution process, except court action, ~~((ff))~~ when it finds that any limiting factor under RCW 26.09.191 applies, or ~~((ff))~~ when it finds that either parent is unable to afford the cost of the proposed dispute resolution process. If a dispute resolution process is not precluded or limited, then in designating such a process the court shall consider all relevant factors, including:

(a) Differences between the parents that would substantially inhibit their effective participation in any designated process;

(b) The parents' wishes or agreements and, if the parents have entered into agreements, whether the agreements were made knowingly and voluntarily; and

(c) Differences in the parents' financial circumstances that may affect their ability to participate fully in a given dispute resolution process.

(2) ALLOCATION OF DECISION-MAKING AUTHORITY.

(a) AGREEMENTS BETWEEN THE PARTIES. The court shall approve agreements of the parties allocating decision-making authority, or specifying rules in the areas listed in RCW 26.09.184(4)(a), ~~((where))~~ when it finds that:

(i) The agreement is consistent with any limitations on a parent's decision-making authority mandated by RCW 26.09.191; and

(ii) The agreement is knowing and voluntary.

(b) SOLE DECISION-MAKING AUTHORITY. The court shall order sole decision-making to one parent when it finds that:

(i) A limitation on the other parent's decision-making authority is mandated by RCW 26.09.191;

(ii) Both parents are opposed to mutual decision making;

(iii) One parent is opposed to mutual decision making, and such opposition is reasonable based on the criteria in (c) of this subsection;

(c) MUTUAL DECISION-MAKING AUTHORITY. Except as provided in (a) and (b) of this subsection, the court shall consider the following criteria in allocating decision-making authority:

(i) The existence of a limitation under RCW 26.09.191;

(ii) The history of participation of each parent in decision making in each of the areas in RCW 26.09.184(4)(a);

(iii) Whether the parents have a demonstrated ability and desire to cooperate with one another in decision making in each of the areas in RCW 26.09.184(4)(a); and

(iv) The parents' geographic proximity to one another, to the extent that it affects their ability to make timely mutual decisions.

(3) RESIDENTIAL PROVISIONS.

(a) The court shall make residential provisions for each child which encourage each parent to maintain a loving, stable, and nurturing relationship with the child, consistent with the child's developmental level and the family's social and economic circumstances. The child's residential schedule shall be consistent with RCW 26.09.191. Where the limitations of RCW 26.09.191 are not dispositive of the child's residential schedule, the court shall consider the following factors:

(i) The relative strength, nature, and stability of the child's relationship with each parent, including whether a parent has taken greater responsibility for performing parenting functions relating to the daily needs of the child;

(ii) The agreements of the parties, provided they were entered into knowingly and voluntarily;

(iii) Each parent's past and potential for future performance of parenting functions;

(iv) The emotional needs and developmental level of the child;

(v) The child's relationship with siblings and with other significant adults, as well as the child's involvement with his or her physical surroundings, school, or other significant activities; ~~((and))~~

(vi) The wishes of the parents and the wishes of a child who is sufficiently mature to express reasoned and independent preferences as to his or her residential schedule; and

(vii) Each parent's employment schedule, and shall make accommodations consistent with those schedules.

Factor (i) shall be given the greatest weight.

(b) The court may order that a child frequently alternate his or her residence between the households of the parents for brief and substantially equal intervals of time only if the court finds the following:

(i) No limitation exists under RCW 26.09.191;

(ii) (A) The parties have agreed to such provisions and the agreement was knowingly and voluntarily entered into; or

(B) The parties have a satisfactory history of cooperation and shared performance of parenting functions; the parties are available to each other, especially in geographic proximity, to the extent necessary to ensure their ability to share performance of the parenting functions; and

(iii) The provisions are in the best interests of the child.

~~((c) One household shall be designated the child's residence solely for purposes of jurisdiction, venue, and child support.))~~

Sec. 11. Section 10, chapter 460, Laws of 1987 and RCW 26.09.191 are each amended to read as follows:

(1) The permanent parenting plan shall not require mutual decision-making or designation of a dispute resolution process other than court action if it is found that a parent has engaged in any of the following conduct: (a) Willful abandonment that continues for an extended period of time or substantial refusal to perform parenting functions; (b) physical, sexual, or emotional abuse of a child; or (c) a history of acts of domestic violence as defined in RCW 26.50.010(1) ~~((or an act of domestic violence which rises to the level of a felony))~~ or an assault or sexual assault which causes grievous bodily harm or the fear of such harm.

(2) The parent's residential time with the child shall be limited if it is found that the parent has engaged in any of the following conduct: (a) Willful abandonment that continues for an extended period of time or substantial refusal to perform parenting functions; (b) physical, sexual, or emotional abuse of a child; or (c) a history of acts of domestic violence as defined in RCW 26.50.010(1) ~~((or an act of domestic violence which rises to the level of a felony))~~ or an assault or sexual assault which causes grievous bodily harm or the fear of such harm, unless the court expressly finds that the probability that the conduct will recur is so remote that it would not be in the child's best interests to apply the limitation or unless it is shown not to have had an impact on the child. The weight given to the existence of a protection order issued under chapter 26.50 RCW as to domestic violence is within the discretion of the court.

(3) A parent's involvement or conduct may have an adverse effect on the child's best interests, and the court may preclude or limit any provisions of the parenting plan, if any of the following factors exist:

- (a) A parent's neglect or substantial nonperformance of parenting functions;
- (b) A long-term emotional or physical impairment which interferes with the parent's performance of parenting functions as defined in RCW 26.09.004;
- (c) A long-term impairment resulting from drug, alcohol, or other substance abuse that interferes with the performance of parenting functions;
- (d) The absence or substantial impairment of emotional ties between the parent and the child;
- (e) The abusive use of conflict by the parent which creates the danger of serious damage to the child's psychological development;
- (f) A parent has withheld from the other parent access to the child for a protracted period without good cause; or
- (g) Such other factors or conduct as the court expressly finds adverse to the best interests of the child.

(4) In entering a permanent parenting plan, the court shall not draw any presumptions from the provisions of the temporary parenting plan.

(5) In determining whether any of the conduct described in this section has occurred, the court shall apply the civil rules of evidence, proof, and procedure.

Sec. 12. Section 22, chapter 157, Laws of 1973 1st ex. sess. as amended by section 16, chapter 460, Laws of 1987 and RCW 26.09.220 are each amended to read as follows:

(1) ~~((In contested custody proceedings, and in other proceedings if a party so requests,))~~ The court may order an investigation and report concerning parenting arrangements for the child ~~((in an action for dissolution of marriage, legal separation, or declaration of invalidity)).~~ The investigation and report may be made by the staff of the juvenile court or other professional social service organization experienced in counseling children and families.

(2) In preparing his report concerning a child, the investigator may consult any person who may have information about the child and the potential parenting or custodian arrangements. Upon order of the court, the investigator may refer the child to professional personnel for diagnosis. The investigator may consult with and obtain information from medical, psychiatric, or other expert persons who have served the child in the past without obtaining the consent of the parent or the child's custodian; but the child's consent must be obtained if he has reached the age of twelve, unless the court finds that the child lacks mental capacity to consent. If the requirements of subsection (3) of this section are fulfilled, the investigator's report may be received in evidence at the hearing.

(3) The court shall mail the investigator's report to counsel and to any party not represented by counsel at least ten days prior to the hearing unless a shorter time is ordered by the court for good cause shown. The investigator shall make available to counsel and to any party not represented by counsel the investigator's file of underlying data and reports, complete texts of diagnostic reports made to the investigator pursuant to the provisions of subsection (2) of this section, and the names and addresses of all persons whom the investigator has consulted. Any party to the proceeding may call the investigator and any person whom he has consulted for cross-examination. A party may not waive the right of cross-examination prior to the hearing.

Sec. 13. Section 24, chapter 157, Laws of 1973 1st ex. sess. as last amended by section 18, chapter 460, Laws of 1987 and RCW 26.09.240 are each amended to read as follows:

The court may order visitation rights for ~~((any))~~ a person other than a parent when visitation may serve the best interest of the child whether or not there has been any change of circumstances.

~~((Any))~~ A person other than a parent may petition the court for visitation rights at any time. The court may modify an order granting or denying visitation rights whenever modification would serve the best interests of the child.

Sec. 14. Section 26, chapter 157, Laws of 1973 1st ex. sess. as amended by section 19, chapter 460, Laws of 1987 and RCW 26.09.260 are each amended to read as follows:

(1) The court shall not modify a prior custody decree or a parenting plan unless it finds, upon the basis of facts that have arisen since the prior decree or plan or that were unknown to the court at the time of the prior decree or plan, that a substantial change has occurred in the circumstances of the child or the ~~((parents))~~ nonmoving party and that the modification is in the best interest of the child and is necessary to serve the best interests of the child. In applying these standards, the court shall retain the residential schedule established by the decree or parenting plan unless:

- (a) The parents agree to the modification;
- (b) The child has been integrated into the family of the petitioner with the consent of the other parent in substantial deviation from the parenting plan; or
- (c) The child's present environment is detrimental to the child's physical, mental, or emotional health and the harm likely to be caused by a change of environment is outweighed by the advantage of a change to the child.

(2) If the court finds that a motion to modify a prior decree or parenting plan has been brought in bad faith, the court shall assess the attorney's fees and court costs of the nonmoving parent against the moving party.

Sec. 15. Section 27, chapter 157, Laws of 1973 1st ex. sess. and RCW 26.09.270 are each amended to read as follows:

A party seeking a temporary custody order or a temporary parenting plan or modification of a custody decree or parenting plan shall submit together with his motion, an affidavit setting forth facts supporting the requested order or modification and shall give notice, together with a copy of his affidavit, to other parties to the proceedings, who may file opposing affidavits. The court shall deny the motion unless it finds that adequate cause for hearing the motion is established by the affidavits, in which case it shall set a date for hearing on an order to show cause why the requested order or modification should not be granted.

Sec. 16. Section 21, chapter 460, Laws of 1987 and RCW 26.09.285 are each amended to read as follows:

Solely for the purposes of all other state and federal statutes which require a designation or determination of custody, ~~((the court))~~ a parenting plan shall designate ~~((in a parenting plan one parent))~~ the parent with whom the child is scheduled to reside a majority of the time as the custodian of the child. However, this designation shall not affect either parent's rights and responsibilities under the parenting plan. In the absence of such a designation, the parent with whom the child ~~((resides))~~ is scheduled to reside the majority of the time shall be deemed to be the custodian of the child for the purposes of such federal and state statutes.

Sec. 17. Section 23, chapter 460, Laws of 1987 and RCW 26.09.907 are each amended to read as follows:

Notwithstanding the repeals of prior laws, actions which were properly and validly pending in the superior courts of this state as of January 1, 1988, shall not be governed ~~((and may be pursued to conclusion under the provisions of law applicable thereto at the time of commencement of such action and all decrees and orders heretofore or hereafter in all other respects regularly entered in such proceedings are declared valid))~~ by chapter 460, Laws of 1987 but shall be governed by the provisions of law in effect on December 31, 1987.

Sec. 18. Section 24, chapter 460, Laws of 1987 and RCW 26.09.909 are each amended to read as follows:

(1) Decrees under this chapter involving child custody, visitation, or child support entered in actions commenced prior to January 1, 1988, shall be deemed to be parenting plans for purposes of this chapter.

(2) The enactment of the 1987 revisions to this chapter does not constitute substantially changed circumstances for the purposes of modifying decrees entered under this chapter in actions commenced prior to January 1, 1988, involving child custody, visitation, or child support. An action to modify any decree involving child custody, visitation, child support, or a parenting plan which was commenced after December 31, 1987, shall be governed by the 1987 revisions to this chapter.

(3) Actions brought for clarification or interpretation of decrees entered under this chapter in actions commenced prior to January 1, 1988, shall be determined under the law in effect immediately prior to January 1, 1988.

Sec. 19. Section 30, chapter 460, Laws of 1987 and RCW 26.10.060 are each amended to read as follows:

In entering or modifying a custody order under this chapter, the court shall require either or both parents to maintain or provide health insurance coverage for any dependent child if the following conditions are met:

(1) Health insurance that can be extended to cover the child is available to that parent through an employer or other organization; and

(2) The employer or other organization offering health insurance will contribute all or a part of the premium for coverage of the child.

A parent who is required to extend insurance coverage to a child under this section is liable for any covered health care costs for which the parent receives direct payment from an insurer.

This section shall not be construed to limit the authority of the court to enter or modify support orders containing provisions for payment of medical expenses, medical costs, or insurance premiums which are in addition to and not inconsistent with this section. 'Health insurance' as used in this section does not include medical assistance provided under chapter 74.09 RCW.

Sec. 20. Section 31, chapter 460, Laws of 1987 and RCW 26.10.070 are each amended to read as follows:

The court may appoint an attorney to represent the interests of a minor or dependent child with respect to custody, support, and visitation. The court shall enter an order for costs, fees, and disbursements in favor of the child's attorney. The order shall be made against ~~((either or both parents))~~ any or all parties, except that, if ~~((both))~~ all parties are indigent, the costs, fees, and disbursements shall be borne by the county.

Sec. 21. Section 46, chapter 460, Laws of 1987 and RCW 26.10.180 are each amended to read as follows:

A relative, as defined in RCW 9A.40.010, may bring civil action against any other relative who, with intent to deny access to a child by another relative of the child who has a right to physical custody of or visitation with the child, takes, entices, or conceals the child from that relative. The plaintiff may be awarded, in addition to any damages awarded by the court, the reasonable expenses incurred by the plaintiff in locating the child, including, but not limited to, investigative services and reasonable attorneys' fees.

Sec. 22. Section 8, chapter 50, Laws of 1949 and RCW 26.12.080 are each amended to read as follows:

Whenever ~~((any judge))~~ the court before whom any matter arising under this chapter is pending, deems publication of any matter before the court contrary to public policy or injurious to the interests of children or to the public morals, ~~((he))~~ the court may by order close the files or any part thereof in the matter and make such other orders to protect the privacy of the parties as is necessary.

Sec. 23. Section 14, chapter 42, Laws of 1975-'76 2nd ex. sess. as last amended by section 56, chapter 460, Laws of 1987 and RCW 26.26.130 are each amended to read as follows:

(1) The judgment and order of the court determining the existence or nonexistence of the parent and child relationship shall be determinative for all purposes.

(2) If the judgment and order of the court is at variance with the child's birth certificate, the court shall order that an amended birth certificate be issued.

(3) The judgment and order shall contain other appropriate provisions directed to the appropriate parties to the proceeding, concerning the duty of current and future support, the extent of any liability for past support furnished to the child if that issue is before the court, ~~((the custody and guardianship of the child, visitation privileges with the child;))~~ the furnishing of bond or other security for the payment of the judgment, or any other matter in the best interest of the child. The judgment and order may direct the father to pay the reasonable expenses of the mother's pregnancy and confinement.

(4) Support judgment and orders shall be for periodic payments which may vary in amount. The court may limit the father's liability for the past support to the child to the proportion of the expenses already incurred as the court deems just: PROVIDED HOWEVER, That the court shall not limit or affect in any manner the right of nonparties including the state of Washington to seek reimbursement for support and other services previously furnished to the child.

(5) In determining the amount to be paid by a parent for support of the child and the period during which the duty of support is owed, the court shall consider all relevant facts, including, but not limited to:

- (a) The needs of the child;
- (b) The standard of living and circumstances of the parents;
- (c) The relative financial means of the parents;
- (d) The earning ability of the parents;
- (e) The need and capacity of the child for education, including higher education;
- (f) The age of the child;
- (g) The responsibility of the parents for the support of others; and
- (h) The value of services contributed by the custodial parent.

(6) On the same basis as provided in chapter 26.09 RCW, the court shall make residential provisions with regard to minor children of the parties, except that a parenting plan shall not be required unless requested by a party.

(7) In any dispute between the natural parents of a child and a person or persons who have (a) commenced adoption proceedings or who have been granted an order of adoption, and (b) pursuant to a court order, or placement by the department of social and health services or by a licensed agency, have had actual custody of the child for a period of one year or more before court action is commenced by the natural parent or parents, the court shall consider the best welfare and interests of the child, including the child's need for situation stability, in determining the matter of custody, and the parent or person who is more fit shall have the superior right to custody.

Sec. 24. Section 47, chapter 460, Laws of 1987 and RCW 26.10.190 are each amended to read as follows:

(1) The court shall not modify a prior custody ~~((order))~~ decree unless it finds, upon the basis of facts that have arisen since the prior ~~((order))~~ decree or that were unknown to the court at the time of the prior ~~((order))~~ decree, that a change has occurred in the circumstances of the child or the custodian and that the modification is necessary to serve the best interests of the child. In applying these standards, the court shall retain the custodian established by the prior ~~((order))~~ decree unless:

(a) The custodian agrees to the modification;

(b) The child has been integrated into the family of the petitioner with the consent of the custodian; or

(c) The child's present environment is detrimental to his or her physical, mental, or emotional health and the harm likely to be caused by a change of environment is outweighed by the advantage of a change to the child.

(2) If the court finds that a motion to modify a prior custody (~~order~~) decree has been brought in bad faith, the court shall assess the attorney's fees and court costs of the custodian against the petitioner.

NEW SECTION, Sec. 25. A new section is added to chapter 26.26 RCW to read as follows:

Solely for the purposes of all other state and federal statutes which require a designation or determination of custody, a parenting plan shall designate the parent with whom the child is scheduled to reside a majority of the time as the custodian of the child. However, this designation shall not affect either parent's rights and responsibilities under the parenting plan. In the absence of such a designation, the parent with whom the child is scheduled to reside the majority of the time shall be deemed to be the custodian of the child for the purposes of such federal and state statutes.

NEW SECTION, Sec. 26. A new section is added to chapter 26.50 RCW to read as follows:

Solely for the purposes of all other state and federal statutes which require a designation or determination of custody, a parenting plan shall designate the parent with whom the child is scheduled to reside a majority of the time as the custodian of the child. However, this designation shall not affect either parent's rights and responsibilities under the parenting plan. In the absence of such a designation, the parent with whom the child is scheduled to reside the majority of the time shall be deemed to be the custodian of the child for the purposes of such federal and state statutes.

Sec. 27. Section 12, chapter 157, Laws of 1973 1st ex. sess. as last amended by section 5, chapter 363, Laws of 1987 and by section 15, chapter 435, Laws of 1987 and RCW 26.09.120 are each reenacted and amended to read as follows:

(1) The court shall order support (~~and maintenance~~) payments, and order spousal maintenance payments if child support is ordered, to be made to the Washington state support registry, or the person entitled to receive the payments under an alternate payment plan approved by the court as provided in RCW 26.23.050.

(2) Maintenance payments, when ordered in an action where there is no dependent child, may be ordered to be paid to the person entitled to receive the payments, or the clerk of the court as trustee for remittance to the persons entitled to receive the payments.

(3) If support payments, under orders entered prior to January 1, 1988, or if maintenance payments, as provided in subsection (2) of this section, are made to the clerk of court, the clerk;

(a) Shall maintain records listing the amount of payments, the date when payments are required to be made, and the names and addresses of the parties affected by the order(

);

(b) May by local court rule accept only certified funds or cash as payment(~~in all cases, the clerk~~); and

(c) Shall accept only certified funds or cash for five years in all cases after one check has been returned for nonsufficient funds or account closure.

(4) The parties affected by the order shall inform the registry through which the payments are ordered to be paid of any change of address or of other conditions that may affect the administration of the order.

Sec. 28. Section 3, chapter 263, Laws of 1984 as last amended by section 1, chapter 71, Laws of 1987 and RCW 26.50.020 are each amended to read as follows:

(1) Any person may seek relief under this chapter by filing a petition with a court alleging that the person has been the victim of domestic violence committed by the respondent. The person may petition for relief on behalf of himself or herself and on behalf of minor family or household members.

(2) The courts defined in RCW 26.50.010(3) have jurisdiction over proceedings under this chapter. The jurisdiction of district and municipal courts under this chapter shall be limited to enforcement of RCW 26.50.110(1), or the equivalent municipal ordinance, and the issuance and enforcement of temporary orders for protection provided for in RCW 26.50.070 if: (a) A superior court has exercised or is exercising jurisdiction over a proceeding under this title or chapter 13.34 RCW involving the parties; (b) the petition for relief under this chapter presents (~~a child custody or visitation issue~~) issues of residential schedule of and contact with children of the parties; or (c) the petition for relief under this chapter requests the court to exclude a party from the dwelling which the parties share. When the jurisdiction of a district or municipal court is limited to the issuance and enforcement of a temporary order, the district or municipal court shall set the full hearing provided for in RCW 26.50.050 in superior court and transfer the case. If the notice and order are not served on the respondent in time for the full hearing, the issuing court shall have concurrent jurisdiction with the superior court to extend the order for protection.

(3) An action under this chapter shall be filed in the county or the municipality where the petitioner resides, unless the petitioner has left the residence or household to avoid abuse. In that case, the petitioner may bring an action in the county or municipality of the previous or the new household or residence.

(4) A person's right to petition for relief under this chapter is not affected by the person leaving the residence or household to avoid abuse.

Sec. 29. Section 5, chapter 157, Laws of 1973 1st ex. sess. as amended by section 5, chapter 460, Laws of 1987 and RCW 26.09.050 are each amended to read as follows:

In entering a decree of dissolution of marriage, legal separation, or declaration of invalidity, the court shall determine the marital status of the parties, make provision for a parenting plan for any minor child of the marriage, make provision for the support of any child of the marriage entitled to support, consider or approve provision for the maintenance of either spouse, make provision for the disposition of property and liabilities of the parties, make provision for the allocation of the children as federal tax exemptions, make provision for any necessary continuing restraining orders, and make provision for the change of name of any party ~~((entitled to such a change)).~~

Sec. 30. Section 15, chapter 157, Laws of 1973 1st ex. sess. and RCW 26.09.150 are each amended to read as follows:

A decree of dissolution of marriage, legal separation, or declaration of invalidity is final when entered, subject to the right of appeal. An appeal which does not challenge the finding that the marriage is irretrievably broken or was invalid, does not delay the finality of the dissolution or declaration of invalidity and either party may remarry pending such an appeal.

No earlier than six months after entry of a decree of legal separation, on motion of either party, the court shall convert the decree of legal separation to a decree of dissolution of marriage. The clerk of court shall complete the certificate as provided for in RCW 70.58.200 on the form provided by the department of social and health services. On or before the tenth day of each month, the clerk of the court shall forward to the state registrar of vital statistics the certificate of each decree of divorce, dissolution of marriage, annulment, or separate maintenance granted during the preceding month.

~~((Upon request by a wife whose marriage is dissolved or declared invalid, the court shall order a former name restored and may, on motion of either party, for just and reasonable cause, order the wife to assume a name other than that of the husband)) Upon request of a party whose marriage is dissolved or declared invalid, the court shall order a former name restored or the court may, in its discretion, order a change to another name.~~

Sec. 31. Section 28, chapter 460, Laws of 1987 and RCW 26.10.040 are each amended to read as follows:

In entering an order under this chapter, the court shall consider, approve, or make provision for:

- (1) Child custody, visitation, and the support of any child entitled to support;
- (2) The allocation of the children as a federal tax exemption; and
- (3) Any necessary continuing restraining orders.

NEW SECTION. Sec. 32. A new section is added to chapter 26.10 RCW to read as follows:

(1) In a proceeding under this chapter either party may file a motion for temporary support of children entitled to support. The motion shall be accompanied by an affidavit setting forth the factual basis for the motion and the amount requested.

(2) In a proceeding under this chapter either party may file a motion for a temporary restraining order or preliminary injunction, providing relief proper in the circumstances, and restraining or enjoining any person from:

(a) Molesting or disturbing the peace of the other party or of any child and, upon a showing by clear and convincing evidence that the party so restrained or enjoined has used or displayed or threatened to use a deadly weapon as defined in RCW 9A.04.110 in an act of violence or has previously committed acts of domestic violence and is likely to use or display or threaten to use a deadly weapon in an act of domestic violence, requiring the party to surrender any deadly weapon in his immediate possession or control or subject to his immediate possession or control to the sheriff of the county having jurisdiction of the proceeding or to the restrained or enjoined party's counsel or to any person designated by the court. The court may order temporary surrender of deadly weapons without notice to the other party only if it finds on the basis of the moving affidavit or other evidence that irreparable injury could result if an order is not issued until the time for response has elapsed;

(b) Entering the family home or the home of the other party upon a showing of the necessity thereof;

(c) Removing a child from the jurisdiction of the court.

(3) The court may issue a temporary restraining order without requiring notice to the other party only if it finds on the basis of the moving affidavit or other evidence that irreparable injury could result if an order is not issued until the time for responding has elapsed.

(4) The court may issue a temporary restraining order or preliminary injunction and an order for temporary support in such amounts and on such terms as are just and proper in the circumstances.

(5) Restraining orders issued under this section restraining the person from molesting or disturbing another party or from entering a party's home shall bear the legend: VIOLATION OF THIS ORDER WITH ACTUAL NOTICE OF ITS TERMS IS A CRIMINAL OFFENSE UNDER CHAPTER 26.10 RCW AND WILL SUBJECT A VIOLATOR TO ARREST.

(6) The court may order that any temporary restraining order granted under this section be forwarded by the clerk of the court on or before the next judicial day to the appropriate

law enforcement agency specified in the order. Upon receipt of the order, the law enforcement agency shall forthwith enter the order for one year into any computer-based criminal intelligence information system available in this state used by law enforcement agencies to list outstanding warrants. Entry into the law enforcement information system constitutes notice to all law enforcement agencies of the existence of the order. The order is fully enforceable in any county in the state.

(7) A temporary order, temporary restraining order, or preliminary injunction:

(a) Does not prejudice the rights of a party or any child which are to be adjudicated at subsequent hearings in the proceeding;

(b) May be revoked or modified;

(c) Terminates when the final order is entered or when the motion is dismissed;

(d) May be entered in a proceeding for the modification of an existing order.

(8) A support debt owed to the state for public assistance expenditures which has been charged against a party pursuant to RCW 74.20A.040 and/or 74.20A.055 shall not be merged in, or otherwise extinguished by, the final decree or order, unless the office of support enforcement has been given notice of the final proceeding and an opportunity to present its claim for the support debt to the court and has failed to file an affidavit as provided in this subsection. Notice of the proceeding shall be served upon the office of support enforcement personally, or by certified mail, and shall be given no fewer than thirty days prior to the date of the final proceeding. An original copy of the notice shall be filed with the court either before service or within a reasonable time thereafter. The office of support enforcement may present its claim, and thereby preserve the support debt, by filing an affidavit setting forth the amount of the debt with the court, and by mailing a copy of the affidavit to the parties or their attorney prior to the date of the final proceeding.

NEW SECTION. Sec. 33. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 34. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect immediately.*

On page 28, after line 20, insert the following:

*NEW SECTION. Sec. 33. A new section is added to chapter 43.131 RCW to read as follows:

The parenting act of 1987 shall be terminated on June 30, 1992, as provided in section 34 of this act. The judicial council shall undertake a study of the parenting act of 1987 and shall report its findings to the legislature prior to January 1, 1992.

NEW SECTION. Sec. 34. A new section is added to chapter 43.131 RCW to read as follows:

The following acts or parts of act, as now existing or hereafter amended, are each repealed, effective June 30, 1993:

(1) Section 2, chapter 460, Laws of 1987 and RCW 26.09.002;

(2) Section 3, chapter 460, Laws of 1987 and RCW 26.09.004;

(3) Section 1, chapter 157, Laws of 1973 1st ex. sess., section 1, chapter 32, Laws of 1975, section 1, chapter 460, Laws of 1987, section 1, chapter ____, Laws of 1989 and RCW 26.09.010;

(4) Section 4, chapter 157, Laws of 1973 1st ex. sess., section 2, chapter 32, Laws of 1975, section 4, chapter 460, Laws of 1987 and RCW 26.09.040;

(5) Section 5, chapter 157, Laws of 1973 1st ex. sess., section 5, chapter 460, Laws of 1987, section 31, chapter ____, Laws of 1989 and RCW 26.09.050;

(6) Section 7, chapter 157, Laws of 1973 1st ex. sess., section 6, chapter 460, Laws of 1987, section 4, chapter ____, Laws of 1989 and RCW 26.09.070;

(7) Section 11, chapter 157, Laws of 1973 1st ex. sess., section 11, chapter 460, Laws of 1987 and RCW 26.09.110;

(8) Section 16, chapter 157, Laws of 1973 1st ex. sess., section 12, chapter 460, Laws of 1987 and RCW 26.09.160;

(9) Section 7, chapter 460, Laws of 1987, section 9, chapter ____, Laws of 1989 and RCW 26.09.181;

(10) Section 8, chapter 460, Laws of 1987, section 10, chapter ____, Laws of 1989 and RCW 26.09.184;

(11) Section 9, chapter 460, Laws of 1987, section 11, chapter ____, Laws of 1989 and RCW 26.09.187;

(12) Section 10, chapter 460, Laws of 1987, section 12, chapter ____, Laws of 1989 and RCW 26.09.191;

(13) Section 13, chapter 460, Laws of 1987 and RCW 26.09.194;

(14) Section 14, chapter 460, Laws of 1987 and RCW 26.09.197;

(15) Section 21, chapter 157, Laws of 1973 1st ex. sess., section 15, chapter 460, Laws of 1987 and RCW 26.09.210;

(16) Section 22, chapter 157, Laws of 1973 1st ex. sess., section 16, chapter 460, Laws of 1987, section 13, chapter ____, Laws of 1989 and RCW 26.09.220;

(17) Section 17, chapter 460, Laws of 1987, section 8, chapter ____, Laws of 1989 and RCW 26.09.225;

(18) Section 24, chapter 157, Laws of 1973 1st ex. sess., section 1, chapter 271, Laws of 1977 ex. sess., section 18, chapter 460, Laws of 1987, section 14, chapter ____, Laws of 1989 and RCW 26.09.240;

(19) Section 6, chapter 95, Laws of 1984, section 22, chapter 460, Laws of 1987 and RCW 26.09.255;

(20) Section 26, chapter 157, Laws of 1973 1st ex. sess., section 19, chapter 460, Laws of 1987, section 15, chapter ____, Laws of 1989 and RCW 26.09.260;

(21) Section 28, chapter 157, Laws of 1973 1st ex. sess., section 4, chapter 32, Laws of 1975, section 20, chapter 460, Laws of 1987 and RCW 26.09.280;

(22) Section 21, chapter 460, Laws of 1987, section 17, chapter ____, Laws of 1989 and RCW 26.09.285;

(23) Section 23, chapter 460, Laws of 1987, section 18, chapter ____, Laws of 1989 and RCW 26.09.907;

(24) Section 24, chapter 460, Laws of 1987, section 19, chapter ____, Laws of 1989 and RCW 26.09.909;

(25) Section 57, chapter 460, Laws of 1987 and RCW 26.09.910;

(26) Section 58, chapter 460, Laws of 1987 and RCW 26.09.911;

(27) Section 59, chapter 460, Laws of 1987 and RCW 26.09.912;

(28) Section 60, chapter 460, Laws of 1987 and RCW 26.09.913;

(29) Section 25, chapter 460, Laws of 1987 and RCW 26.10.010;

(30) Section 26, chapter 460, Laws of 1987 and RCW 26.10.020;

(31) Section 27, chapter 460, Laws of 1987 and RCW 26.10.030;

(32) Section 28, chapter 460, Laws of 1987, section 33, chapter ____, Laws of 1989 and RCW 26.10.040;

(33) Section 29, chapter 460, Laws of 1987 and RCW 26.10.050;

(34) Section 30, chapter 460, Laws of 1987, section 20, chapter ____, Laws of 1989 and RCW 26.10.060;

(35) Section 31, chapter 460, Laws of 1987, section 21, chapter ____, Laws of 1989 and RCW 26.10.070;

(36) Section 35, chapter 460, Laws of 1987 and RCW 26.10.080;

(37) Section 36, chapter 460, Laws of 1987 and RCW 26.10.090;

(38) Section 38, chapter 460, Laws of 1987, section 23, chapter ____, Laws of 1989 and RCW 26.10.100;

(39) Section 39, chapter 460, Laws of 1987 and RCW 26.10.110;

(40) Section 40, chapter 460, Laws of 1987 and RCW 26.10.120;

(41) Section 41, chapter 460, Laws of 1987 and RCW 26.10.130;

(42) Section 42, chapter 460, Laws of 1987 and RCW 26.10.140;

(43) Section 43, chapter 460, Laws of 1987 and RCW 26.10.150;

(44) Section 44, chapter 460, Laws of 1987 and RCW 26.10.160;

(45) Section 45, chapter 460, Laws of 1987 and RCW 26.10.170;

(46) Section 46, chapter 460, Laws of 1987, section 22, chapter ____, Laws of 1989 and RCW 26.10.180;

(47) Section 47, chapter 460, Laws of 1987, section 26, chapter ____, Laws of 1989 and RCW 26.10.190;

(48) Section 48, chapter 460, Laws of 1987 and RCW 26.10.200;

(49) Section 49, chapter 460, Laws of 1987 and RCW 26.10.210; and

(50) Section 50, chapter 460, Laws of 1987 and RCW 26.10.220."

On page 1, line 2 of the title, after "provisions;" strike the remainder of the title and insert "amending RCW 26.09.010, 26.09.015, 26.09.020, 26.09.070, 26.09.080, 26.09.090, 26.09.100, 26.09.181, 26.09.184, 26.09.187, 26.09.191, 26.09.220, 26.09.240, 26.09.260, 26.09.270, 26.09.285, 26.09.907, 26.09.909, 26.10.060, 26.10.070, 26.10.180, 26.12.080, 26.26.130, 26.10.190, 26.50.020, 26.09.050, 26.09.150, and 26.10.040; reenacting and amending RCW 26.09.120; adding a new section to chapter 26.26 RCW; adding a new section to chapter 26.50 RCW; adding a new section to chapter 26.10 RCW; and declaring an emergency."

On page 28, line 3 of the title amendment after "26.10 RCW;" insert "adding new sections to chapter 43.131 RCW;"

and the same is herewith transmitted.

W. D. Naismith, Assistant Secretary.

MOTIONS

Mr. Appelwick moved that the House do concur in the Senate amendments on page 1, after line 11, and on page 1, line 2 of the title, to Engrossed House Bill No. 1841.

Mr. Appelwick spoke in favor of the motion, and it was carried.

Mr. Appelwick moved that the House refuse to concur in the Senate amendments on page 27, after line 14 of the amendment, and on page 30, line 29 of the title amendment, and ask the Senate to recede therefrom.

Mr. Appelwick spoke in favor of the motion, and it was carried.

MESSAGE FROM THE SENATE

April 11, 1989

Mr. Speaker:

The Senate refuses to concur in the House amendments to SUBSTITUTE SENATE BILL NO. 5108, and asks the House to recede therefrom, and the same is herewith transmitted.

W. D. Naismith, Assistant Secretary.

MOTION

Mr. Appelwick moved that the House insist on its position regarding the House amendments to Substitute Senate Bill No. 5108 and ask the Senate to concur therein.

Mr. Appelwick spoke in favor of the motion, and it was carried.

MESSAGE FROM THE SENATE

April 10, 1989

Mr. Speaker:

The Senate refuses to concur in the House amendments to SUBSTITUTE SENATE BILL NO. 5184, and asks the House to recede therefrom, and the same is herewith transmitted.

W. D. Naismith, Assistant Secretary.

MOTIONS

Mr. Walk moved that the House insist on its position regarding the House amendment on page 1, line 19, to Substitute Senate Bill No. 5184 and ask the Senate to concur therein.

Representatives Walk and Schmidt spoke in favor of the motion, and it was carried.

Mr. Walk moved that the House recede from its amendments on page 3, line 14, and page 7, line 5.

Representatives Walk and Schmidt spoke in favor of the motion, and it was carried.

MESSAGE FROM THE SENATE

April 11, 1989

Mr. Speaker:

The Senate refuses to concur in the House amendments to ENGROSSED SENATE BILL NO. 5185, and asks the House to recede therefrom, and the same is herewith transmitted.

W. D. Naismith, Assistant Secretary.

MOTION

Ms. Haugen moved that the House insist on its position regarding the House amendments to Engrossed Senate Bill No. 5185 and ask the Senate to concur therein.

Representatives Haugen and Ferguson spoke in favor of the motion, and it was carried.

MESSAGE FROM THE SENATE

April 11, 1989

Mr. Speaker:

The Senate refuses to concur in the House amendments to ENGROSSED SENATE BILL NO. 5536, and asks the House to recede therefrom, and the same is herewith transmitted.

W. D. Naismith, Assistant Secretary.

MOTION

Ms. R. Fisher moved that the House insist on its position regarding the House amendments to Engrossed Senate Bill No. 5536 and once again ask the Senate to concur therein.

Representatives R. Fisher and McLean spoke in favor of the motion, and it was carried.

MESSAGE FROM THE SENATE

April 17, 1989

Mr. Speaker:

The Senate refuses to concur in the House amendments to ENGROSSED SUBSTITUTE SENATE BILL NO. 5566, and asks the House to recede therefrom, and the same is herewith transmitted.

W. D. Naismith, Assistant Secretary.

MOTION

Ms. Rust moved that the House recede from its amendments to Engrossed Substitute Senate Bill No. 5566.

Ms. Rust spoke in favor of the motion, and it was carried.

FINAL PASSAGE OF SENATE BILL WITHOUT HOUSE AMENDMENTS

The Speaker (Mr. O'Brien presiding) stated the question before the House to be the final passage of Engrossed Substitute Senate Bill No. 5566 without the House amendments.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute Senate Bill No. 5566 without the House amendments, and the bill passed the House by the following vote: Yeas, 96; nays, 1; excused, 1.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Baugher, Beck, Belcher, Betrozoff, Bowman, Braddock, Brekke, Bristow, Brooks, Brough, Brumsickle, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Fraser, Fuhrman, Grant, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Insløe, Jacobsen, Jesernig, Jones, King P, King R, Kremen, Leonard, Locke, May, McLean, Meyers R, Miller, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Padden, Patrick, Peery, Phillips, Prentice, Prince, Pruitt, Rafter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith, Sommers D, Sommers H, Spanel, Sprengle, Tate, Todd, Vaile, Van Luven, Vekich, Walk, Walker, Wang, Wilson K, Wilson S, Wineberry, Winsley, Wood, Youngsman, Zellinsky, and Mr. Speaker - 96.

Voting nay: Representative Wolfe - 1.

Excused: Representative Gallagher - 1.

Engrossed Substitute Senate Bill No. 5566 without the House amendments, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE SENATE

April 10, 1989

Mr. Speaker:

The Senate refuses to concur in the House amendments to SUBSTITUTE SENATE BILL NO. 5663, and asks the House to recede therefrom, and the same is herewith transmitted.

W. D. Naismith, Assistant Secretary.

MOTION

Ms. Haugen moved that the House insist on its position regarding the House amendments to Substitute Senate Bill No. 5663 and ask the Senate to concur therein.

Ms. Haugen spoke in favor of the motion, and it was carried.

MESSAGE FROM THE SENATE

April 10, 1989

Mr. Speaker:

The Senate refuses to concur in the House amendments to SECOND SUBSTITUTE SENATE BILL NO. 5375, and asks the House for a conference thereon. The President has appointed the following members as conferees: Senators Pullen, Talmadge and McCaslin, and the same is herewith transmitted.

W. D. Naismith, Assistant Secretary.

MOTION

Mr. Crane moved that the House grant the request of the Senate for a conference on Second Substitute Senate Bill No. 5375. The motion was carried.

APPOINTMENT OF CONFEREES

The Speaker (Mr. O'Brien presiding) appointed Representatives Appelwick, Inslee and Patrick as conferees on Second Substitute Senate Bill No. 5375.

MESSAGE FROM THE SENATE

April 10, 1989

Mr. Speaker:

The Senate refuses to concur in the House amendments to ENGROSSED SENATE BILL NO. 5833, and asks the House for a conference thereon. The President has appointed the following members as conferees: Senators Pullen, Talmadge and McCaslin, and the same is herewith transmitted.

W. D. Naismith, Assistant Secretary.

MOTION

Mr. Crane moved that the House grant the request of the Senate for a conference on Engrossed Senate Bill No. 5833. The motion was carried.

APPOINTMENT OF CONFEREES

The Speaker (Mr. O'Brien presiding) appointed Representatives Appelwick, H. Myers and Tate as conferees on Engrossed Senate Bill No. 5833.

ENGROSSED HOUSE BILL NO. 1881 AS AMENDED BY THE SENATE, by Representatives Rayburn, Nealey and Doty

Modifying allowable compensation for irrigation district directors.

The House resumed consideration of Engrossed House Bill No. 1881.

The Speaker (Mr. O'Brien presiding) stated the question before the House to be the Point of Order by Representative Haugen regarding the scope and object of the Senate amendments to Engrossed House Bill No. 1881.

SPEAKER'S RULING

The Speaker (Mr. O'Brien presiding): The Speaker finds that Engrossed House Bill No. 1881 is a very narrow bill, which deals with the maximum amount of per diem to be paid to irrigation district board directors. The Senate amendments deal with irrigation district public bidding requirements and the small works roster for irrigation districts. The Speaker finds that the Senate amendments change the scope and object of the bill. Your point is well taken.

MOTION

Ms. Haugen moved that the House refuse to concur in the Senate amendments to Engrossed House Bill No. 1881 and ask the Senate to recede therefrom.

Ms. Haugen spoke in favor of the motion, and it was carried.

APPOINTMENT OF CONFEREES

The Speaker (Mr. O'Brien presiding) appointed Representatives R. Meyers, P. King and Padden as conferees on Substitute House Bill No. 1457.

SENATE AMENDMENTS TO HOUSE BILL

April 14, 1989

Mr. Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 1582 with the following amendments:

NEW SECTION. Sec. 2. A new section is added to chapter 28A.34 RCW to read as follows:
By December 1, 1989, the office of the superintendent of public instruction shall adopt rules providing for minimum standards for before-and-after school care programs operated by school districts to assure the provision of quality developmentally appropriate care in before-and-after school child care programs including but not limited to staff qualifications, child to adult ratio, facility requirements, and program content. The rules shall be developed and adopted in consultation with the department of social and health services. In developing the rules, both the office of the superintendent of public instruction and the department of social and health services shall work with the child care coordinating committee under RCW 74.13.090."

On page 1, line 1 of the title, after "74.12.340" insert "; and adding a new section to chapter 28A.34 RCW"

and the same is herewith transmitted.

W. D. Naismith, Assistant Secretary.

MOTION

Mr. Peery moved that the House do concur in the Senate amendments to Substitute House Bill No. 1582.

Mr. Peery spoke in favor of the motion, and it was carried.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

The Speaker (Mr. O'Brien presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1582 as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1582 as amended by the Senate, and the bill passed the House by the following vote: Yeas, 97; excused, 1.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Baugher, Beck, Belcher, Betrozoff, Bowman, Braddock, Brække, Bristow, Brooks, Brough, Brumsickle, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Fraser, Fuhrman, Grant, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Inslee, Jacobsen, Jesernig, Jones, King P, King R, Kremen, Leonard, Locke, May, McLean, Meyers R, Miller, Morris, Moyer, Myers H, Nealey, Nelson, Nulley, O'Brien, Padden, Patrick, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith, Sommers D, Sommers H, Spanel, Sprengle, Tate, Todd, Vaile, Van Luven, Vekich, Walk, Walker, Wang, Wilson K, Wilson S, Wineberry, Winsley, Wolfe, Wood, Youngsman, Zellinsky, and Mr. Speaker - 97.

Excused: Representative Gallagher - 1.

Substitute House Bill No. 1582 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SENATE AMENDMENTS TO HOUSE BILL

April 10, 1989

Mr. Speaker:

The Senate has passed ENGROSSED SUBSTITUTE HOUSE BILL NO. 1301 with the following amendments:

On page 3, beginning on line 28, strike all of Section 3 and renumber the remaining sections consecutively.

On page 4, after line 4, insert the following:

NEW SECTION. Sec. 4. A new section is added to chapter 70.98 RCW to read as follows:
The sum of forty eight thousand dollars, or as much thereof as may be necessary, is appropriated for the biennium ending June 30, 1991, from the general fund to the state radiation control agency for the purposes of this act."

On page 1, line 2 of the title, before "adding" strike "and" and on line 3 of the title, after "RCW" insert "; and making an appropriation"

and the same is herewith transmitted.

W. D. Naismith, Assistant Secretary.

MOTION

Ms. Rust moved that the House do concur in the Senate amendments to Engrossed Substitute House Bill No. 1301.

Representatives Rust and D. Sommers spoke in favor of the motion, and it was carried.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

The Speaker (Mr. O'Brien presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 1301 as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1301 as amended by the Senate, and the bill passed the House by the following vote: Yeas, 97; excused, 1.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Baugher, Beck, Belcher, Betzoff, Bowman, Braddock, Brekke, Bristow, Brooks, Brough, Brumsickle, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Fraser, Fuhrman, Grant, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Insee, Jacobsen, Jesernig, Jones, King P, King R, Kremen, Leonard, Locke, May, McLean, Meyers R, Miller, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Padden, Patrick, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith, Sommers D, Sommers H, Spanel, Sprengle, Tate, Todd, Valle, Van Luven, Vekich, Walk, Walker, Wang, Wilson K, Wilson S, Wineberry, Winsley, Wolfe, Wood, Youngsman, Zellinsky, and Mr. Speaker - 97.

Excused: Representative Gallagher - 1.

Engrossed Substitute House Bill No. 1301 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

There being no objection, the House reverted to the sixth order of business.

SECOND READING

MOTION

Mr. Heavey moved that the House immediately consider Engrossed Substitute Senate Bill No. 5897 on the second reading calendar. The motion was carried.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5897, by Committee on Health Care & Corrections (originally sponsored by Senators West, Kreidler and McDonald)

Regarding alcohol and drug treatment.

The bill was read the second time. Committee on Appropriations recommendation: Majority, do pass as amended. (For committee amendments, see Journal, 100th Day, April 18, 1989.)

Mr. Bristow moved adoption of the committee amendment.

Mr. Bristow moved adoption of the following amendments by Representatives Bristow, H. Sommers and Silver to the committee amendment:

On page 10, after line 26 of the amendment, add a new subsection as follows:

"(6) The department may provide medical care services to indigent persons receiving treatment services under this chapter within available treatment funds, when (a) such medical care services are necessary for successful completion of the treatment program; and (b) no other medical services are available."

On page 12, after line 10 of the amendment, add a new subsection as follows:

"(6) The department may provide medical care services to indigent persons receiving treatment services under this chapter within available treatment funds, when (a) such medical care services are necessary for successful completion of the treatment program; and (b) no other medical services are available."

On page 13, after line 30 of the amendment, add a new subsection as follows:

"(6) The department may provide medical care services to indigent persons receiving treatment services under this chapter within available treatment funds, when (a) such medical care services are necessary for successful completion of the treatment program; and (b) no other medical services are available."

Mr. Bristow spoke in favor of adoption of the amendments to the committee amendment, and they were adopted.

Mr. Bristow moved adoption of the following amendments to the committee amendment:

On page 16, beginning on line 8 of the amendment; after "RCW)" strike all material through "stipend" on line 28

On page 16, beginning on line 25 of the amendment, after "RCW)" strike all material through "stipend" on line 28

Mr. Bristow spoke in favor of adoption of the amendments to the committee amendment, and they were adopted.

Mr. Bristow moved adoption of the following amendments to the committee amendment:

On page 17, beginning on line 13 of the amendment, strike "or the date of eligibility for" and insert "~~(or the date of eligibility for)~~"

On page 17, beginning on line 15 of the amendment, strike "drug or alcohol residential treatment or outpatient treatment that is accompanied by a living stipend"

Mr. Bristow spoke in favor of adoption of the amendments to the committee amendment, and they were adopted.

The committee amendment as amended was adopted.

On motion of Mr. Bristow, the committee amendment to the title was adopted.

With consent of the House, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Representatives Bristow and Silver spoke in favor of passage of the bill, and Representatives Brekke, Rust and Nealey spoke against it.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute Senate Bill No. 5897 as amended by the House, and the bill passed the House by the following vote: Yeas, 80; nays, 17; excused, 1.

Voting yea: Representatives Ballard, Basich, Baugher, Beck, Belcher, Betzoff, Bowman, Braddock, Bristow, Brooks, Brough, Brumsickle, Cantwell, Chandler, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fraser, Fuhrman, Grant, Hankins, Hargrove, Haugen, Hine, Holland, Horn, Insee, Jesernig, Jones, King P, Kremen, Locke, May, McLean, Meyers R, Miller, Morris, Moyer, Myers H, O'Brien, Padden, Patrick, Peery, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Schmidt, Schoon, Scott, Silver, Smith, Sommers D, Sommers H, Spanel, Sprengle, Tate, Todd, Van Luven, Vekich, Walk, Walker, Wang, Wilson K, Wilson S, Winsley, Wolfe, Wood, Youngsman, Zellinsky, and Mr. Speaker - 80.

Voting nay: Representatives Anderson, Appelwick, Brekke, Cole, Fisher R, Heavey, Jacobsen, King R, Leonard, Nealey, Nelson, Nutley, Phillips, Rust, Sayan, Valle, Wineberry - 17.

Excused: Representative Gallagher - 1.

Engrossed Substitute Senate Bill No. 5897 as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

The Speaker (Mr. O'Brien presiding) declared the House to be at ease.

The Speaker called the House to order.

SUBSTITUTE SENATE BILL NO. 5521, by Committee on Ways & Means (originally sponsored by Senators McDonald and Gaspard; by request of Governor)

Adopting the capital budget.

The bill was read the second time. Committee on Capital Facilities & Financing recommendation: Majority, do pass as amended. (For committee amendments, see Journal, 100th Day, April 18, 1989.)

Ms. H. Sommers moved adoption of the committee amendment.

Mr. Betzoff moved adoption of the following amendments by Representatives Betzoff and Doty to the committee amendment:

On page 12, following line 1 of the amendment, insert:

"The appropriation in this section is subject to the following condition and limitation: The capital campus master plan shall include a recommendation for the location of a new state

capital museum on the capitol campus. The recommendation shall take into consideration anticipated pedestrian and vehicular traffic on the capitol campus and the new capital museum.

On page 101, after line 4 of the amendment, strike section 823.

Mr. Betzoff spoke in favor of adoption of the amendments to the committee amendment.

Mr. Heavey demanded an electric roll call vote, and the demand was sustained.

Representatives H. Sommers, Fraser and Bowman spoke against adoption of the amendments to the committee amendment, and Mr. Schoon spoke in favor of them. Mr. Betzoff again spoke in favor of the amendments to the committee amendment.

ROLL CALL

The Clerk called the roll on the adoption of the amendments by Representatives Betzoff and Doty to the committee amendment to Substitute Senate Bill No. 5521, and the amendments to the committee amendment were not adopted by the following vote: Yeas, 33; nays, 63; absent, 1; excused, 1.

Voting yea: Representatives Ballard, Beck, Betzoff, Brooks, Brough, Chandler, Dellwo, Doty, Ferguson, Fuhrman, Hankins, Holland, Horn, May, McLean, Miller, Moyer, Nealey, Padden, Patrick, Prince, Schmidt, Schoon, Silver, Smith, Sommers D, Tate, Van Luven, Walker, Winsley, Wolfe, Wood, Youngsman - 33.

Voting nay: Representatives Anderson, Appelwick, Basich, Baugher, Belcher, Bowman, Braddock, Brekke, Bristol, Brumsickle, Cantwell, Cole, Cooper, Crane, Day, Dorn, Ebersole, Fisher G, Fisher R, Fraser, Grant, Hargrove, Haugen, Heavey, Hine, Inslee, Jacobsen, Jesernig, Jones, King P, King R, Kremen, Leonard, Locke, Meyers R, Morris, Myers H, Nelson, Nutley, O'Brien, Peery, Phillips, Prentice, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Scott, Sommers H, Spanel, Sprengle, Todd, Valle, Vekich, Walk, Wang, Wilson K, Wineberry, Zellinsky, and Mr. Speaker - 63.

Absent: Representative Wilson S - 1.

Excused: Representative Gallagher - 1.

Ms. H. Sommers moved adoption of the following amendment by Representatives H. Sommers, Wang, Schoon and Winsley to the committee amendment:

On page 13, after line 1 of the committee amendment, insert "St Bldg Constr Acct" and "1,700,000" under the Appropriation column

Ms. H. Sommers spoke in favor of adoption of the amendment to the committee amendment, and it was adopted.

Mr. Wineberry moved adoption of the following amendment by Representatives Wineberry, Hargrove, H. Sommers and Doty to the committee amendment:

On page 15, after line 9 of the committee amendment, strike section 202 and insert:

"NEW SECTION. Sec. 202. FOR THE DEPARTMENT OF COMMUNITY DEVELOPMENT

Capitalize development loan fund (88-2-002)

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

(1) No more than \$2,000,000 of the appropriations shall be made available for expenditure if the delinquency rate on loans outstanding is greater than 20%. However, once the department demonstrates a delinquency rate of less than 10%, the balance of this appropriation shall be made available for expenditure.

(2) 'Delinquency' shall be defined as any loan more than 90 days past due where no formal loan workout agreement has been entered into between the borrower and the department.

	Reappropriation	Appropriation
WA St Dev Loan Acct		2,000,000
St Bldg Constr Acct	1,100,000	1,000,000
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
7,970,000	10,000,000	20,970,000*

Representatives Wineberry and Doty spoke in favor of adoption of the amendment to the committee amendment.

The Speaker stated the question before the House to be the adoption of the amendment by Representative Wineberry and others to the committee amendment to Substitute Senate Bill No. 5521.

The Speaker, being in doubt, called upon the House to divide. The result of the division was: Yeas - 93; Nays - 2. The amendment to the committee amendment was adopted.

Mr. Beck moved adoption of the following amendment to the committee amendment:

On page 19, line 31 of the committee amendment, strike all of Sec. 214

Renumber following sections consecutively and correct internal references accordingly.

Mr. Beck spoke in favor of adoption of the amendment to the committee amendment, and Ms. H. Sommers spoke against it.

Mr. May demanded an electric roll call vote, and the demand was sustained.

Mr. Schoon spoke against the amendment to the committee amendment.

ROLL CALL

The Clerk called the roll on the adoption of the amendment by Representative Beck to the committee amendment to Substitute Senate Bill No. 5521, and the amendment to the committee amendment was not adopted by the following vote: Yeas, 23; nays, 73; absent, 1; excused, 1.

Voting yea: Representatives Baillard, Baugher, Beck, Betzoff, Brough, Brumsickle, Fuhrman, Hankins, Haugen, Holland, McLean, Miller, Moyer, Nealey, Padden, Patrick, Prince, Schmidt, Silver, Sommers D, Tate, Wolfe, Wood - 23.

Voting nay: Representatives Anderson, Appelwick, Basich, Belcher, Braddock, Brække, Bristow, Brooks, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Fraser, Grant, Hargrove, Heavey, Hine, Horn, Inslee, Jacobsen, Jesernig, Jones, King P, King R, Kremen, Leonard, Locke, May, Meyers R, Morris, Myers H, Nelson, Nutley, O'Brien, Peery, Phillips, Prentice, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schoon, Scott, Smith, Sommers H, Spanel, Sprenkle, Todd, Valle, Van Luvan, Vekich, Waik, Walker, Wang, Wilson K, Wilson S, Wineberry, Winsley, Youngsman, Zellinsky, and Mr. Speaker - 73.

Absent: Representative Bowman - 1.

Excused: Representative Gallagher - 1.

Mr. Hargrove moved adoption of the following amendment by Representatives Hargrove, Jones and Schoon to the committee amendment:

On page 20, following line 38, insert:

*NEW SECTION. Sec. 218. FOR THE DEPARTMENT OF COMMUNITY DEVELOPMENT

7th Street Theater

The appropriation in this section is subject to the following conditions and limitations: Expenditure of moneys from this appropriation is contingent on the expenditure for the same purpose of at least one dollar from nonstate sources for each dollar spent from this appropriation.

	Reappropriation	Appropriation
St Bldg Constr Acct		250,000
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
		250,000*

Renumber remaining sections consecutively and correct internal references accordingly

Representatives Hargrove, Schoon, Jones and Moyer spoke in favor of adoption of the amendment to the committee amendment, and Mr. Wang opposed it.

The Speaker stated the question before the House to be the adoption of the amendment by Representative Hargrove and others to the committee amendment to Substitute Senate Bill No. 5521.

A division was called. The Speaker called upon the House to divide. The result of the division was: Yeas - 58; Nays - 37. The amendment to the committee amendment was adopted.

There being no objection, the House advanced to the eleventh order of business.

MOTION

On motion of Mr. Ebersole, the House adjourned until 9:30 a.m., Thursday, April 20, 1989.

JOSEPH E. KING, Speaker

ALAN THOMPSON, Chief Clerk

ONE HUNDRED-SECOND DAY

MORNING SESSION

House Chamber, Olympia, Thursday, April 20, 1989

The House was called to order at 9:30 a.m. by the Speaker (Mr. O'Brien presiding). The Clerk called the roll and all members were present except Representative Gallagher, who was excused.

The flag was escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Danny Roberge and Ryan Kalich. Prayer was offered by The Reverend David Gunderson, Minister of St. Mary's Episcopal Church of Tacoma.

Reading of the Journal of the previous day was dispensed with and it was ordered to stand approved.

CENTENNIAL MESSAGE FROM THE WASHINGTON STATE HISTORICAL SOCIETY

April 20, 1989

On this day in 1889, a new stage coach, with six horses, began running between Ellensburg and Rock Island. The coach had nine passengers for the Conconully mines. And, residents of Ellensburg argued that heir city should be made the state capital, because it was the center of the state and would become a railroad center with the completion of the Ellensburg and Conconully Railroad.

On April 20, 1916 the Spokane Historical Society, later the Eastern Washington Historical Society, was formed.

On April 20, 1925, on complaint of members of the State Board of Law Examiners, Elmer Smith, the lawyer who had been defending the IWW members who were convicted of murder for the affair in Centralia in 1919, was disbarred by the State Supreme Court.

MESSAGES FROM THE SENATE

April 18, 1989

Mr. Speaker:

The President has signed:

SUBSTITUTE HOUSE BILL NO. 1056,
 SUBSTITUTE HOUSE BILL NO. 1074,
 HOUSE BILL NO. 1077,
 HOUSE BILL NO. 1198,
 HOUSE BILL NO. 1231,
 HOUSE BILL NO. 1258,
 HOUSE BILL NO. 1358,
 SUBSTITUTE HOUSE BILL NO. 1386,
 HOUSE BILL NO. 1400,
 SUBSTITUTE HOUSE BILL NO. 1430,
 SUBSTITUTE HOUSE BILL NO. 1455,
 SUBSTITUTE HOUSE BILL NO. 1458,
 HOUSE BILL NO. 1485,
 SUBSTITUTE HOUSE BILL NO. 1572,
 HOUSE BILL NO. 1618,
 SUBSTITUTE HOUSE BILL NO. 1630,
 HOUSE BILL NO. 1690,
 HOUSE BILL NO. 1709,
 HOUSE BILL NO. 1719,
 HOUSE BILL NO. 1757,
 HOUSE BILL NO. 1776.

HOUSE BILL NO. 1844,
 SUBSTITUTE HOUSE BILL NO. 1853,
 SUBSTITUTE HOUSE BILL NO. 1854,
 SUBSTITUTE HOUSE BILL NO. 1857,
 HOUSE BILL NO. 1872,
 SUBSTITUTE HOUSE BILL NO. 1894,
 HOUSE BILL NO. 1980,
 HOUSE BILL NO. 1993,
 HOUSE BILL NO. 2010,
 SUBSTITUTE HOUSE BILL NO. 2012,
 HOUSE BILL NO. 2037,
 HOUSE BILL NO. 2118,
 HOUSE JOINT MEMORIAL NO. 4018.

and the same are herewith transmitted.

Gordon A. Golob, Secretary.

April 19, 1989

Mr. Speaker:

The President has signed:

SUBSTITUTE SENATE BILL NO. 5107,
 SUBSTITUTE SENATE BILL NO. 5128,
 SUBSTITUTE SENATE BILL NO. 5147,
 SENATE BILL NO. 5167,
 SUBSTITUTE SENATE BILL NO. 5293,
 SUBSTITUTE SENATE BILL NO. 5350,
 SENATE BILL NO. 5381,
 SUBSTITUTE SENATE BILL NO. 5506,
 SUBSTITUTE SENATE BILL NO. 5648,
 SECOND SUBSTITUTE SENATE BILL NO. 5658,
 SUBSTITUTE SENATE BILL NO. 5812,
 SENATE BILL NO. 5858,
 SUBSTITUTE SENATE BILL NO. 5905,
 SENATE BILL NO. 5907,
 SENATE BILL NO. 5916,
 SUBSTITUTE SENATE BILL NO. 5947,
 SUBSTITUTE SENATE BILL NO. 6013,
 SUBSTITUTE SENATE BILL NO. 6048,
 SENATE JOINT RESOLUTION NO. 8200.

and the same are herewith transmitted.

Gordon A. Golob, Secretary.

April 19, 1989

Mr. Speaker:

Senate has passed:

ENGROSSED SUBSTITUTE SENATE BILL NO. 5338,
 ENGROSSED SENATE BILL NO. 6106,
 SENATE CONCURRENT RESOLUTION NO. 8415.

and the same are herewith transmitted.

W. D. Naismith, Assistant Secretary.

April 19, 1989

Mr. Speaker:

Senate receded from its amendments to SUBSTITUTE HOUSE BILL NO. 1217, and passed the bill without said amendments, and the same is herewith transmitted.

W. D. Naismith, Assistant Secretary.

April 19, 1989

Mr. Speaker:

The Senate grants the request of the House for a conference on SUBSTITUTE HOUSE BILL NO. 1475. The President has appointed the following members as conferees: Senators Johnson, McMullen and Thorsness.

W. D. Naismith, Assistant Secretary.

MESSAGE FROM THE GOVERNOR

April 19, 1989

To the Honorable,
The House of Representatives
State of Washington
Ladies and Gentlemen:

I have the honor to advise you that on April 19, 1989, Governor Gardner approved the following House Bills entitled:

HOUSE BILL NO. 1025: Relating to commercial fishing licenses;

HOUSE BILL NO. 1062: Relating to the Washington code of military justice;

HOUSE BILL NO. 1117: Relating to requirements for workers' compensation employer group participation in the retrospective rating program;

HOUSE BILL NO. 1162: Relating to annexation of cities and towns by fire protection district;

HOUSE BILL NO. 1163: Relating to the presentment and filing of claims;

HOUSE BILL NO. 1205: Relating to recording of discharges;

HOUSE BILL NO. 1282: Relating to the definition of motor carrier freight brokers and forwarders;

SUBSTITUTE HOUSE BILL NO. 1287: Relating to the license renewal of escrow officers;

HOUSE BILL NO. 1290: Relating to the Washington coordinate system;

HOUSE BILL NO. 1330: Relating to ferry operation;

HOUSE BILL NO. 1348: Relating to excess weight permits for authorized emergency vehicles;

SUBSTITUTE HOUSE BILL NO. 1355: Relating to public motor vehicle operations;

SUBSTITUTE HOUSE BILL NO. 1379: Relating to bids on public construction contracts;

HOUSE BILL NO. 1418: Relating to moral nuisances;

HOUSE BILL NO. 1454: Relating to transportation benefit districts;

HOUSE BILL NO. 1468: Relating to the award for educational excellence;

HOUSE BILL NO. 1480: Relating to the productivity board;

SUBSTITUTE HOUSE BILL NO. 1503: Relating to bonding requirements for construction, alteration, repair, or improvements of state ferries;

SUBSTITUTE HOUSE BILL NO. 1548: Relating to paternity;

SUBSTITUTE HOUSE BILL NO. 1639: Relating to fire protection districts;

SUBSTITUTE HOUSE BILL NO. 1651: Relating to flood plains;

HOUSE BILL NO. 1689: Relating to refund of licensing fees;

HOUSE BILL NO. 1762: Relating to discrimination in real estate transactions against physically disabled persons who use guide dogs;

HOUSE BILL NO. 2158: Relating to comprehensive cancer centers.

Sincerely,
Terry Sebring, Counsel.

There being no objection, the House advanced to the eighth order of business.

RESOLUTION

HOUSE FLOOR RESOLUTION NO. 89-4681, by Representatives Belcher, Fraser, Brekke, G. Fisher, Bristow, H. Myers, Ferguson, Cooper, Nutley, Raiter, Brumsickle, Prince and Beck

WHEREAS, The Washington Centennial Lewis and Clark Trail Run was held April 2 through 9, 1989 and was an athletic, historical and a state celebration; and

WHEREAS, The Washington Centennial Lewis and Clark Trail Run is a nonprofit organization that formed to develop a five hundred mile relay event and is comprised of fifteen residents of greater Olympia; and

WHEREAS, The Washington Centennial Lewis and Clark Trail Run worked closely with the Governor's Lewis and Clark Trail Committee, the Washington State Parks and Recreation Commission and the Olympia Rain Runners to develop the event; and

WHEREAS, The event commenced in the desert at Clarkston and concluded by the sea at Ilwaco; and

WHEREAS, There were one thousand three hundred-fifty runners and one thousand two hundred volunteers from across the state; and

WHEREAS, The event involved fifty-one communities from twelve counties; and

WHEREAS, The participants represented thirty-four Washington counties, twenty-three states and the Continents of Asia, Europe, Australia and North America;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State House of Representatives recognize and honor all who contributed to this Celebration of Washington during the centennial year of statehood; and

BE IT FURTHER RESOLVED, That copies of this Resolution be immediately transmitted by the Chief Clerk of the House of Representatives to the members of the Washington Centennial Lewis and Clark Trail Run.

Ms. Fraser moved adoption of the resolution. Representatives Fraser and Betozoff spoke in favor of the resolution.

House Floor Resolution No. 89-4681 was adopted.

The Speaker (Mr. O'Brien presiding) declared the House to be at ease.

The Speaker (Mr. Peery presiding) called the House to order.

The Speaker (Mr. Peery presiding) declared the House to be at ease until 1:00 p.m.

AFTERNOON SESSION

The Speaker (Mr. O'Brien presiding) called the House to order.

MESSAGE FROM THE SENATE

April 19, 1989

Mr. Speaker:

The Senate refuses to grant the request of the House for a conference on SUBSTITUTE HOUSE BILL NO. 1251, insists on its position, and again asks the House to concur in the Senate amendments, and the same is herewith transmitted.

W. D. Naismith, Assistant Secretary.

MOTION

Ms. Haugen moved that the House adhere to its position regarding the Senate amendments to Substitute House Bill No. 1251 and again ask the Senate to recede therefrom.

Ms. Haugen spoke in favor of the motion, and Mr. Padden opposed it. Ms. Haugen again spoke in favor of the motion, and it was carried.

SENATE AMENDMENTS TO HOUSE BILL

April 6, 1989

Mr. Speaker:

The Senate has passed ENGROSSED HOUSE BILL NO. 1645 with the following amendments:

Strike everything after the enacting clause and insert the following:

*NEW SECTION. Sec. 1. The legislature finds and declares that the distribution and sale of motor vehicles in this state vitally affect the general economy of the state and the public interest and public welfare, that provision for warranty service to motor vehicles is of substantial concern to the people of this state, that the maintenance of fair competition among dealers and others is in the public interest, and that the maintenance of strong and sound dealerships is essential to provide continuing and necessary reliable services to the consuming public in this state and to provide stable employment to the citizens of this state. The legislature further finds that there is a substantial disparity in bargaining power between automobile manufacturers and their dealers, and that in order to promote the public interest and the public welfare, and in the exercise of its police power, it is necessary to regulate the relationship between motor vehicles dealers and motor vehicle manufacturers, importers, distributors, and their representatives doing business in this state, not only for the protection of dealers but also for the benefit for the public in assuring the continued availability and servicing of automobiles sold to the public.

The legislature recognizes it is in the best interest for manufacturers and dealers of motor vehicles to conduct business with each other in a fair, efficient, and competitive manner. The legislature declares the public interest is best served by dealers being assured of the ability to manage their business enterprises under a contractual obligation with manufacturers where dealers do not experience unreasonable interference and are assured of the ability to transfer ownership of their business without undue constraints. It is the intent of the legislature to impose a regulatory scheme and to regulate competition in the motor vehicle industry to the extent necessary to balance fairness and efficiency. These actions will permit motor vehicle dealers to better serve consumers and allow dealers to devote their best competitive efforts and resources to the sale and services of the manufacturer's products to consumers.

NEW SECTION. Sec. 2. In addition to the definitions contained in RCW 46.70.011, which are incorporated by reference into this chapter, the definitions set forth in this section apply only for the purposes of this chapter.

(1) A 'new motor vehicle' is a vehicle that has not been titled by a state and ownership of which may be transferred on a manufacturer's statement of origin (MSO).

(2) 'New motor vehicle dealer' means a motor vehicle dealer engaged in the business of buying, selling, exchanging, or otherwise dealing in new motor vehicles or new and used motor vehicles at an established place of business, under a franchise, sales and service agreement, or contract with the manufacturer of the new motor vehicles. However, the term 'new motor vehicle dealer' does not include a miscellaneous vehicle dealer as defined in RCW 46.70.011(3)(c) or a motorcycle dealer as defined in chapter 46.94 RCW.

(3) 'Franchise' means one or more agreements, whether oral or written, between a manufacturer and a new motor vehicle dealer, under which the new motor vehicle dealer is authorized to sell, service, and repair new motor vehicles, parts, and accessories under a common name, trade name, trademark, or service mark of the manufacturer.

'Franchise' includes an oral or written contract and includes a dealer agreement, either expressed or implied, between a manufacturer and a new motor vehicle dealer that purports to fix the legal rights and liabilities between the parties and under which (a) the dealer is granted the right to purchase and resell motor vehicles manufactured, distributed, or imported by the manufacturer; (b) the dealer's business is associated with the trademark, trade name, commercial symbol, or advertisement designating the franchisor or the products distributed by the manufacturer; and (c) the dealer's business relies on the manufacturer for a continued supply of motor vehicles, parts, and accessories.

(4) 'Good faith' means honesty in fact and fair dealing in the trade as defined and interpreted in RCW 62A.2-103.

(5) 'Designated successor' means:

(a) The spouse, biological or adopted child, grandchild, parent, brother, or sister of the owner of a new motor vehicle dealership who, in the case of the owner's death, is entitled to inherit the ownership interest in the new motor vehicle dealership under the terms of the owner's will or similar document, and if there is no such will or similar document, then under applicable intestate laws;

(b) A qualified person experienced in the business of a new motor vehicle dealer who has been nominated by the owner of a new motor vehicle dealership as the successor in a written, notarized, and witnessed instrument submitted to the manufacturer; or

(c) In the case of an incapacitated owner of a new motor vehicle dealership, the person who has been appointed by a court as the legal representative of the incapacitated owner's property.

(6) 'Owner' means a person holding an ownership interest in the business entity operating as a new motor vehicle dealer and who is the designated dealer in the new motor vehicle franchise agreement.

(7) 'Person' means every natural person, partnership, corporation, association, trust, estate, or any other legal entity.

NEW SECTION. Sec. 3. Notwithstanding the terms of a franchise and notwithstanding the terms of a waiver, no manufacturer may terminate, cancel, or fail to renew a franchise with a new motor vehicle dealer, unless the manufacturer has complied with the notice requirements of section 7 of this act and an administrative law judge has determined, if requested in writing by the new motor vehicle dealer within the applicable time period specified in section 7(1), (2), or (3) of this act, after hearing, that there is good cause for the termination, cancellation, or nonrenewal of the franchise and that the manufacturer has acted in good faith, as defined in this chapter, regarding the termination, cancellation, or nonrenewal.

NEW SECTION. Sec. 4. A new motor vehicle dealer who has received written notification from the manufacturer of the manufacturer's intent to terminate, cancel, or not renew the franchise may file a petition with the department for a determination as to the existence of good cause and good faith for the termination, cancellation, or nonrenewal of a franchise. The petition shall contain a short statement setting forth the reasons for the dealer's objection to the termination, cancellation, or nonrenewal of the franchise. Upon the filing of the petition and the receipt of the filing fee, the department shall promptly notify the manufacturer that a timely petition has been filed and shall request the appointment of an administrative law judge under

chapter 34.12 RCW to conduct a hearing. The franchise in question shall continue in full force and effect pending the administrative law judge's decision. If the decision of the administrative law judge terminating, canceling, or failing to renew a dealer's franchise is appealed by a dealer, the franchise in question shall continue in full force and effect until the appeal to superior court is finally determined or until the expiration of one hundred eighty days from the date of issuance of the administrative law judge's written decision, whichever is less. Nothing in this section precludes a manufacturer or dealer from petitioning the superior court for a stay or other relief pending judicial review.

NEW SECTION. Sec. 5. (1) The administrative law judge shall conduct the hearing and render a final decision as expeditiously as possible, but in any event not later than one hundred eighty days after a petition is filed. If the termination, cancellation, or nonrenewal is under section 7(2) of this act, the administrative law judge shall give the proceeding priority consideration and shall render a final decision not later than sixty days after a petition is filed.

(2) The administrative law judge shall conduct the hearing as an adjudicative proceeding in accordance with the procedures provided for in the Administrative Procedure Act, chapter 34.05 RCW. The administrative law judge shall render the final decision and shall enter a final order. Except as otherwise provided in RCW 34.05.446 and 34.05.449, all hearing costs shall be borne on an equal basis by the parties to the hearing.

(3) A party to a hearing under this chapter may be represented by counsel. A party to a hearing aggrieved by the final order of the administrative law judge concerning the termination, cancellation, or nonrenewal of a franchise may seek judicial review of the order in the superior court in the manner provided for in RCW 34.05.510 through 34.05.598. A petitioner for judicial review need not exhaust all administrative appeals or administrative review processes as a prerequisite for seeking judicial review under this section.

NEW SECTION. Sec. 6. (1) Notwithstanding the terms of a franchise or the terms of a waiver, and except as otherwise provided in section 7(2) (a) through (d) of this act, good cause exists for termination, cancellation, or nonrenewal when there is a failure by the new motor vehicle dealer to comply with a provision of the franchise that is both reasonable and of material significance to the franchise relationship, if the new motor vehicle dealer was notified of the failure within one hundred eighty days after the manufacturer first acquired knowledge of the failure and the new motor vehicle dealer did not correct the failure after being requested to do so.

If, however, the failure of the new motor vehicle dealer relates to the performance of the new motor vehicle dealer in sales, service, or level of customer satisfaction, good cause is the failure of the new motor vehicle dealer to comply with reasonable performance standards determined by the manufacturer in accordance with uniformly applied criteria, and:

(a) The new motor vehicle dealer was advised, in writing, by the manufacturer of the failure;

(b) The notice under this subsection stated that notice was provided of a failure of performance under this section;

(c) The manufacturer provided the new motor vehicle dealer with specific, reasonable goals or reasonable performance standards with which the dealer must comply, together with a suggested timetable or program for attaining those goals or standards, and the new motor vehicle dealer was given a reasonable opportunity, for a period not less than one hundred eighty days, to comply with the goals or standards; and

(d) The new motor vehicle dealer did not substantially comply with the manufacturer's performance standards during that period and the failure to demonstrate substantial compliance was not due to market or economic factors within the new motor vehicle dealer's relevant market area that were beyond the control of the dealer.

(2) The manufacturer has the burden of proof of establishing good cause and good faith for the termination, cancellation, or nonrenewal of the franchise under this section.

NEW SECTION. Sec. 7. Before the termination, cancellation, or nonrenewal of a franchise, the manufacturer shall give written notification to both the department and the new motor vehicle dealer. The notice shall be by certified mail or personally delivered to the new motor vehicle dealer and shall state the intention to terminate, cancel, or not renew the franchise, the reasons for the termination, cancellation, or nonrenewal, and the effective date of the termination, cancellation, or nonrenewal. The notice shall be given:

(1) Not less than ninety days before the effective date of the termination, cancellation, or nonrenewal;

(2) Not less than fifteen days before the effective date of the termination, cancellation, or nonrenewal with respect to any of the following that constitute good cause for termination, cancellation, or nonrenewal:

(a) Insolvency of the new motor vehicle dealer or the filing of any petition by or against the new motor vehicle dealer under bankruptcy or receivership law;

(b) Failure of the new motor vehicle dealer to conduct sales and service operations during customary business hours for seven consecutive business days, except for acts of God or circumstances beyond the direct control of the new motor vehicle dealer;

(c) Conviction of the new motor vehicle dealer, or principal operator of the dealership, of a felony punishable by imprisonment; or

(d) Suspension or revocation of a license that the new motor vehicle dealer is required to have to operate the new motor vehicle dealership where the suspension or revocation is for a period in excess of thirty days;

(3) Not less than one hundred eighty days before the effective date of termination, cancellation, or nonrenewal, where the manufacturer intends to discontinue sale and distribution of the new motor vehicle line.

NEW SECTION, Sec. 8. (1) Upon the termination, cancellation, or nonrenewal of a franchise by the manufacturer under this chapter, the manufacturer shall pay the new motor vehicle dealer, at a minimum:

(a) Dealer cost plus any charges by the manufacturer for distribution, delivery, and taxes, less all allowances paid or credited to the dealer by the manufacturer, of unused, undamaged, and unsold new motor vehicles in the new motor vehicle dealer's inventory that were acquired from the manufacturer or another new motor vehicle dealer of the same line make within the previous twelve months;

(b) Dealer cost for all unused, undamaged, and unsold supplies, parts, and accessories in original packaging, except that in the case of sheet metal, a comparable substitute for original packaging may be used, if the supply, part, or accessory was acquired from the manufacturer or from another new motor vehicle dealer ceasing operations as a part of the new motor vehicle dealer's initial inventory as long as the supplies, parts, and accessories appear in the manufacturer's current parts catalog, list, or current offering;

(c) Dealer cost for all unused, undamaged, and unsold inventory, whether vehicles, parts, or accessories, the purchase of which was required by the manufacturer;

(d) The fair market value of each undamaged sign owned by the new motor vehicle dealer that bears a common name, trade name, or trademark of the manufacturer, if acquisition of the sign was recommended or required by the manufacturer and the sign is in good and usable condition less reasonable wear and tear, and has not been depreciated by the dealer more than fifty percent of the value of the sign;

(e) The fair market value of all equipment, furnishings, and special tools owned or leased by the new motor vehicle dealer that were acquired from the manufacturer or sources approved by the manufacturer and that were recommended or required by the manufacturer and are in good and usable condition, less reasonable wear and tear. However, if the equipment, furnishings, or tools are leased by the new motor vehicle dealer, the manufacturer shall pay the new motor vehicle dealer such amounts that are required by the lessor to terminate the lease under the terms of the lease agreement; and

(f) The cost of transporting, handling, packing, and loading of new motor vehicles, supplies, parts, accessories, signs, special tools, equipment, and furnishings.

To the extent the franchise agreement provides for payment or reimbursement to the new motor vehicle dealer in excess of that specified in this section, the provisions of the franchise agreement shall control.

(2) The manufacturer shall pay the new motor vehicle dealer the sums specified in subsection (1) of this section within ninety days after the tender of the property, if the new motor vehicle dealer has clear title to the property and is in a position to convey that title to the manufacturer.

NEW SECTION, Sec. 9. (1) In the event of a termination, cancellation, or nonrenewal under this chapter, except for termination, cancellation, or nonrenewal under section 7(2) of this act, the manufacturer shall, at the request and option of the new motor vehicle dealer, also pay to the new motor vehicle dealer:

(a) A sum equivalent to rent for the unexpired term of the lease or one year, whichever is less, or such longer term as provided in the franchise, if the new motor vehicle dealer is leasing the new motor vehicle dealership facilities from a lessor other than the manufacturer; or

(b) A sum equivalent to the reasonable rental value of the new motor vehicle dealership facilities for one year or until the facilities are leased or sold, whichever is less, if the new motor vehicle dealer owns the new motor vehicle dealership facilities.

(2) The rental payment required under subsection (1) of this section is only required to the extent that the facilities were used for activities under the franchise and only to the extent the facilities were not leased for unrelated purposes. If payment under subsection (1) of this section is made, the manufacturer is entitled to possession and use of the new motor vehicle dealership facilities for the period rent is paid.

NEW SECTION, Sec. 10. Sections 3 through 9 of this act do not relieve a new motor vehicle dealer from the obligation to mitigate the dealer's damages upon termination, cancellation, or nonrenewal of the franchise.

NEW SECTION, Sec. 11. (1) Notwithstanding the terms of a franchise, an owner may appoint a designated successor to succeed to the ownership of the new motor vehicle dealer franchise upon the owner's death or incapacity.

(2) Notwithstanding the terms of a franchise, a designated successor of a deceased or incapacitated owner of a new motor vehicle dealer franchise may succeed to the ownership interest of the owner under the existing franchise, if:

(a) In the case of a designated successor who meets the definition of a designated successor under section 2(5)(a) of this act, but who is not experienced in the business of a new motor vehicle dealer, the person will employ an individual who is qualified and experienced in the business of a new motor vehicle dealer to help manage the day-to-day operations of the motor vehicle dealership; or in the case of a designated successor who meets the definition of a designated successor under section 2(5)(b) or 2(5)(c) of this act, the person is qualified and experienced in the business of a new motor vehicle dealer and meets the normal, reasonable, and uniformly applied standards for grant of an application as a new motor vehicle dealer by the manufacturer; and

(b) The designated successor furnishes written notice to the manufacturer of his or her intention to succeed to the ownership of the new motor vehicle dealership within sixty days after the owner's death or incapacity; and

(c) The designated successor agrees to be bound by all terms and conditions of the franchise.

(3) The manufacturer may request, and the designated successor shall promptly provide, such personal and financial information as is reasonably necessary to determine whether the succession should be honored.

(4) A manufacturer may refuse to honor the succession to the ownership of a new motor vehicle dealer franchise by a designated successor if the manufacturer establishes that good cause exists for its refusal to honor the succession. If the designated successor of a deceased or incapacitated owner of a new motor vehicle dealer franchise fails to meet the requirements set forth in subsections (2) (a), (b), and (c) of this section, good cause for refusing to honor the succession is presumed to exist. If a manufacturer believes that good cause exists for refusing to honor the succession to the ownership of a new motor vehicle dealer franchise by a designated successor, the manufacturer shall serve written notice on the designated successor and on the department of its refusal to honor the succession no earlier than sixty days from the date the notice is served. The notice must be served not later than sixty days after the manufacturer's receipt of:

(a) Notice of the designated successor's intent to succeed to the ownership interest of the new motor vehicle dealer's franchise; or

(b) Any personal or financial information requested by the manufacturer.

(5) The notice in subsection (4) of this section shall state the specific grounds for the refusal to honor the succession. If the notice of refusal is not timely and properly served, the designated successor may continue the franchise in full force and effect, subject to termination only as otherwise provided under this chapter.

(6) Within twenty days after receipt of the notice or within twenty days after the end of any appeal procedure provided by the manufacturer, whichever is greater, the designated successor may file a petition with the department protesting the refusal to honor the succession. The petition shall contain a short statement setting forth the reasons for the designated successor's protest. Upon the filing of a protest and the receipt of the filing fee, the department shall promptly notify the manufacturer that a timely protest has been filed and shall request the appointment of an administrative law judge under chapter 34.12 RCW to conduct a hearing. The manufacturer shall not terminate or otherwise discontinue the existing franchise until the administrative law judge has held a hearing and has determined that there is good cause for refusing to honor the succession. If an appeal is taken, the manufacturer shall not terminate or discontinue the franchise until the appeal to superior court is finally determined or until the expiration of one hundred eighty days from the date of issuance of the administrative law judge's written decision, whichever is less. Nothing in this section precludes a manufacturer or dealer from petitioning the superior court for a stay or other relief pending judicial review.

(7) The manufacturer has the burden of proof to show that good cause exists for the refusal to honor the succession.

(8) The administrative law judge shall conduct the hearing and render a final decision as expeditiously as possible, but in any event not later than one hundred eighty days after a protest is filed.

(9) The administrative law judge shall conduct any hearing concerning the refusal to the succession as provided in section 5(2) of this act and all hearing costs shall be borne as provided in that subsection. A party to such a hearing aggrieved by the final order of the administrative law judge may appeal as provided and allowed in section 5(3) of this act.

(10) This section does not preclude the owner of a new motor vehicle dealer franchise from designating any person as his or her successor by a written, notarized, and witnessed instrument filed with the manufacturer. In the event of a conflict between such a written instrument that has not been revoked by written notice from the owner to the manufacturer and this section, the written instrument governs.

NEW SECTION. Sec. 12. (1) For the purposes of this section, and throughout this chapter, the term "relevant market area" is defined as follows:

(a) If the population in the county in which the proposed new or relocated dealership is to be located is four hundred thousand or more, the relevant market area is the geographic area within a radius of ten miles around the proposed site;

(b) If the population in the county in which the proposed new or relocated dealership is to be located is less than four hundred thousand, the relevant market area is the geographic area within a radius of fifteen miles around the proposed site.

In determining population for this definition, the most recent census by the United States Bureau of Census or the most recent population update, either from the National Planning Data Corporation or other similar recognized source, shall be accumulated for all census tracts either wholly or partially within the relevant market area.

(2) Notwithstanding the terms of a franchise and notwithstanding the terms of a waiver, if a manufacturer intends or proposes to enter into a franchise to establish an additional new motor vehicle dealer or to relocate an existing new motor vehicle dealer within or into a relevant market area in which the same line make of motor vehicle is then represented, the manufacturer shall provide at least sixty days advance written notice to the department and to each new motor vehicle dealer of the same line make in the relevant market area, of the manufacturer's intention to establish an additional new motor vehicle dealer or to relocate an existing new motor vehicle dealer within or into the relevant market area. The notice shall be sent by certified mail to each such party and shall include the following information:

(a) The specific location at which the additional or relocated motor vehicle dealer will be established;

(b) The date on or after which the additional or relocated motor vehicle dealer intends to commence business at the proposed location;

(c) The identity of all motor vehicle dealers who are franchised to sell the same line make vehicles as the proposed dealer and who have licensed locations within the relevant market area;

(d) The names and addresses, if available, of the owners of and principal investors in the proposed additional or relocated motor vehicle dealership; and

(e) The specific grounds or reasons for the proposed establishment of an additional motor vehicle dealer or relocation of an existing dealer.

NEW SECTION, Sec. 13. (1) Within thirty days after receipt of the notice under section 12 of this act, or within thirty days after the end of an appeal procedure provided by the manufacturer, whichever is greater, a new motor vehicle dealer so notified or entitled to notice may file a petition with the department protesting the proposed establishment or relocation. The petition shall contain a short statement setting forth the reasons for the dealer's objection to the proposed establishment or relocation. Upon the filing of a protest and the receipt of the filing fee, the department shall promptly notify the manufacturer that a timely protest has been filed and shall request the appointment of an administrative law judge under chapter 34.12 RCW to conduct a hearing. The manufacturer shall not establish or relocate the new motor vehicle dealer until the administrative law judge has held a hearing and has determined that there is good cause for permitting the proposed establishment or relocation. When more than one protest is filed against the establishment or relocation of the same dealer, the administrative law judge shall consolidate the hearings to expedite disposition of the matter.

(2) If a manufacturer provides in the franchise agreement or by written statement distributed and provided to its dealers for arbitration under the Washington Arbitration Act, chapter 7.04 RCW, as a mechanism for resolving disputes relating to the establishment of an additional new motor vehicle dealer or the relocation of a new motor vehicle dealer, then the provisions of this section and section 15 of this act relating to hearings by an administrative law judge do not apply, and a dispute regarding the establishment of an additional new motor vehicle dealer or the relocation of an existing new motor vehicle dealer shall be determined in an arbitration proceeding conducted in accordance with the Washington Arbitration Act, chapter 7.04 RCW. The thirty-day period for filing a protest under this section still applies except that the protesting dealer shall file his protest with the manufacturer within thirty days after receipt of the notice under section 12 of this act.

(3) The dispute shall be referred for arbitration to such arbitrator as may be agreed upon by the parties to the dispute. If the parties cannot agree upon a single arbitrator within thirty days from the date the protest is filed, the protesting dealer will select an arbitrator, the manufacturer will select an arbitrator, and the two arbitrators will then select a third. If a third arbitrator is not agreed upon within thirty days, any party may apply to the superior court, and the judge of the superior court having jurisdiction will appoint the third arbitrator. The protesting dealer will pay the arbitrator selected by him, and the manufacturer will pay the arbitrator it selected. The expense of the third arbitrator and all other expenses of arbitration will be shared equally by the parties. Attorneys' fees and fees paid to expert witnesses are not expenses of arbitration and will be paid by the person incurring them.

(4) Notwithstanding the terms of a franchise or written statement of the manufacturer and notwithstanding the terms of a waiver, the arbitration will take place in the state of Washington in the county where the protesting dealer has his principal place of business. Section 14 of this act applies to a determination made by the arbitrator or arbitrators in determining whether

good cause exists for permitting the proposed establishment or relocation of a new motor vehicle dealer, and the manufacturer has the burden of proof to establish that good cause exists for permitting the proposed establishment or relocation. After a hearing has been held, the arbitrator or arbitrators shall render a decision as expeditiously as possible, but in any event not later than one hundred twenty days from the date the arbitrator or arbitrators are selected or appointed. The manufacturer shall not establish or relocate the new motor vehicle dealer until the arbitration hearing has been held and the arbitrator or arbitrators have determined that there is good cause for permitting the proposed establishment or relocation. The written decision of the arbitrator is binding upon the parties unless modified, corrected, or vacated under the Washington Arbitration Act. Any party may appeal the decision of the arbitrator under the Washington Arbitration Act, chapter 7.04 RCW.

(5) If the franchise agreement or the manufacturer's written statement distributed and provided to its dealers does not provide for arbitration under the Washington Arbitration Act as a mechanism for resolving disputes relating to the establishment of an additional new motor vehicle dealer or the relocation of a new motor vehicle dealer, then the hearing provisions of this section and section 15 of this act apply. Nothing in this section is intended to preclude a new motor vehicle dealer from electing to use any other dispute resolution mechanism offered by a manufacturer.

NEW SECTION. Sec. 14. In determining whether good cause exists for permitting the proposed establishment or relocation of a new motor vehicle dealer of the same line make, the administrative law judge shall take into consideration the existing circumstances, including, but not limited to:

(1) The extent, nature, and permanency of the investment of both the existing motor vehicle dealers of the same line make in the relevant market area and the proposed additional or relocating new motor vehicle dealer, including obligations reasonably incurred by the existing dealers to perform their obligations under their respective franchises;

(2) The growth or decline in population and new motor vehicle registrations during the past five years in the relevant market area;

(3) The effect on the consuming public in the relevant market area;

(4) The effect on the existing new motor vehicle dealers in the relevant market area, including any adverse financial impact;

(5) The reasonably expected or anticipated vehicle market for the relevant market area, including demographic factors such as age of population, income, education, size class preference, product popularity, retail lease transactions, or other factors affecting sales to consumers in the relevant market area;

(6) Whether it is injurious or beneficial to the public welfare for an additional new motor vehicle dealer to be established;

(7) Whether the new motor vehicle dealers of the same line make in the relevant market area are providing adequate competition and convenient customer care for the motor vehicles of the same line make in the relevant market area, including the adequacy of motor vehicle sales and service facilities, equipment, supply of vehicle parts, and qualified service personnel;

(8) Whether the establishment of an additional new motor vehicle dealer would increase competition and be in the public interest;

(9) Whether the manufacturer is motivated principally by good faith to establish an additional or new motor vehicle dealer and not by noneconomic considerations;

(10) Whether the manufacturer has denied its existing new motor vehicle dealers of the same line make the opportunity for reasonable growth, market expansion, establishment of a subagency, or relocation;

(11) Whether the protesting dealer or dealers are in substantial compliance with their dealer agreements or franchises; and

(12) Whether the manufacturer has complied with the requirements of sections 12 and 13 of this act.

In considering the factors set forth in this section, the administrative law judge shall give the factors equal weight, and in making a determination as to whether good cause exists for permitting the proposed establishment or relocation of a new motor vehicle dealer of the same line make, the administrative law judge must find that at least nine of the factors set forth in this section weigh in favor of the manufacturer and in favor of the proposed establishment or relocation of a new motor vehicle dealer.

NEW SECTION. Sec. 15. (1) The manufacturer has the burden of proof to establish that good cause exists for permitting the proposed establishment or relocation.

(2) The administrative law judge shall conduct any hearing as provided in section 5(2) of this act, and all hearing costs shall be borne as provided in that subsection. The administrative law judge shall render the final decision as expeditiously as possible, but in any event not later than one hundred twenty days after a protest is filed. If more than one protest is filed, the one hundred twenty days commences to run from the date the last protest is filed. A party to such a hearing aggrieved by the final order of the administrative law judge may appeal as provided and allowed in section 5(3) of this act.

NEW SECTION. Sec. 16. Sections 12 through 15 of this act do not apply:

(1) To the sale or transfer of the ownership or assets of an existing new motor vehicle dealer where the transferee proposes to engage in business representing the same line make at the same location or within two miles of that location;

(2) To the relocation of an existing new motor vehicle dealer within the dealer's relevant market area, if the relocation is not at a site within ten miles of any new motor vehicle dealer of the same line make;

(3) If the proposed new motor vehicle dealer is to be established at or within two miles of a location at which a former new motor vehicle dealer of the same line make had ceased operating within the previous twenty-four months;

(4) Where the proposed relocation is two miles or less from the existing location of the relocating new motor vehicle dealer; or

(5) Where the proposed relocation is to be further away from all other existing new motor vehicle dealers of the same line make in the relevant market area.

NEW SECTION. Sec. 17. A manufacturer shall not coerce, threaten, intimidate, or require a new motor vehicle dealer, as a condition to granting or renewing a franchise, to waive, limit, or disclaim a right that the dealer may have to protest the establishment or relocation of another motor vehicle dealer in the relevant market area as provided in section 13 of this act.

NEW SECTION. Sec. 18. (1) Notwithstanding the terms of a franchise, a manufacturer shall not unreasonably withhold consent to the sale, transfer, or exchange of a franchise to a qualified buyer who meets the normal, reasonable, and uniformly applied standards established by the manufacturer for the appointment of a new dealer or is capable of being licensed as a new motor vehicle dealer in the state of Washington. A decision or determination made by the administrative law judge as to whether a qualified buyer is capable of being licensed as a new motor vehicle dealer in the state of Washington is not conclusive or determinative of any ultimate determination made by the department of licensing as to the buyer's qualification for a motor vehicle dealer license. A manufacturer's failure to respond in writing to a request for consent under this subsection within sixty days after receipt of a written request on the forms, if any, generally used by the manufacturer containing the information and reasonable promises required by a manufacturer is deemed to be consent to the request. A manufacturer may request, and, if so requested, the applicant for a franchise (a) shall promptly provide such personal and financial information as is reasonably necessary to determine whether the sale, transfer, or exchange should be approved, and (b) shall agree to be bound by all reasonable terms and conditions of the franchise.

(2) If a manufacturer refuses to approve the sale, transfer, or exchange of a franchise, the manufacturer shall serve written notice on the applicant, the transferring, selling, or exchanging new motor vehicle dealer, and the department of its refusal to approve the transfer of the franchise no later than sixty days after the date the manufacturer receives the written request from the new motor vehicle dealer. If the manufacturer has requested personal or financial information from the applicant under subsection (1) of this section, the notice shall be served not later than sixty days after the receipt of all of such documents. Service of all notices under this section shall be made by personal service or by certified mail, return receipt requested.

(3) The notice in subsection (2) of this section shall state the specific grounds for the refusal to approve the sale, transfer, or exchange of the franchise.

(4) Within twenty days after receipt of the notice of refusal to approve the sale, transfer, or exchange of the franchise by the transferring new motor vehicle dealer, the new motor vehicle dealer may file a petition with the department to protest the refusal to approve the sale, transfer, or exchange. The petition shall contain a short statement setting forth the reasons for the dealer's protest. Upon the filing of a protest and the receipt of the filing fee, the department shall promptly notify the manufacturer that a timely protest has been filed, and the department shall arrange for a hearing with an administrative law judge as the presiding officer to determine if the manufacturer unreasonably withheld consent to the sale, transfer, or exchange of the franchise.

(5) In determining whether the manufacturer unreasonably withheld its approval to the sale, transfer, or exchange, the manufacturer has the burden of proof that it acted reasonably. A manufacturer's refusal to accept or approve a proposed buyer who otherwise meets the normal, reasonable, and uniformly applied standards established by the manufacturer for the appointment of a new dealer, or who otherwise is capable of being licensed as a new motor vehicle dealer in the state of Washington, is presumed to be unreasonable.

(6) The administrative law judge shall conduct a hearing and render a final decision as expeditiously as possible, but in any event not later than one hundred twenty days after a protest is filed. Only the selling, transferring, or exchanging new motor vehicle dealer and the manufacturer may be parties to the hearing.

(7) The administrative law judge shall conduct any hearing as provided in section 5(2) of this act, and all hearing costs shall be borne as provided in that subsection. Only the manufacturer and the selling, transferring, or exchanging new motor vehicle dealer may appeal the final order of the administrative law judge as provided in section 5(3) of this act.

(8) This section and sections 3 through 17 of this act apply to all franchises and contracts existing on the effective date of this act between manufacturers and new motor vehicle dealers as well as to all future franchises and contracts between manufacturers and new motor vehicle dealers.

NEW SECTION. Sec. 19. The department shall determine and establish the amount of the filing fee required in sections 4, 11, 13, and 18 of this act. The fees shall be set in accordance with RCW 43.24.086.

The department may also require the petitioning or protesting party to give security, in such sum as the department deems proper but not in any event to exceed one thousand dollars, for the payment of such costs as may be incurred in conducting the hearing as required under this chapter. The security may be given in the form of a bond or stipulation or other undertaking with one or more sureties.

At the conclusion of the hearing, the department shall assess, in equal shares, each of the parties to the hearing for the cost of conducting the hearing. Upon receipt of payment of the costs, the department shall refund and return to the petitioning party such excess funds, if any, initially posted by the party as security for the hearing costs. If the petitioning party provided security in the form of a bond or other undertaking with one or more sureties, the bond or other undertaking shall then be exonerated and the surety or sureties under it discharged.

Sec. 20. Section 16, chapter 74, Laws of 1967 ex. sess. as last amended by section 18, chapter 241, Laws of 1986 and RCW 46.70.180 are each amended to read as follows:

Each of the following acts or practices is unlawful:

(1) To cause or permit to be advertised, printed, displayed, published, distributed, broadcasted, televised, or disseminated in any manner whatsoever, any statement or representation with regard to the sale or financing of a vehicle which is false, deceptive, or misleading, including but not limited to the following:

(a) That no down payment is required in connection with the sale of a vehicle when a down payment is in fact required, or that a vehicle may be purchased for a smaller down payment than is actually required;

(b) That a certain percentage of the sale price of a vehicle may be financed when such financing is not offered in a single document evidencing the entire security transaction;

(c) That a certain percentage is the amount of the service charge to be charged for financing, without stating whether this percentage charge is a monthly amount or an amount to be charged per year;

(d) That a new vehicle will be sold for a certain amount above or below cost without computing cost as the exact amount of the factory invoice on the specific vehicle to be sold;

(e) That a vehicle will be sold upon a monthly payment of a certain amount, without including in the statement the number of payments of that same amount which are required to liquidate the unpaid purchase price.

(2) To incorporate within the terms of any purchase and sale agreement any statement or representation with regard to the sale or financing of a vehicle which is false, deceptive, or misleading, including but not limited to terms that include as an added cost to the selling price of a vehicle an amount for licensing or transfer of title of that vehicle which is not actually due to the state, unless such amount has in fact been paid by the dealer prior to such sale.

(3) To set up, promote, or aid in the promotion of a plan by which vehicles are to be sold to a person for a consideration and upon further consideration that the purchaser agrees to secure one or more persons to participate in the plan by respectively making a similar purchase and in turn agreeing to secure one or more persons likewise to join in said plan, each purchaser being given the right to secure money, credits, goods, or something of value, depending upon the number of persons joining the plan.

(4) To commit, allow, or ratify any act of 'bushing' which is defined as follows: Taking from a prospective buyer of a vehicle a written order or offer to purchase, or a contract document signed by the buyer, which:

(a) Is subject to the dealer's, or his authorized representative's future acceptance, and the dealer fails or refuses within forty-eight hours, exclusive of Saturday, Sunday, or legal holiday, and prior to any further negotiations with said buyer, to deliver to the buyer either the dealer's signed acceptance or all copies of the order, offer, or contract document together with any initial payment or security made or given by the buyer, including but not limited to money, check, promissory note, vehicle keys, a trade-in, or certificate of title to a trade-in; or

(b) Permits the dealer to renegotiate a dollar amount specified as trade-in allowance on a vehicle delivered or to be delivered by the buyer as part of the purchase price, for any reason except substantial physical damage or latent mechanical defect occurring before the dealer took possession of the vehicle and which could not have been reasonably discoverable at the time of the taking of the order, offer, or contract; or

(c) Fails to comply with the obligation of any written warranty or guarantee given by the dealer requiring the furnishing of services or repairs within a reasonable time.

(5) To commit any offense relating to odometers, as such offenses are defined in RCW 46.37.540, 46.37.550, 46.37.560, and 46.37.570. A violation of this subsection is a class C felony punishable under chapter 9A.20 RCW.

(6) For any vehicle dealer or vehicle salesman to refuse to furnish, upon request of a prospective purchaser, the name and address of the previous registered owner of any used vehicle offered for sale.

(7) To commit any other offense under RCW 46.37.423, 46.37.424, or 46.37.425.

(8) To commit any offense relating to a dealer's temporary license permit, including but not limited to failure to properly complete each such permit, or the issuance of more than one such permit on any one vehicle.

(9) For a dealer, salesman, or mobile home manufacturer, having taken an instrument or cash 'on deposit' from a purchaser prior to the delivery of the bargained-for vehicle, to commingle said 'on deposit' funds with assets of the dealer, salesman, or mobile home manufacturer instead of holding said 'on deposit' funds as trustee in a separate trust account until the purchaser has taken delivery of the bargained-for vehicle. Failure, immediately upon receipt, to endorse 'on deposit' instruments to such a trust account, or to set aside 'on deposit' cash for deposit in such trust account, and failure to deposit such instruments or cash in such trust account by the close of banking hours on the day following receipt thereof, shall be evidence of intent to commit this unlawful practice: PROVIDED, HOWEVER, That a motor vehicle dealer may keep a separate trust account which equals his customary total customer deposits for vehicles for future delivery.

(10) For a dealer or manufacturer to fail to comply with the obligations of any written warranty or guarantee given by the dealer or manufacturer requiring the furnishing of goods and services or repairs within a reasonable period of time, or to fail to furnish to a purchaser, all parts which attach to the manufactured unit including but not limited to the undercarriage, and all items specified in the terms of a sales agreement signed by the seller and buyer.

(11) Being a manufacturer, other than a motorcycle manufacturer governed by chapter 46.94 RCW, to:

(a) Coerce or attempt to coerce any vehicle dealer to order or accept delivery of any vehicle or vehicles, parts or accessories, or any other commodities which have not been voluntarily ordered by the vehicle dealer: PROVIDED, That recommendation, endorsement, exposition, persuasion, urging, or argument are not deemed to constitute coercion;

(b) Cancel or fail to renew the franchise or selling agreement of any vehicle dealer doing business in this state without fairly compensating the dealer at a fair going business value for his capital investment which shall include but not be limited to tools, equipment, and parts inventory possessed by the dealer on the day he is notified of such cancellation or termination and which are still within the dealer's possession on the day the cancellation or termination is effective, if: (i) The capital investment has been entered into with reasonable and prudent business judgment for the purpose of fulfilling the franchise; and (ii) said cancellation or nonrenewal was not done in good faith. Good faith is defined as the duty of each party to any franchise to act in a fair and equitable manner towards each other, so as to guarantee one party freedom from coercion, intimidation, or threats of coercion or intimidation from the other party: PROVIDED, That recommendation, endorsement, exposition, persuasion, urging, or argument are not deemed to constitute a lack of good faith.

(c) Encourage, aid, abet, or teach a vehicle dealer to sell vehicles through any false, deceptive, or misleading sales or financing practices including but not limited to those practices declared unlawful in this section;

(d) Coerce or attempt to coerce a vehicle dealer to engage in any practice forbidden in this section by either threats of actual cancellation or failure to renew the dealer's franchise agreement;

(e) Refuse to deliver any vehicle publicly advertised for immediate delivery to any duly licensed vehicle dealer having a franchise or contractual agreement for the retail sale of new and unused vehicles sold or distributed by such manufacturer within sixty days after such dealer's order has been received in writing unless caused by inability to deliver because of shortage or curtailment of material, labor, transportation, or utility services, or by any labor or production difficulty, or by any cause beyond the reasonable control of the manufacturer;

(f) To provide under the terms of any warranty that a purchaser of any new or unused vehicle that has been sold, distributed for sale, or transferred into this state for resale by the vehicle manufacturer may only make any warranty claim on any item included as an integral part of the vehicle against the manufacturer of that item.

Nothing in this section may be construed to impair the obligations of a contract or to prevent a manufacturer, distributor, representative, or any other person, whether or not licensed under this chapter, from requiring performance of a written contract entered into with any licensee hereunder, nor does the requirement of such performance constitute a violation of any of the provisions of this section if any such contract or the terms thereof requiring performance, have been freely entered into and executed between the contracting parties. This paragraph and subsection (11)(b) of this section do not apply to new motor vehicle manufacturers governed by chapter 46.-- RCW (sections 1 through 19 of this act).

Sec. 21. Section 21, chapter 74, Laws of 1967 ex. sess. as last amended by section 19, chapter 241, Laws of 1986 and RCW 46.70.190 are each amended to read as follows:

Any person who is injured in his business or property by a violation of this chapter, or any person so injured because he refuses to accede to a proposal for an arrangement which, if consummated, would be in violation of this chapter, may bring a civil action in the superior court to enjoin further violations, to recover the actual damages sustained by him together with the costs of the suit, including a reasonable attorney's fee.

~~(Any person recovering judgment or whose claim has been dismissed with prejudice against a manufacturer pursuant to RCW 46.70.180(1)(b) and this section shall, upon full payment of said judgment, or upon the dismissal of such claim, execute a waiver in favor of the judgment debtor or defendant of any claim arising prior to the date of said judgment or dismissal under the Federal Automobile Dealer Franchise Act, 15 United States Code Sections 1221-1225. Any person having recovered full payment for any judgment or whose claim has been dismissed with prejudice under said Federal Automobile Dealer Franchise Act shall have no cause of action under this section for alleged violation of RCW 46.70.180(1)(b), with respect to matters arising prior to the date of said judgment.)~~ If a new motor vehicle dealer recovers a judgment or has a claim dismissed with prejudice against a manufacturer under sections 4 or 5(3) of this act or this section, the new motor vehicle dealer is precluded from pursuing that same claim or recovering judgment for that same claim against the same manufacturer under the federal Automobile Dealer Franchise Act, 15 U.S.C. Sections 1221 through 1225, but only to the extent that the damages recovered by or denied to the new motor vehicle dealer are the same as the damages being sought under the federal Automobile Dealer Franchise Act. Likewise, if a new motor vehicle dealer recovers a judgment or has a claim dismissed with prejudice against a manufacturer under the federal Automobile Dealer Franchise Act, the dealer is precluded from pursuing that same claim or recovering judgment for that same claim against the same manufacturer under this chapter, but only to the extent that the damages recovered by or denied to the dealer are the same as the damages being sought under this chapter.

A civil action brought in the superior court pursuant to the provisions of this section must be filed no later than one year following the alleged violation of this chapter.

NEW SECTION, Sec. 22. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION, Sec. 23. The following acts or parts of acts are each repealed:

(1) Section 17, chapter 74, Laws of 1967 ex. sess., section 20, chapter 241, Laws of 1986 and RCW 46.70.200; and

(2) Section 18, chapter 74, Laws of 1967 ex. sess., section 21, chapter 241, Laws of 1986 and RCW 46.70.210.

NEW SECTION, Sec. 24. Sections 1 through 19 of this act shall constitute a new chapter in Title 46 RCW."

In line 2 of the title, after "manufacturers," strike the remainder of the title and insert "amending RCW 46.70.180 and 46.70.190; creating a new chapter in Title 46 RCW; and repealing RCW 46.70.200 and 46.70.210."

and the same is herewith transmitted.

W. D. Naismith, Assistant Secretary.

MOTION

Mr. Baugher moved that the House do concur in the Senate amendments to Engrossed House Bill No. 1645.

Representatives Baugher and Schmidt spoke in favor of the motion, and it was carried.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

The Speaker (Mr. O'Brien presiding) stated the question before the House to be the final passage of Engrossed House Bill No. 1645 as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 1645 as amended by the Senate, and the bill passed the House by the following vote: Yeas, 97; excused, 1.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Baugher, Beck, Belcher, Betrozoff, Bowman, Braddock, Brekke, Bristow, Brooks, Brough, Brumsickle, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Fraser, Fuhrman, Grant, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Insløe, Jacobsen, Jesernig, Jones, King P, King R, Kremen, Leonard, Locke, May, McLean, Meyers R, Miller, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Padden, Patrick, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith, Sommers D, Sommers H, Spanel, Sprengle, Tate, Todd, Valle, Van Luven, Vekich,

Walk, Walker, Wang, Wilson K, Wilson S, Wineberry, Winsley, Wolfe, Wood, Youngsman, Zellinsky, and Mr. Speaker - 97.

Excused: Representative Gallagher - 1.

Engrossed House Bill No. 1645 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SENATE AMENDMENTS TO HOUSE BILL

April 19, 1989

Mr. Speaker:

On motion, the Senate returned ENGROSSED SUBSTITUTE HOUSE BILL NO. 1086 to second reading, adopted the following amendments by Senators Matson and Kreidler to the Senate Committee on Ways & Means striking amendments (For committee amendments, see Journal, 101st Day, April 19, 1989.), and adopted the Senate Committee on Ways & Means amendments as amended:

On page 11, beginning on line 3 of the amendment, after "FEE." strike everything through "who;" on line 8 and insert "(1) An annual state tank fee of sixty dollars per tank for fiscal years ending June 30, 1990, and June 30, 1991, and seventy-five dollars per tank each fiscal year thereafter, shall be paid no later than the December 31st of each fiscal year by every person who:"

On page 11, after line 19, strike all of subsection (2)

Remember the remaining subsections consecutively and correct internal references accordingly

On page 12, line 28 of the amendment, after "act;" insert "and"

On page 12, line 30 of the amendment, after "RCW 43.84.090" strike everything through "act" on page 13, line 2

On page 14, after line 30 of the amendment, insert the following:

"NEW SECTION. Sec. 17. A new section is added to chapter 43.131 RCW to read as follows: Sections 2 through 14 of this act shall expire July 1, 1999."

Remember the remaining sections consecutively and correct any internal references accordingly.

On page 16, line 16 of the title amendment, after "19.27.080;" strike everything through "date;" on line 19, and insert "adding a new section to chapter 43.131 RCW; adding a new chapter to Title 90 RCW; creating new sections; providing an effective date; providing an expiration date;"

and the same is herewith transmitted.

W. D. Naismith, Assistant Secretary.

MOTION

Ms. Rust moved that the House do concur in the Senate amendments to Engrossed Substitute House Bill No. 1086.

Representatives Rust and Ferguson spoke in favor of the motion, and it was carried.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

The Speaker (Mr. O'Brien presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 1086 as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1086 as amended by the Senate, and the bill passed the House by the following vote: Yeas, 97; excused, 1.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Baugher, Beck, Belcher, Betzoff, Bowman, Braddock, Brekke, Bristow, Brooks, Brough, Brumsickle, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Fraser, Fuhrman, Grant, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Inslee, Jacobsen, Jesernig, Jones, King P, King R, Kremen, Leonard, Locke, May, McLean, Meyers R, Miller, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Padden, Patrick, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith, Sommers D, Sommers H, Spanel, Sprengle, Tate, Todd, Valle, Van Luven, Vekich, Walk, Walker, Wang, Wilson K, Wilson S, Wineberry, Winsley, Wolfe, Wood, Youngsman, Zellinsky, and Mr. Speaker - 97.

Excused: Representative Gallagher - 1.

Engrossed Substitute House Bill No. 1086 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SENATE AMENDMENTS TO HOUSE BILL

April 19, 1989

Mr. Speaker:

On motion, the Senate returned SECOND SUBSTITUTE HOUSE BILL NO. 1180 to second reading, adopted the following amendments by Senators Matson and Kreidler to the Senate Committee on Ways & Means striking amendments (For committee amendments, see Journal, 101st Day, April 19, 1989.), and adopted the Senate Committee on Ways & Means amendments as amended:

On page 14, beginning on line 13 of the amendment, strike all of subsection (4) and insert the following:

"(4) Within thirty days after the end of each calendar quarter the department shall determine the 'quarterly balance,' which shall be the balance in the pollution liability reinsurance program trust account as of the last day of that calendar quarter. Balance determinations by the department under this section are final and shall not be used to challenge the validity of any tax imposed under this section. For each calendar quarter, tax shall be imposed under this section during the entire calendar quarter unless:

(a) Tax was imposed under this section during the immediately preceding calendar quarter, and the most recent quarterly balance is more than fifteen million dollars; or

(b) Tax was not imposed under this section during the immediately preceding calendar quarter, and the most recent quarterly balance is more than seven million five hundred thousand dollars."

On page 15, on line 34 of the amendment, after "Sec. 19." strike everything through "(2)" on page 16, line 11

and the same is herewith transmitted.

W. D. Naismith, Assistant Secretary.

MOTION

Ms. Rust moved that the House do concur in the Senate amendments to Second Substitute House Bill No. 1180.

Representatives Rust and Ferguson spoke in favor of the motion, and it was carried.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

The Speaker (Mr. O'Brien presiding) stated the question before the House to be the final passage of Second Substitute House Bill No. 1180 as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Second Substitute House Bill No. 1180 as amended by the Senate, and the bill passed the House by the following vote: Yeas, 97; excused, 1.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Baugher, Beck, Belcher, Betzoff, Bowman, Braddock, Brekke, Bristow, Brooks, Brough, Brumsickle, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Fraser, Fuhrman, Grant, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Inslee, Jacobsen, Jesernig, Jones, King P, King R, Kremen, Leonard, Locke, May, McLean, Meyers R, Miller, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Padden, Patrick, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith, Sommers D, Sommers H, Spanel, Sprenkle, Tate, Todd, Valle, Van Luven, Vekich, Walk, Walker, Wang, Wilson K, Wilson S, Wineberry, Winsley, Wolfe, Wood, Youngsman, Zellinsky, and Mr. Speaker - 97.

Excused: Representative Gallagher - 1.

Second Substitute House Bill No. 1180 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SENATE AMENDMENTS TO HOUSE BILL

April 19, 1989

Mr. Speaker:

On motion, the Senate returned SUBSTITUTE HOUSE BILL NO. 1208 to second reading, and adopted the striking amendment by Senators McMullen and Lee, and passed the bill with the following amendments:

Strike everything after the enacting clause and insert the following:

NEW SECTION. Sec. 1. The legislature finds it necessary to regulate the practice of shorthand reporting or court reporting at the level of certification to protect the public safety and well-being. The legislature intends that only individuals who meet and maintain minimum standards of competence may represent themselves as shorthand or court reporters.

NEW SECTION. Sec. 2. (1) No person may represent himself or herself as a shorthand reporter or a court reporter without first obtaining a certificate as required by this chapter.

(2) A person represents himself or herself to be a shorthand reporter or court reporter when the person adopts or uses any title or description of services that incorporates one or more of the following terms: 'Shorthand reporter,' 'court reporter,' 'certified shorthand reporter,' or 'certified court reporter.'

NEW SECTION. Sec. 3. The 'practice of shorthand reporting or court reporting' means the making by means of written symbols or abbreviations in shorthand or machine writing of a verbatim record of any oral court proceeding, deposition, or proceeding before a jury, referee, court commissioner, special master, governmental entity, or administrative agency and the producing of a transcript from the proceeding.

NEW SECTION. Sec. 4. Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) 'Department' means the department of licensing.

(2) 'Director' means the director of licensing.

(3) 'Shorthand reporter' and 'court reporter' mean an individual certified under this chapter.

(4) 'Board' means the Washington state shorthand reporter advisory board.

NEW SECTION. Sec. 5. Nothing in this chapter prohibits or restricts:

(1) The practice of a profession by individuals who are licensed, certified, or registered under other laws of this state and who are performing services within their authorized scope of practice;

(2) The practice of shorthand reporting by an individual employed by the government of the United States while the individual is performing duties prescribed by the laws and regulations of the United States; or

(3) The practice of court reporting or use of the title certified court reporter by stenomaskers who are practicing as of the effective date of this act.

Nothing in this chapter shall be construed to prohibit the introduction of alternate technology.

NEW SECTION. Sec. 6. In addition to any other authority provided by law, the director may:

(1) Adopt rules in accordance with chapter 34.05 RCW that are necessary to implement this chapter;

(2) Set all certification examination, renewal, late renewal, duplicate, and verification fees in accordance with RCW 43.24.086;

(3) Establish the forms and procedures necessary to administer this chapter;

(4) Issue a certificate to any applicant who has met the requirements for certification;

(5) Hire clerical, administrative, and investigative staff as needed to implement and administer this chapter;

(6) Investigate complaints or reports of unprofessional conduct as defined in this chapter and hold hearings pursuant to chapter 34.05 RCW;

(7) Issue subpoenas for records and attendance of witnesses, statements of charges, statements of intent to deny certificates, and orders; administer oaths; take or cause depositions to be taken; and use other discovery procedures as needed in any investigation, hearing, or proceeding held under this chapter;

(8) Maintain the official departmental record of all applicants and certificate holders;

(9) Delegate, in writing to a designee, the authority to issue subpoenas, statements of charges, and statements of intent to deny certification;

(10) Prepare and administer or approve the preparation and administration of examinations for certification;

(11) Establish by rule the procedures for an appeal of a failure of an examination;

(12) Conduct a hearing under chapter 34.05 RCW on an appeal of a denial of a certificate based on the applicant's failure to meet minimum qualifications for certification.

NEW SECTION. Sec. 7. (1) The state shorthand reporters advisory board is established to advise the director concerning the administration of this chapter. The board shall consist of five members appointed by the director. Three members of the board shall be certified shorthand

reporters, except for the initial members of the board, two of whom shall be freelance shorthand reporters and one a court-employed shorthand reporter, each engaged in the continuous practice of shorthand reporting for at least five years preceding appointment. Two members of the board shall be unaffiliated with the profession. One shall be a current member of the state bar association or state judiciary, the other shall be a public member. The term of office for board members is four years, except the terms of the first board members shall be staggered to ensure an orderly succession of new board members. The director may remove a board member for misconduct, incompetency, or neglect of duty as specified by rule. Upon the death, resignation, or removal of a member, the director shall appoint a new member to fill a vacancy on the board for the remainder of the unexpired term. No board member may serve more than two consecutive terms, whether full or partial.

(2) Board members shall be compensated in accordance with RCW 43.03.240 and reimbursed for travel expenses in accordance with RCW 43.03.050 and 43.03.060.

(3) The board shall annually elect a chairperson and vice-chairperson to direct the meetings of the board. The board shall meet at least once each year, at times and locations determined by the director. A simple majority of the board members currently serving constitutes a quorum of the board.

(4) Upon receipt of complaints against shorthand reporters, the director shall investigate and evaluate the complaint to determine if disciplinary action is appropriate. At the discretion of the director, individual board members may participate in or conduct investigations or evaluations of investigation reports and make recommendations regarding further action. The director shall hold disciplinary hearings pursuant to chapter 34.05 RCW.

NEW SECTION. Sec. 8. The director, members of the board, and individuals acting on their behalf shall not be civilly liable for any act performed in good faith in the course of their duties.

NEW SECTION. Sec. 9. (1) The department shall issue a certificate to any applicant who, as determined by the director upon advice of the board, has:

- (a) Successfully completed an examination approved by the director;
- (b) Good moral character;
- (c) Not engaged in unprofessional conduct; and
- (d) Not been determined to be unable to practice with reasonable skill and safety as a result of a physical or mental impairment.

(2) A one-year temporary certificate may be issued, at the discretion of the director, to a person holding one of the following: National shorthand reporters association certificate of proficiency, registered professional reporter certificate, or certificate of merit; a current court or shorthand reporter certification, registration, or license of another state; or a certificate of graduation of a court reporting school. To continue to be certified under this chapter, a person receiving a temporary certificate shall successfully complete the examination under subsection (1)(a) of this section within one year of receiving the temporary certificate, except that the director may renew the temporary certificate if extraordinary circumstances are shown.

(3) The examination required by subsection (1)(a) of this section shall be no more difficult than the examination provided by the court reporter examining committee as authorized by RCW 2.32.180.

NEW SECTION. Sec. 10. Applications for certification shall be submitted on forms provided by the department. The department may require information and documentation to determine whether the applicant meets the criteria for certification as provided in this chapter. Each applicant shall pay a fee determined by the director as provided in RCW 43.24.086 which shall accompany the application.

NEW SECTION. Sec. 11. The director shall establish by rule the requirements and the renewal and late renewal fees for certification. Failure to renew the certificate on or before the expiration date cancels all privileges granted by the certificate. If an individual desires to reinstate a certificate which had not been renewed for three years or more, the individual shall satisfactorily demonstrate continued competence in conformance with standards determined by the director.

NEW SECTION. Sec. 12. Persons with two or more years' experience in shorthand reporting in Washington state as of the effective date of this act shall be granted a shorthand reporters certificate without examination, if application is made within one year of the effective date of this act. Shorthand reporters with less than two years' experience in shorthand reporting in this state as of the effective date of this act shall be granted a temporary certificate for one year. To continue to be certified under this chapter, a person receiving a temporary certificate shall successfully complete the examination under section 9 of this act within one year of receiving the temporary certificate, except that the director may renew the temporary certificate if extraordinary circumstances are shown.

NEW SECTION. Sec. 13. After a hearing conducted under chapter 34.05 RCW and upon a finding that a certificate holder or applicant has committed unprofessional conduct or is unable to practice with reasonable skill and safety due to a physical or mental condition, the director may issue an order providing for one or any combination of the following:

- (1) Revocation of the certification;

- (2) Suspension of the certificate for a fixed or indefinite term;
- (3) Restriction or limitation of the practice;
- (4) Requiring the satisfactory completion of a specific program or remedial education;
- (5) The monitoring of the practice by a supervisor approved by the director;
- (6) Censure or reprimand;
- (7) Compliance with conditions or probation for a designated period of time;
- (8) Denial of the certification request;
- (9) Corrective action;
- (10) Refund of fees billed to or collected from the consumer.

Any of the actions under this section may be totally or partly stayed by the director. In determining what action is appropriate, the director shall consider sanctions necessary to protect the public, after which the director may consider and include in the order requirements designed to rehabilitate the certificate holder or applicant. All costs associated with compliance to orders issued under this section are the obligation of the certificate holder or applicant.

NEW SECTION. Sec. 14. The following conduct, acts, or conditions constitute unprofessional conduct for any certificate holder or applicant under the jurisdiction of this chapter:

(1) The commission of any act involving moral turpitude, dishonesty, or corruption relating to the practice of shorthand reporting, whether or not the act constitutes a crime. If the act constitutes a crime, conviction in a criminal proceeding is not a condition precedent to disciplinary action:

(2) Misrepresentation or concealment of a material fact in obtaining or in seeking reinstatement of a certificate;

(3) Advertising in a false, fraudulent, or misleading manner;

(4) Incompetence or negligence;

(5) Suspension, revocation, or restriction of the individual's certificate, registration, or license to practice shorthand reporting by a regulatory authority in any state, federal, or foreign jurisdiction;

(6) Violation of any state or federal statute or administrative rule regulating the profession;

(7) Failure to cooperate in an inquiry, investigation, or disciplinary action by:

(a) Not furnishing papers or documents;

(b) Not furnishing in writing a full and complete explanation of the matter contained in the complaint filed with the director;

(c) Not responding to subpoenas issued by the director, regardless of whether the recipient of the subpoena is the accused in the proceeding;

(8) Failure to comply with an order issued by the director or an assurance of discontinuance entered into with the director;

(9) Misrepresentation or fraud in any aspect of the conduct of the business or profession;

(10) Conviction of any gross misdemeanor or felony relating to the practice of the profession. For the purpose of this subsection, conviction includes all instances in which a plea of guilty or nolo contendere is the basis for conviction and all proceedings in which the sentence has been deferred or suspended. Nothing in this section abrogates rights guaranteed under chapter 9.96A RCW.

NEW SECTION. Sec. 15. This chapter may be known and cited as the shorthand reporting practice act.

NEW SECTION. Sec. 16. This act shall take effect September 1, 1989 except that the director may immediately take such steps as are necessary to ensure that this act is implemented on its effective date.

NEW SECTION. Sec. 17. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 18. Sections 1 through 17 of this act shall constitute a new chapter in Title 18 RCW.

NEW SECTION. Sec. 19. The sum of forty-eight thousand dollars, or as much thereof as may be necessary, is appropriated from the general fund to the department of licensing for the biennium ending June 30, 1991, to carry out the purposes of this act. The amount spent shall be repaid to the general fund from fees imposed as a result of this act prior to the end of the biennium ending June 30, 1993."

On page 1, line 1 of the title, after "reporters;" strike the remainder of the title and insert "adding a new chapter to Title 18 RCW; making an appropriation; and providing an effective date."

and the same is herewith transmitted.

W. D. Naismith, Assistant Secretary.

MOTION

Ms. Cole moved that the House do concur in the Senate amendments to Substitute House Bill No. 1208.

Ms. Cole spoke in favor of the motion, and it was carried.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

The Speaker (Mr. O'Brien presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1208 as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1208 as amended by the Senate, and the bill passed the House by the following vote: Yeas, 97; excused, 1.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Baugher, Beck, Belcher, Betzoff, Bowman, Braddock, Brekke, Bristow, Brooks, Brough, Brumsickle, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Fraser, Fuhrman, Grant, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Insee, Jacobsen, Jesernig, Jones, King P, King R, Kremen, Leonard, Locke, Mary, McLean, Meyers R, Miller, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Padden, Patrick, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith, Sommers D, Sommers H, Spanel, Sprenkle, Tate, Todd, Valle, Van Luven, Veklich, Walk, Walker, Wang, Wilson K, Wilson S, Wineberry, Winsley, Wolfe, Wood, Youngsman, Zellinsky, and Mr. Speaker - 97.

Excused: Representative Gallagher - 1.

Substitute House Bill No. 1208 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SENATE AMENDMENTS TO HOUSE BILL

April 14, 1989

Mr. Speaker:

The Senate has passed ENGROSSED SUBSTITUTE HOUSE BILL NO. 1479 with the following amendments:

Strike everything after the enacting clause and insert the following:

*NEW SECTION. Sec. 1. (1) A budget is hereby adopted and, subject to the provisions set forth in the following sections, the several amounts specified in the following sections, or so much thereof as shall be sufficient to accomplish the purposes designated, are hereby appropriated and authorized to be incurred for salaries, wages, and other expenses of the agencies and offices of the state and for other specified purposes for the fiscal biennium beginning July 1, 1987, and ending June 30, 1989, except as otherwise provided, out of the several funds of the state hereinafter named.

(2) Unless the context clearly requires otherwise, the definitions in this section apply throughout this act.

(a) 'Fiscal year 1988' or 'FY 1988' means the fiscal year ending June 30, 1988.

(b) 'Fiscal year 1989' or 'FY 1989' means the fiscal year ending June 30, 1989.

(c) 'FTE' means full time equivalent.

(d) 'Provided solely' means the specified amount may be spent only for the specified purpose. Unless otherwise specifically authorized in this act, any portion of an amount provided solely for a specified purpose which is unnecessary to fulfill the specified purpose shall revert.

(e) 'Revert' or 'lapse' means the amount shall return to an unappropriated status.

PART I

GENERAL GOVERNMENT

Sec. 101. Section 107, chapter 7, Laws of 1987 1st ex. sess. as amended by section 102, chapter 289, Laws of 1988 (uncodified) is amended to read as follows:

FOR THE SUPREME COURT

General Fund Appropriation \$ ~~((10,924,660))~~
11,524,000

The appropriation in this section is subject to the following conditions and limitations: ~~((53,337,660))~~ \$3,937,000 is provided solely for the indigent appeals program.

Sec. 102. Section 108, chapter 7, Laws of 1987 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE LAW LIBRARY

General Fund Appropriation \$ ~~((2,574,660))~~
2,617,000

Sec. 103. Section 111, chapter 7, Laws of 1987 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE ~~((JUDICIAL QUALIFICATIONS))~~ COMMISSION ON JUDICIAL CONDUCT

General Fund Appropriation \$ ~~((477,660))~~
572,000

Sec. 104. Section 113, chapter 7, Laws of 1987 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE LIEUTENANT GOVERNOR

General Fund Appropriation	\$	((363,000))
		391,000

Sec. 105. Section 114, chapter 7, Laws of 1987 1st ex. sess. as amended by section 105, chapter 289, Laws of 1988 (uncodified) is amended to read as follows:

FOR THE SECRETARY OF STATE

General Fund Appropriation	\$	((6,457,000))
		7,428,000
Archives and Records Management Account Appropriation	\$	2,116,000
Total Appropriation	\$	((8,573,000))
		9,544,000

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

(1) ~~\$((1,021,000))~~ 967,000 of the general fund appropriation is provided solely to reimburse counties for the state's share of primary and general election costs and the costs of conducting mandatory recounts on state measures.

(2) ~~((81,661,000))~~ \$2,627,000 of the general fund appropriation is provided solely for the verification of initiative and referendum petitions and the maintenance of related voter registration records, legal advertising of state measures, and the publication and distribution of the voters and candidates pamphlet.

(3) \$60,000 of the archives and records management account appropriation is provided solely for a project that will evaluate the need for, and potential archival requirements of, storage of data contained in magnetic media (tapes and disks). Implementation of an archival program for magnetic media shall not begin prior to approval of the findings and recommendations of the project by the office of financial management.

(4) ~~\$((83,000))~~ \$9,000 of the general fund appropriation is provided solely for advertising Washington state's March 8, 1988, precinct caucuses.

(5) \$19,000 of the general fund appropriation is provided solely for census maps and activities related to the census redistricting data program.

(6) \$20,000 of the general fund appropriation is provided solely for the payment of productivity board awards under chapter 41.60 RCW.

Sec. 106. Section 130, chapter 7, Laws of 1987 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE BOARD OF TAX APPEALS

General Fund Appropriation	\$	((1,214,000))
		1,253,000

The appropriation in this section is subject to the following conditions and limitations: \$72,070 is provided solely to conduct appeals in eastern Washington and other locations to handle increased appeals from audits and King county board of equalization assessments.

NEW SECTION. Sec. 107. A new section is added to chapter 7, Laws of 1987 1st ex. sess. to read as follows:

FOR THE DEPARTMENT OF REVENUE

State Toxics Control Account Appropriation	\$	106,000
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The appropriation in this section shall be reduced by any amounts expended under the appropriations in section 53, chapter 2, Laws of 1987 3rd ex. sess. and section 53, chapter 112, Laws of 1988.

PART II

HUMAN SERVICES

Sec. 201. Section 201, chapter 7, Laws of 1987 1st ex. sess. as amended by section 201, chapter 289, Laws of 1988 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF CORRECTIONS

(1) COMMUNITY SERVICES

General Fund Appropriation	\$	62,559,000
Public Safety and Education Account Appropriation	\$	100,000
Total Appropriation	\$	62,659,000

The appropriations in this subsection are subject to the following conditions and limitations:

(a) \$2,071,000 of the general fund appropriation is provided solely for the support of the office of the director of community services.

(b) \$200,000 of the general fund appropriation is provided solely for the notification of victims and witnesses of any parole, work release placement, furlough, or unescorted leave of absence from a state correctional facility of any inmate convicted of a violent offense.

(c) A maximum of \$285,000 of the general fund appropriation may be spent for the replacement of used equipment within the community services division.

(d) \$100,000 of the public safety and education account appropriation is provided solely for training community corrections officers in the identification and prevention of child abuse by offenders under their supervision.

(2) INSTITUTIONAL SERVICES

General Fund Appropriation	\$	273,329,000
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The appropriation in this subsection is subject to the following conditions and limitations:

(a) \$1,725,000 is provided solely for the implementation of the sex offender treatment program within the division of prisons.

(b) \$1,049,000 is provided solely for the operation of the new in-patient floor at the Monroe reformatory hospital.

(c) \$5,369,000 is provided solely for the support of the office of the director of the division of prisons.

(d) A maximum of \$1,898,000 may be spent for the replacement of used equipment within the institutional services division.

(e) \$200,000 is provided solely for alleviation of parking problems experienced by McNell Island corrections personnel.

(3) ADMINISTRATION AND PROGRAM SUPPORT

General Fund Appropriation	\$	17,331,000
Institutional Impact Account Appropriation	\$	317,000
Total Appropriation	\$	17,648,000

The appropriations in this subsection are subject to the following conditions and limitations:

(a) The department shall report to the ways and means committees of the senate and house of representatives on January 1, 1988, and January 1, 1989, regarding its progress toward employing more minorities and women in top-level management positions.

(b) A maximum of \$1,258,000 of the general fund appropriation may be transferred to the tort claims revolving fund for tort claims against the department. The department shall develop a report, including brief descriptions and estimated amounts of all outstanding tort claims. The report is due to the ways and means committees of the senate and house of representatives on January 1, 1988. During the 1987-89 biennium, the department shall report on a quarterly basis the tort claim payments resulting from settlements and court judgments. New claims against the state shall be included in the quarterly updates.

(c) A maximum of \$150,000 may be spent for the replacement of used equipment within the administration division.

(4) INSTITUTIONAL INDUSTRIES

General Fund Appropriation	\$	2,218,000
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The appropriation in this subsection is subject to the following conditions and limitations: A maximum of \$500,000 may be spent for the replacement of used equipment within the institutional industries division.

(5) The appropriations in this section are subject to the following conditions and limitations: The department may spend money appropriated in a manner other than as provided in this section only after approval by the director of financial management. The director of financial management shall notify the appropriate fiscal committees of the senate and house of representatives in writing prior to approving any deviation from the appropriation levels set forth in this section and any deviation from the conditions and limitations enacted in subsections (1) through (4) of this section.

NEW SECTION. Sec. 202. A new section is added to chapter 7, Laws of 1987 1st ex. sess. to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

General Fund Appropriation—State	\$	2,415,907,000
General Fund Appropriation—Federal	\$	1,970,020,000
General Fund Appropriation—Local	\$	12,052,000
Institutional Impact Account Appropriation	\$	78,000
Public Safety and Education Account Appropriation	\$	600,000
Total Appropriation	\$	4,398,657,000

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

(1) The appropriations in this section shall be expended for the programs and in the amounts listed in this subsection. However, the department may transfer funds among programs listed in this subsection after approval by the director of financial management. The director of financial management shall notify the appropriate fiscal committees of the senate and house of representatives in writing prior to approving any deviation from the appropriation levels listed below and any deviation from the conditions and limitations enacted in chapter 7, Laws of 1987 1st ex. sess. as amended by chapter 289, Laws of 1988.

GENERAL FUND—

	STATE	TOTAL
CHILDREN AND FAMILY SERVICES	193,309,000	255,598,000
JUVENILE REHABILITATION	74,170,000	75,116,000
MENTAL HEALTH	271,586,000	339,887,000
DEVELOPMENTAL DISABILITIES	173,789,000	348,225,000
LONG-TERM CARE SERVICES	347,005,000	699,882,000
INCOME ASSISTANCE PROGRAM	468,058,000	876,369,000
MEDICAL ASSISTANCE PROGRAM	556,146,000	1,070,259,000
PUBLIC HEALTH PROGRAM	63,160,000	149,690,000
VOCATIONAL REHABILITATION PROGRAM	12,529,000	48,319,000
ADMINISTRATION AND SUPPORT PROGRAM	42,827,000	74,415,000
COMMUNITY SERVICES ADMINISTRATION	160,758,000	344,468,000
REVENUE COLLECTIONS PROGRAM	24,980,000	74,689,000
PAYMENTS TO OTHER AGENCIES	27,590,000	41,740,000
SECTION TOTALS	2,415,907,000	4,398,657,000

(2) The department of social and health services shall not initiate any services that will require expenditure of state general fund moneys except as expressly authorized in this act, unless the services were previously provided. The department may seek, receive, and spend, under RCW 43.79.260 through 43.79.282, federal moneys not anticipated in this act as long as the federal funding does not require expenditure of state moneys for the program in excess of amounts anticipated in this act. If the department receives unanticipated unrestricted federal moneys, those moneys shall be spent for services authorized in this act, and an equal amount of appropriated state general fund moneys shall lapse. As used in this subsection, 'unrestricted federal moneys' includes block grants and other funds that federal law does not require to be spent on explicitly defined projects or matched on a formula basis by state funds.

(3) This act is not intended to affect any vendor rate increases that were implemented prior to the effective date of this act.

(4) \$1,117,000 of the general fund—state appropriation and \$778,000 of the general fund—federal appropriation is provided solely to increase community residential services to developmentally disabled and mentally ill persons most in need of assistance as determined by the department.

(5) \$346,000 of the general fund—state appropriation and \$782,000 of the general fund—federal appropriation are provided solely to comply with the mandatory provisions of P.L. 100-203 as it relates to developmentally disabled and mentally ill persons.

(6) Department staff shall assist general assistance clients in establishing eligibility for social security or supplemental security income benefits. The assistance shall include providing to the client or the appropriate social security office any documentation of the client's disability and, if appropriate, referral to legal counsel with expertise in social security law.

(7) It is the continuing intention of the legislature that payment levels in the aid to families with dependent children, general assistance, and refugee assistance programs contain an energy allowance to offset the high and rising costs of energy and that such allowance be excluded from consideration as income for the purpose of determining eligibility and benefit levels of the food stamp program to the maximum extent such exclusion is authorized under federal law and RCW 74.08.046. To this end, up to \$150,000,000 is so designated for exemptions of the following amounts:

Family Size:	1	2	3	4	5	6	7	8 or more
Exemption:	\$30	\$39	\$46	\$56	\$63	\$72	\$84	\$92

(8) \$550,000 of the general fund—state appropriation is provided solely to expand the home builders program to provide assistance to families.

(9) \$20,000 of the general fund—state appropriation is provided solely for training services to providers of therapeutic day care.

(10)(a) \$100,000, of which \$55,000 is from the general fund—state appropriation, is provided solely for increased staff to investigate backlogged complaints of fraud in public assistance and food stamp programs and to establish and recover overpayments. The department shall increase the April 1988 level of staff in the verification and overpayment control system by 20 FTE positions. The department shall assign the additional staff with the goals of (i) reducing and ultimately eliminating the complaint backlog and (ii) maximizing overpayment recoveries during the biennium ending June 30, 1991.

(b) Expenditures for the purposes of this subsection shall be charged to a unique identifier in the department's accounting system. The department shall collect necessary data on the backlogged complaints and report to the legislative budget committee on December 1, 1989, and December 1, 1990, regarding the utilization, performance, and cost-effectiveness of the additional funding provided for complaint backlog work by this section and by the 1989-91 appropriations act.

(11) \$172,000 of the general fund—state appropriation is provided solely to expand the supplemental security income referral pilot program established by chapter 177, Laws of 1987 (uncodified).

(12) The amounts appropriated by this section reflect the amounts previously appropriated to the department for the 1987-89 biennium by the sections repealed by this act.

Sec. 203. Section 209, chapter 7, Laws of 1987 1st ex. sess. as amended by section 209, chapter 289, Laws of 1988 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—COMMUNITY SOCIAL SERVICES PROGRAM

General Fund Appropriation—State	\$	(61,180,000)
		60,923,000
General Fund Appropriation—Federal	\$	(16,866,000)
		20,838,000
General Fund Appropriation—Local	\$	166,000
Total Appropriation	\$	(78,212,000)
		81,927,000

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

(1) Vendor rate increases shall average 2.0 percent on September 1, 1987, and 4.0 percent on September 1, 1988.

(2) \$195,000 of the general fund—state appropriation is provided solely to increase the annual base level of grants for county alcohol and drug abuse treatment services to \$40,000 per county.

(3) \$23,165,000 of the general fund—state appropriation is provided solely for implementation of the alcohol and drug addiction treatment and support act.

NEW SECTION. Sec. 204. A new section is added to chapter 7, Laws of 1987 1st ex. sess. to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

State Toxics Control Account Appropriation	\$	710,000
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The appropriation in this section is subject to the following conditions and limitations:

(1) \$124,000 is provided solely to test public drinking water supplies for organic chemicals.

(2) \$313,000 is provided solely to monitor drinking water supplies potentially affected by hazardous waste releases.

(3) \$273,000 is provided solely for health risk assessments, health monitoring activities, and health information services for communities near a hazardous waste site.

(4) This appropriation shall be reduced by any amounts expended under the appropriations in section 54, chapter 2, Laws of 1987 3rd ex. sess. and section 54, chapter 112, Laws of 1988.

NEW SECTION. Sec. 205. A new section is added to chapter 7, Laws of 1987 1st ex. sess. to read as follows:

FOR THE DEPARTMENT OF COMMUNITY DEVELOPMENT

State Toxics Control Account	\$	384,000
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This appropriation shall be reduced by any amounts expended under the appropriations in section 52, chapter 2, Laws of 1987 3rd ex. sess. and section 52, chapter 112, Laws of 1988.

Sec. 206. Section 219, chapter 7, Laws of 1987 1st ex. sess. as amended by section 217, chapter 289, Laws of 1988 (uncodified) is amended to read as follows:

FOR THE HUMAN RIGHTS COMMISSION

General Fund Appropriation—State	\$	(3,250,000)
		3,398,000
General Fund Appropriation—Federal	\$	964,000
Total Appropriation	\$	(4,222,000)
		4,362,000

Sec. 207. Section 223, chapter 7, Laws of 1987 1st ex. sess. as amended by section 218, chapter 289, Laws of 1988 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF LABOR AND INDUSTRIES

General Fund Appropriation	\$	8,227,000
Public Safety and Education Account Appropriation	\$	10,866,000
Accident Fund Appropriation	\$	85,159,000
Electrical License Fund Appropriation	\$	(9,907,000)
		9,994,000
Farm Labor Revolving Account Appropriation	\$	58,000
Medical Aid Fund Appropriation	\$	82,105,000
Plumbing Certificate Fund Appropriation	\$	660,000
Pressure Systems Safety Fund Appropriation	\$	1,148,000
Worker and Community Right to Know Fund Appropriation	\$	2,059,000
Total Appropriation	\$	(200,190,000)
		200,276,000

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

(1) The department shall study the feasibility of establishing an independent ombudsman office to aid employers and employees, including self-insured employees, in dealing with the workers' compensation system. The study shall include an evaluation of the need for the office, the recommended functions of the office, and the mechanisms for oversight and funding. The department shall submit its findings and recommendations to the commerce and labor committees of the senate and house of representatives by January 11, 1988.

(2) The department shall evaluate the effectiveness of the workers' compensation vocational rehabilitation program, including the effectiveness of a worker resource center to provide injured worker adjustment services. The study shall be conducted in consultation with the workers' compensation advisory committee and interested groups representing injured workers, labor, and employers. The department shall submit its findings and recommendations to the commerce and labor committees of the senate and house of representatives by January 11, 1988.

(3) The department shall study, in cooperation with the employment security department and the department of social and health services, the potential impact in the state of a state minimum wage based on ninety percent of the federal poverty level. The results of the study shall be submitted to the commerce and labor committees of the senate and house of representatives by January 11, 1988.

(4) The department shall prepare a report on workers' compensation caseload information including, but not limited to, the average number of claims by type by adjudicator compared to optimal caseloads used in the private sector and any recommendations concerning improvement of caseloads. The report shall be submitted to the commerce and labor committees of the senate and house of representatives by January 11, 1988.

(5) All funds appropriated under this section for lease or lease development office space may be used to lease new office space only if the lease is for a period not exceeding three years and does not extend beyond June 30, 1991.

(6) The department shall establish an office of information and assistance to aid workers, employers, health care providers, and other department clients. The department shall report on the activities of the office to the appropriate committees of the legislature by January 1, 1989.

Sec. 208. Section 230, chapter 7, Laws of 1987 1st ex. sess. as amended by section 222, chapter 289, Laws of 1988 (uncodified) is amended to read as follows:

FOR THE WASHINGTON BASIC HEALTH PLAN

General Fund Appropriation	\$	((14,609,000))
		<u>4,084,000</u>

The appropriation in this section is subject to the following conditions and limitations: The appropriation is provided solely to develop and operate the basic health plan under Engrossed Second Substitute House Bill No. 477. If the bill is not enacted by June 30, 1987, this appropriation shall lapse.

PART III
NATURAL RESOURCES

Sec. 301. Section 303, chapter 7, Laws of 1987 1st ex. sess. as amended by section 303, chapter 289, Laws of 1988 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF ECOLOGY

General Fund Appropriation—State	\$	51,886,000
General Fund Appropriation—Federal	\$	40,846,000
General Fund Appropriation—Private/Local	\$	398,000
Hazardous Waste Control and Elimination Account Appropriation	\$	2,616,000
Flood Control Account Appropriation	\$	3,999,000
Wood Stove Public Education Account Appropriation	\$	((366,000))
		<u>276,000</u>
Special Grass Seed Burning Research Account Appropriation	\$	40,000
State Toxics Control Account	\$	620,000
Reclamation Revolving Account Appropriation	\$	836,000
Emergency Water Project Revolving Account Appropriation: Appropriated pursuant to chapter 1, Laws of 1977 ex. sess.	\$	907,000
Litter Control Account Appropriation	\$	6,395,000
State and Local Improvements Revolving Account—Waste Disposal Facilities: Appropriated pursuant to chapter 127, Laws of 1972 ex. sess. (Referendum 26)	\$	761,000
State and Local Improvements Revolving Account—Waste Disposal Facilities 1980: Appropriated pursuant to chapter 159, Laws of 1980 (Referendum 39)	\$	2,575,000
State and Local Improvements Revolving Account—Water Supply Facilities: Appropriated pursuant to chapter 234, Laws of 1979 ex. sess. (Referendum 38)	\$	1,111,000
Stream Gaging Basic Data Fund Appropriation	\$	139,000
Tire Recycling Account Appropriation	\$	548,000

Water Quality Account Appropriation	\$	2,398,000
Workers and Community Right to Know Fund Appropriation	\$	229,000
Total Appropriation	\$	((116,679,666)) <u>116,580,000</u>

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

(1) The department shall implement the Nisqually river task force recommendations. \$150,000 of the general fund—state appropriation is provided solely for this purpose.

(2) \$985,000 of the general fund—state appropriation is provided solely for allocation to local air pollution control authorities.

(3) The appropriation from the wood stove public education account is contingent upon the enactment of House Bill No. 16. If the bill is not enacted by June 30, 1987, this appropriation shall lapse.

(4) \$9,250,000 of the general fund—state appropriation is provided solely to carry out the department's responsibilities contained in the Puget Sound water quality plan and perform corresponding state-wide water quality activities.

(5) \$715,000 of the general fund—state appropriation is provided for the purposes of solid waste management.

(6) \$553,000 of the general fund—state appropriation is provided solely for implementing the timber, fish, and wildlife agreement. If Senate Bill No. 5845 is not enacted by June 30, 1987, the amount provided in this subsection shall lapse.

(7) \$225,000 of the general fund—state appropriation and \$50,000 of the hazardous waste control and elimination account appropriation are provided solely to: (a) Contract with the University of Washington college of ocean and fisheries sciences to develop a damage assessment methodology for determining damages as a result of oil spills, and (b) contract with the department of community development to design a model oil spill contingency plan.

(8) Within the general fund appropriation, the department shall prepare penalty regulations for waste disposal permit violations, including minimum penalties, based upon severity and frequency of violation.

(9) \$302,000 of the general fund—state appropriation is provided solely for operating the Padilla Bay estuarine sanctuary interpretive center.

(10) \$288,000 of the general fund—state appropriation is provided solely to implement Senate Bill No. 5570. If the bill is not enacted by June 30, 1987, the amount provided in this subsection shall lapse.

(11) \$392,000 of the emergency water project revolving account appropriation (emergency water supply) is provided solely for the purpose of planning and administering drought relief activities as required by Second Substitute Senate Bill No. 6513. If the bill is not enacted by June 30, 1988, the amount provided in this subsection shall lapse.

(12) \$200,000 of the emergency water project revolving account appropriation (emergency water supply) is provided solely for staff support and contract services as required by Engrossed Second Substitute Senate Bill No. 6724. If the bill is not enacted by June 30, 1988, the amount provided in this subsection shall lapse.

(13) \$140,000 of the emergency water project revolving account appropriation (emergency water supply) is provided solely for a comprehensive state water use efficiency study as required by Engrossed Substitute House Bill No. 1594. If the bill is not enacted by June 30, 1988, the amount provided in this subsection shall lapse.

(14) \$20,000 of the general fund—state appropriation and \$100,000 of the general fund—federal appropriation are provided solely for a grant to Pend Oreille county for the purpose of controlling milfoil in the Pend Oreille river. In addition to the funds provided in this subsection, the department shall provide up to \$75,000 from other appropriate state fund sources. These amounts, when combined with local matching funds, shall equal a total project cost of at least \$200,000.

(15) \$200,000 of the general fund—state appropriation is provided solely for the completion of phase two of the site closure and perpetual care report required by RCW 43.200.190.

Sec. 302, Section 312, chapter 7, Laws of 1987 1st ex. sess. as amended by section 308, chapter 289, Laws of 1988 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF NATURAL RESOURCES

General Fund Appropriation—State	\$	((42,574,000)) <u>57,760,000</u>
General Fund Appropriation—Federal	\$	((78,000)) <u>752,000</u>
General Fund Appropriation—Private/Local	\$	((20,000)) <u>50,000</u>
ORV (Off-Road Vehicle) Account Appropriation—Federal	\$	3,086,000
Geothermal Account Appropriation—Federal	\$	16,000
Forest Development Account Appropriation	\$	((21,294,000)) <u>21,315,000</u>
Survey and Maps Account Appropriation	\$	838,000
Aquatic Land Dredged Material Disposal Site Account Appropriation	\$	106,000

Landowner Contingency Forest Fire Suppression Account Appropriation	\$	((1,636,000))
		3,207,000
Resource Management Cost Account Appropriation	\$	((55,279,000))
		55,328,000
Total Appropriation	\$	((124,927,000))
		142,458,000

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

(1) ~~\$(8,721,000))~~ 23,877,000 of the general fund—state appropriation is provided solely for the emergency fire suppression subprogram.

(2) \$2,649,000 of the general fund—state appropriation is provided solely for implementing the provisions of the timber fish wildlife agreement. This amount is contingent on: (a) The department reorganizing existing staff in the forest practices subprogram so that the majority of the staff positions are dedicated to regulating forest practices and are not responsible for state land management; and (b) the enactment of Senate Bill No. 5845. If the bill is not enacted by June 30, 1987, this amount shall lapse.

(3) \$270,000 of the general fund—state appropriation is provided solely for the department's responsibilities in implementing the recommendations contained in the Puget Sound water quality plan.

(4) From the resource management cost account and general fund—state appropriations in this section, the department shall create an additional one hundred full time equivalent jobs, providing employment opportunities for a total of 200 people, 50 each for a period not to exceed six months, under the provisions of the employment security department's counter-cyclical employment program in section 226 of this act. These jobs shall pay at least eight dollars per hour, excluding benefits. Work performed under this subsection must provide economic benefits to state trust lands.

(5) \$193,000 of the general fund—state and the aquatic land dredged material disposal site account appropriations are provided solely for the purposes of Senate Bill No. 5501. If the bill is not enacted by June 30, 1987, this appropriation shall lapse.

(6) \$439,000 of the general fund—state appropriation is provided solely for spraying to control spruce budworm infestations.

(7) \$75,000 of the resource management cost account appropriation is provided solely for a feasibility study, under the guidance of the office of financial management and the department of information systems, directed at the development of a cost allocation system.

(8) Based on schedules submitted by the director of financial management, the state treasurer shall transfer from the general fund—state or such other funds as the state treasurer deems appropriate to the Clarke McNary fund such amounts as are necessary to meet unbudgeted forest fire fighting expenses. All amounts borrowed under the authority of this section shall be repaid to the appropriate fund, together with interest at a rate determined by the state treasurer to be equivalent to the return on investments of the state treasury during the period the amounts are borrowed.

(9) \$30,000 of the general fund—state appropriation, \$49,000 of the resource management cost account appropriation, and \$21,000 of the forest development account appropriation are provided solely for the purpose of conducting a study of costs and options connected with slash disposal. The general fund—state amount identified in this subsection may be spent only in an amount equal to private matching funds received and applied by the department of natural resources for the same purpose.

Sec. 303. Section 313, chapter 7, Laws of 1987 1st ex. sess. as amended by section 309, chapter 289, Laws of 1988 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF AGRICULTURE

General Fund Appropriation—State	\$	((16,073,000))
		16,408,000
General Fund Appropriation—Federal	\$	601,000
Feed and Fertilizer Account Appropriation	\$	22,000
Fertilizer, Agricultural, Mineral and Lime Fund Appropriation	\$	455,000
Commercial Feed Fund Appropriation	\$	409,000
Seed Fund Appropriation	\$	979,000
Nursery Inspection Fund Appropriation	\$	1,011,000
Livestock Security Interest Account Appropriation	\$	34,000
Total Appropriation	\$	((19,504,000))
		19,919,000

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

(1) \$48,000 of the general fund—state appropriation is provided solely for carrying out the water quality plan.

(2) \$53,000 of the general fund—state appropriation is provided solely for the control of starlings as a part of the predatory animal control program.

(3) \$20,000 of the general fund—state appropriation is provided solely to purchase poultry disease diagnostic laboratory equipment through a cooperative agreement with Washington State University.

(4) \$120,000 of the general fund—state appropriation is provided solely for the continuation of the brucellosis vaccination program.

(5) \$200,000 of the general fund—state appropriation is provided solely for enhancement of the noxious weed control program.

(6) \$200,000 of the general fund—state appropriation is provided solely to initiate a marketing program for Washington-bred horses.

(7) \$120,000 of the general fund—state appropriation is provided solely for the aquaculture program.

(8) \$12,000 of the general fund—state appropriation is provided solely for the implementation of Substitute Senate Bill No. 6240. If the bill is not enacted by June 30, 1988, the amount provided in this subsection shall lapse.

Sec. 304. Section 316, chapter 7, Laws of 1987 1st ex. sess. as amended by section 313, chapter 289, Laws of 1988 (uncodified) is amended to read as follows:

FOR THE WASHINGTON CENTENNIAL COMMISSION

General Fund Appropriation	\$	7,377,000
State Centennial Commission Account Appropriation	\$	(2,540,000)
		<u>2,420,000</u>
Total Appropriation	\$	(9,917,000)
		<u>9,797,000</u>

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

(1) State agencies, at the request of the centennial commission, may develop programs or activities related to the Washington state centennial. Agencies that develop programs or activities in conjunction with the centennial commission shall not charge the commission for overhead or administrative costs.

(2) The commission may contract with Pacific Celebration '89 for promotion of Washington state's future trade and economic ties with nations in the Pacific rim. Any contract with Pacific Celebration '89 shall include, but is not limited to, the following conditions:

(a) Pacific Celebration '89 activities shall create increased opportunities for marketing Washington state products and services, include a series of leadership conferences on emerging issues of the Pacific economy, promote Washington state as the focus of trade activity within the Pacific basin, recognize the contributions to the development of Washington state by people of Pacific heritage, and increase knowledge and understanding of Pacific cultures by Washington citizens. Activities shall be staged in communities throughout the state during the centennial year.

(b) Each \$1.00 in state funds provided to Pacific Celebration shall be matched over the course of the biennium by at least \$1.60 in private contributions and event sponsorships. If, at any point during the biennium, the centennial commission determines that private contributions and event sponsorships will, by the end of the biennium, amount to less than \$1.60 for each \$1.00 of state money provided, it shall reduce disbursements proportionally.

(c) Any state money used for contracts with Pacific Celebration shall be repaid, to the greatest extent possible, from net revenue of Pacific Celebration activities. Net revenues from these activities shall be maximized and returned to the general fund according to a financial plan approved by the commission.

(3) The general fund appropriation is intended to be the final state contribution to the funding of centennial commission projects.

(4) If the commission terminates the contracts authorized under subsection (2) of this section prior to the effective date of this 1988 section, the commission shall use all money that had been committed to but will not be expended for these contracts on the following activities: (a) Efforts to increase opportunities for marketing Washington state products and services; (b) a series of leadership conferences on emerging issues of the Pacific economy; (c) promotion of Washington state as the focus of trade activity within the Pacific basin; (d) recognition of the contributions to the development of Washington state by people of Pacific heritage; and (e) efforts to increase knowledge and understanding of Pacific cultures by Washington citizens.

(5) \$50,000 of the general fund appropriation is provided solely for staff and administrative services by the department of community development for a 20:20 commission. The 20:20 commission shall develop a plan to prepare the state to respond positively to the economic, social, and environmental changes which will face its citizens as they enter the next century.

Sec. 305. Section 12, chapter 8, Laws of 1987 1st ex. sess. as amended by section 312, chapter 289, Laws of 1988 (uncodified) is amended to read as follows:

~~\$(1,956,000)~~ 13,734,000 or so much thereof as may be necessary, is appropriated from the state convention and trade center operations account to the state convention and trade center corporation, for the fiscal biennium ending June 30, 1989, for the purposes of operation and promotion of the center. The appropriation in this section is subject to the following conditions and limitations:

(1) \$1,540,000 is provided solely for marketing the facilities and services of the convention center, for promoting the locale as a convention and visitor destination, and for related activities. (~~Unless a bill increasing the special excise tax under RCW 67.40.090 to six percent in the city of Seattle and two and four tenths percent in King county outside the city of Seattle is enacted by June 30, 1988, the amount provided in the previous sentence shall lapse.~~)

(2) Not more than \$9,500,000 of the moneys appropriated in this section may be expended from monies transferred from the state general fund to the state convention and trade center operations account pursuant to RCW 67.40.055.

NEW SECTION. Sec. 306. A new section is added to chapter 7, Laws of 1987 1st ex. sess. to read as follows:

FOR THE DEPARTMENT OF ECOLOGY

State Toxics Control Account Appropriation \$ 13,761,000

The appropriation in this section is subject to the following conditions and limitations:

(1) \$9,080,000 is provided solely for the purposes of administering and conducting remedial action.

(2) \$4,030,000 is provided solely for the ongoing implementation of the hazardous waste regulatory program authorized by chapter 70.105 RCW including, but not limited to, activities to permit and inspect hazardous waste facilities.

(3) \$340,000 is provided solely to provide technical assistance to local governments in accordance with RCW 70.105.170 and 70.105.255, and for local planning grants as provided in RCW 70.105.220 and 70.105.235(1)(a), (b), and (c).

(4) \$311,000 is provided solely for solid waste management activities including, but not limited to: (a) State and local solid waste enforcement; (b) development and dissemination of technical assistance information for local governments regarding proper management and disposal of solid waste in accordance with RCW 70.95.100 and 70.95.263(2); and (c) local planning grants as provided in RCW 70.95.130.

(5) The appropriation in this section shall be reduced by any amounts expended under the appropriations in section 50, chapter 2, Laws of 1987 3rd ex. sess. and section 50, chapter 112, Laws of 1988.

NEW SECTION. Sec. 307. A new section is added to chapter 7, Laws of 1987 1st ex. sess. to read as follows:

FOR THE DEPARTMENT OF ECOLOGY

State Toxics Control Account Appropriation \$ 150,000

The appropriation in this section is subject to the following conditions and limitations: The appropriation is provided solely for the business assistance program. The appropriation in this section shall be reduced by any amounts expended under the appropriations in section 57, chapter 2, Laws of 1987 3rd ex. sess. and section 57, chapter 112, Laws of 1988.

NEW SECTION. Sec. 308. A new section is added to chapter 7, Laws of 1987 1st ex. sess. to read as follows:

FOR THE DEPARTMENT OF ECOLOGY

Local Toxics Control Account Appropriation \$ 16,185,000

The appropriation in this section is subject to the following conditions and limitations:

(1) \$936,000 is provided solely for local solid waste enforcement grants.

(2) \$15,249,000 is provided solely for grants pursuant to section 7(3), chapter 2, Laws of 1989.

(3) This appropriation shall be reduced by any amounts expended under the appropriations in section 55, chapter 2, Laws of 1987 3rd ex. sess. and section 55, chapter 112, Laws of 1988.

NEW SECTION. Sec. 309. A new section is added to chapter 7, Laws of 1987 1st ex. sess. to read as follows:

FOR THE DEPARTMENT OF ECOLOGY

Water Quality Permit Account Appropriation \$ 3,600,000

The appropriation in this section shall be reduced by any amount expended under the appropriation in section 58, chapter 2, Laws of 1987 3rd ex. sess. and section 58, chapter 112, Laws of 1988.

NEW SECTION. Sec. 310. A new section is added to chapter 7, Laws of 1987 1st ex. sess. to read as follows:

FOR THE DEPARTMENT OF AGRICULTURE

State Toxics Control Account Appropriation \$ 234,000

The appropriation in this section shall be reduced by any amounts expended under the appropriations in section 51, chapter 2, Laws of 1987 3rd ex. sess. and section 51, chapter 112, Laws of 1988.

PART IV
TRANSPORTATION

Sec. 401. Section 402, chapter 7, Laws of 1987 1st ex. sess. as amended by section 402, chapter 289, Laws of 1988 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF LICENSING

General Fund Appropriation	\$	((15,764,000)) 15,846,000
Architects' License Account Appropriation	\$	765,000
Health Professions Account Appropriation	\$	9,709,000
Medical Disciplinary Account Appropriation	\$	1,195,000
Professional Engineers' Account Appropriation	\$	1,207,000
Real Estate Commission Account Appropriation	\$	4,936,000
Total Appropriation	\$	((33,516,000)) 33,658,000

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

(1) A maximum of \$426,000 from the health professions account appropriation may be used to contract with the board of pharmacy for drug-related investigations regarding licensed health care professionals.

(2) \$750,000 of the general fund appropriation is provided solely for expansion of the master license system.

(3) \$42,000 of the general fund appropriation is provided solely for implementation of Engrossed House Bill No. 713. If the bill is not enacted by June 30, 1987, the amount provided in this subsection shall lapse.

(4) \$64,000 of the general fund appropriation is provided solely for enhanced regulation and scrutiny of debenture companies under the provisions of Substitute House Bill No. 1525. If the bill is not enacted by June 30, 1988, the amount provided in this subsection shall lapse.

(5) \$28,000 of the general fund appropriation is provided solely for recording federal liens under Engrossed Senate Bill No. 6563. If the bill is not enacted by June 30, 1988, the amount provided in this subsection shall lapse. The amount spent under this subsection shall not exceed the amount of additional fee revenue generated under the bill.

(6) \$83,000 of the health professions account appropriation is provided solely for certifying and registering nursing assistants under Engrossed Substitute House Bill No. 1530. If the bill is not enacted by June 30, 1988, the amount provided in this subsection shall lapse.

(7) \$25,000 of the health professions account appropriation is provided solely for adopting rules governing the use of sedation and anesthesia for dental practice under Engrossed House Bill No. 668. If the bill is not enacted by June 30, 1988, the amount provided in this subsection shall lapse.

(8) \$104,000 of the general fund appropriation is provided solely for regulation of camping clubs under Substitute House Bill No. 791. If the bill is not enacted by June 30, 1988, the amount provided in this subsection shall lapse.

(9) \$142,000 of the general fund appropriation is provided solely for costs associated with AIDS training of licensed health care professionals mandated by chapter 206, Laws of 1988. Amounts expended under this subsection shall be repaid by the licensed professions receiving training.

PART V EDUCATION

Sec. 501. Section 502, chapter 7, Laws of 1987 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR EDUCATIONAL SERVICE DISTRICTS

General Fund Appropriation	\$	((9,966,000)) 9,967,000
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The appropriation in this section is subject to the following conditions and limitations: The educational service districts shall continue to furnish financial services required by the superintendent of public instruction and RCW 28A.21.088 (3) and (4).

Sec. 502. Section 503, chapter 7, Laws of 1987 1st ex. sess. as last amended by section 502, chapter 289, Laws of 1988 (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR GENERAL APPORTIONMENT (BASIC EDUCATION)

General Fund Appropriation	\$	((3,834,946,000)) 3,837,883,000
Revenue Accrual Account Appropriation	\$	55,100,000
Total Appropriation	\$	((3,890,046,000)) 3,892,983,000

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

(1) \$367,323,000 is provided solely for the remaining months of the 1986-87 school year.

(2) Allocations for certificated staff salaries for the 1987-88 and 1988-89 school years shall be determined by multiplying each district's average basic education certificated instructional and administrative salaries as determined under section 504, chapter 7, Laws of 1987 1st ex. sess., as amended, by the districts' formula-generated staff units as follows:

(a) On the basis of average annual full time equivalent enrollments, excluding hand-capped full time equivalent enrollment as recognized for funding purposes under section 507,

chapter 7, Laws of 1987 1st ex. sess., and excluding full time equivalent enrollment otherwise recognized for certificated staff unit allocations under (d) through (i) of this subsection:

(l) Forty-six certificated instructional staff units for each one thousand full time equivalent kindergarten through twelfth grade students.

(m) Four certificated administrative staff units for each one thousand full time equivalent kindergarten through twelfth grade students.

(n)(i) For the 1987-88 school year, an additional two certificated instructional staff units for each one thousand average annual full time equivalent students in kindergarten through third grade.

(ii) For the 1988-89 school year, an additional three certificated instructional staff units for each one thousand average annual full time equivalent students in kindergarten through third grade.

(o)(i) For school districts with a minimum enrollment of 250 full time equivalent students, whose full time equivalent student enrollment count in a given month exceeds the first of the month full time equivalent enrollment count by 5 percent, an additional state allocation of 110 percent of the share that such increased enrollment would have generated had such additional full time equivalent students been included in the normal enrollment count for that particular month.

(ii) For school districts that are located in a special economic distress impact area as defined in this subsection, and that experienced a decline in average annual full time equivalent enrollment between the 1987-88 and 1988-89 school years of at least two hundred full time equivalent students or four percent, whichever is less, additional staff unit allocations for the 1988-89 school year equivalent to the number of staff units generated under (a) of this subsection by half of the enrollment difference between the two school years. 'Special economic distress impact area' shall mean a county that had an average unemployment rate for fiscal year 1988 which exceeded the average state unemployment rate for the same period by fifteen percent, and which is located in whole or in part within a fifty mile radius of a nuclear reactor scheduled to be placed in inoperative standby status.

(p) 0.92 certificated instructional staff units and 0.08 certificated administrative staff units for each seventeen and one-half full time equivalent students enrolled in a vocational education program approved by the superintendent of public instruction. However, for skill center programs, the ratio shall be 0.92 certificated instructional staff units and 0.08 certificated administrative staff units for each annual average 16.67 full time equivalent students enrolled in an approved vocational education program.

(q) For districts enrolling not more than twenty-five average annual full time equivalent students in kindergarten through grade eight, and for small school plants within any school district which enroll not more than twenty-five average annual full time equivalent kindergarten through eighth grade students and have been judged to be remote and necessary by the state board of education:

(i) For those enrolling no students in grades seven or eight, 1.76 certificated instructional staff units and 0.24 certificated administrative staff units for enrollment of not more than five students, plus one-twentieth of a certificated instructional staff unit for each additional student enrolled; and

(ii) For those enrolling students in either grades seven or eight, 1.68 certificated instructional staff units and 0.32 certificated administrative staff units for enrollment of not more than five students, plus one-tenth of a certificated instructional staff unit for each additional student enrolled.

(r) For districts enrolling more than twenty-five but not more than one hundred average annual full time equivalent students in kindergarten through grade eight, and for small school plants within any school district which enroll more than twenty-five average annual full time equivalent kindergarten through eighth grade students and have been judged to be remote and necessary by the state board of education, in the following cases:

(i) For districts and small school plants with enrollments of up to sixty annual average full time equivalent students in kindergarten through grade six, 2.76 certificated instructional staff units and 0.24 certificated administrative staff units;

(ii) For districts and small school plants with enrollments of up to twenty annual average full time equivalent students in grades seven and eight, 0.92 certificated instructional staff units and 0.08 certificated administrative staff units.

(s) For each nonhigh school district having an enrollment of more than seventy annual average full time equivalent students and less than one hundred eighty students, operating a grades K-8 program or a grades 1-8 program, an additional one-half of a certificated instructional staff unit.

(t) For each nonhigh school district having an enrollment of more than fifty annual average full time equivalent students and less than one hundred eighty students, operating a grades K-6 program or a grades 1-6 program, an additional one-half of a certificated instructional staff unit.

(u) For districts that operate no more than two high schools with enrollments of not more than three hundred average annual full time equivalent students, for enrollments in each such

high school, excluding handicapped and vocational full time equivalent enrollments for the 1987-88 school year only:

(i) Nine certificated instructional staff units and one-half of a certificated administrative staff unit for the first sixty annual average full time equivalent students;

(ii) Additional certificated staff units based upon a ratio of 0.8732 certificated instructional staff units and 0.1268 certificated administrative staff units per forty-three and one-half average annual full time equivalent students; and

(iii) For the 1988-89 school year, excluding certificated staff units at the rate of 46 certificated instructional staff units and 4 certificated administrative staff units per 1,000 vocational and handicapped full time equivalent students.

(3) Allocations for classified salaries for the 1987-88 and 1988-89 school years shall be calculated by multiplying each district's average basic education classified salary allocation as determined under section 504(2), chapter 7, Laws of 1987 1st ex. sess., as amended, by the district's formula-generated classified staff units determined as follows:

(a) For enrollments generating certificated staff unit allocations under subsections (2) (e) through (i) of this section, one classified staff unit per each three certificated staff units allocated under such subsections.

(b) For all other enrollment in grades kindergarten through twelve, including vocational but excluding handicapped full time equivalent enrollments, one classified staff unit for each sixty average annual full time equivalent students.

(c) For each nonhigh school district with an enrollment of more than fifty annual average full time equivalent students and less than one hundred eighty students, an additional one-half of a classified staff unit.

(4) Fringe benefit allocations shall be calculated at a rate of 19.41 percent in the 1987-88 school year and (~~(19.53)~~) 19.59 percent in the 1988-89 school year of certificated salary allocations provided under subsection (2) of this section, and a rate of 17.00 percent in the 1987-88 school year and (~~(17.12)~~) 17.18 percent in the 1988-89 school year of classified salary allocations provided under subsection (3) of this section.

(5) Insurance benefit allocations for the 1987-88 and 1988-89 school years shall be calculated at a rate of \$167 per month for the number of certificated staff units determined in subsection (2) of this section and for the number of classified staff units determined in subsection (3) of this section multiplied by 1.152.

(6)(a) For nonemployee related costs with each certificated staff unit allocated under subsections (2) (a), (b), (c), and (e) through (i) of this section, there shall be provided a maximum of \$5,973 per certificated staff unit in the 1987-88 school year and a maximum of \$6,188 per certificated staff unit in the 1988-89 school year.

(b) For nonemployee related costs with each certificated staff unit allocated under subsection (2)(d) of this section, there shall be provided a maximum of \$11,382 per certificated staff unit in the 1987-88 school year and a maximum of \$11,792 per certificated staff unit in the 1988-89 school year.

(7) Allocations for costs of substitutes for classroom teachers shall be distributed at a maximum rate of \$275 per full time equivalent basic education classroom teacher during the 1987-88 and 1988-89 school years.

(8) The superintendent may distribute a maximum of (~~(\$3,209,000)~~) \$3,191,000 outside the basic education formula during fiscal years 1988 and 1989 as follows:

(a) For fire protection for school districts located in a fire protection district as now or hereafter established pursuant to chapter 52.04 RCW, a maximum of (~~(\$342,000)~~) \$324,000 may be expended in fiscal year 1988 and a maximum of \$342,000 in fiscal year 1989.

(b) For summer vocational programs at skills centers, a maximum of \$1,099,000 may be expended in fiscal year 1988 and a maximum of \$1,135,000 may be expended in fiscal year 1989.

(c) A maximum of \$472,000 may be expended for school district emergencies.

(9) Formula enhancements are provided under this section which are not attributable to enrollment or workload changes, compensation increases, or inflationary adjustments. For the purposes of RCW 84.52.0531, the following allocations shall be recognized as levy reduction funds:

(a) For the 1987-88 school year, for certificated instructional staff units generated under subsection (2)(b)(i) of this section, all allocations for nonemployee-related costs and one-half of all allocations for certificated salaries and benefits.

(b) For the 1988-89 school year, for certificated instructional staff units generated under subsection (2)(b)(ii) of this section, one-third of all allocations including nonemployee-related costs and certificated staff salaries and benefits.

(10) For the purposes of section 101, chapter 2, Laws of 1987 1st ex. sess., the increase per full time equivalent student in the state basic education appropriation provided under this section and section 514 of this 1988 act is 2.75 percent between the 1986-87 and 1987-88 school years, and 4.93 percent between the 1987-88 and 1988-89 school years.

(11) The revenue accrual account appropriation is provided solely for allocations for employer contributions to the teachers' retirement system included under subsection (4) of this section.

(12) A maximum of \$372,000 may be distributed to enhance funding provided in subsections (1) through (8) of this section for remote and necessary school plants on islands without scheduled public transportation which are the sole school plants serving students in elementary grades on these islands. To be eligible in any school year for an allocation under this subsection, a school district must demonstrate that, either on an aggregate or per pupil basis, the percentage growth from the prior year in the district's expenditures for programs for students enrolled in the remote school plant is not less than the percentage growth from the prior school year in the district's operating expenditures district-wide. The superintendent of public instruction shall ensure compliance with this subsection, including appropriate distribution of school district overhead costs. The superintendent shall study and, in a report submitted to the legislature prior to December 1, 1988, make recommendations on adequate but not excessive funding formulas for remote and necessary school plants serving less than twenty-five students.

(13) The appropriations in this section include \$119,343,000 allocated for compensation increases for basic education staff, as provided pursuant to section 504, chapter 7, Laws of 1987 1st ex. sess., as amended.

Sec. 503, Section 504, chapter 7, Laws of 1987 1st ex. sess. as last amended by section 503, chapter 289, Laws of 1988 (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—BASIC EDUCATION EMPLOYEE COMPENSATION

For the purposes of section 503, chapter 7, Laws of 1987 1st ex. sess., as amended, and this section, the following conditions and limitations apply:

(1) (a) Districts shall certify to the superintendent of public instruction such information as may be necessary regarding the years of service and educational experience of basic education certificated instructional employees for the purposes of calculating certificated instructional staff salary allocations pursuant to this section. Any change in information previously certified, on the basis of additional years of experience or educational credits, shall be reported and certified to the superintendent of public instruction at the time such change takes place.

(b) For the purposes of this section, 'basic education certificated instructional staff' is defined as provided in RCW 28A.41.110.

(c) 'LEAP Document 1' means the computerized tabulation establishing staff mix factors for basic education certificated instructional staff according to education and years of experience, as developed by the legislative evaluation and accountability program committee on August 18, 1987, at 13:26 hours.

(d) 'LEAP Document 10' means the computerized tabulation of 1986-87 average salary allocations for basic education certificated administrative staff and basic education classified staff, as developed by the legislative evaluation and accountability program committee on May 11, 1987, at 11:06 hours.

(e) 'LEAP Document 11' means the computerized tabulation of 1986-87 derived base salaries for basic education certificated instructional staff, as developed by the legislative evaluation and accountability program committee on August 19, 1987, at 10:29 hours.

(f) 'Derived base salary' means a school district's average salary for basic education certificated instructional staff, divided by the district's average staff mix factor for such staff computed using LEAP Document 1.

(2)(a)(i) For the 1987-88 school year, average salary allocations for basic education certificated administrative staff under section 503, chapter 7, Laws of 1987 1st ex. sess., as amended, shall be the district's 1986-87 certificated administrative average salary shown on LEAP Document 10, increased by 2.1 percent of the 1986-87 LEAP Document 10 state-wide average salary for certificated administrative staff.

(ii) For the 1988-89 school year, average salary allocations for basic education certificated administrative staff under section 503, chapter 7, Laws of 1987 1st ex. sess., as amended, shall be the district's certificated administrative average salary allocation for the 1987-88 school year provided under this section, further increased by 2.14 percent of the 1986-87 LEAP Document 10 state-wide average salary.

(b)(i) For the 1987-88 school year, average salary allocations for basic education classified staff under section 503, chapter 7, Laws of 1987 1st ex. sess., as amended, shall be the district's 1986-87 classified average salary shown on LEAP Document 10, increased by 2.7 percent of the 1986-87 LEAP Document 10 state-wide average salary for classified staff.

(ii) For the 1988-89 school year, average salary allocations for basic education classified staff under section 503, chapter 7, Laws of 1987 1st ex. sess., as amended, shall be the district's classified average salary allocation for the 1987-88 school year provided under this section, further increased by 2.77 percent of the 1986-87 LEAP Document 10 state-wide average classified salary.

(c) Allocations for certificated instructional salaries in the 1987-88 school year under section 503(2), chapter 7, Laws of 1987 1st ex. sess., as amended, shall be the greater of:

(i) The district's average salary as determined by placing the district's actual full time equivalent basic education certificated instructional staff for that school year on the 1987-88 state-wide salary allocation schedule established in subsection (3)(a) of this section; or

(ii) The district's actual average annual basic education certificated instructional staff salary for the 1986-87 school year, as reported to the superintendent of public instruction prior to June 1, 1987, improved by 2.1 percent; or

(iii) The district's 1986-87 derived base salary for basic education certificated instructional staff as shown on LEAP Document 11, multiplied by the district's average staff mix factor determined using LEAP Document 1 for 1987-88 basic education certificated instructional staff, and further increased by 2.1 percent.

(d) Allocations for certificated instructional salaries in the 1988-89 school year under section 503(2), chapter 7, Laws of 1987 1st ex. sess., as amended, shall be the greater of:

(i) The district's average salary as determined by placing the district's actual full time equivalent basic education certificated instructional staff for that school year on the 1988-89 state-wide salary allocation schedule established in subsection (3)(b) of this section; or

(ii) For districts which received salary allocations for the 1987-88 school year under subsection (2)(c)(ii) or (iii) of this section, the district's actual 1987-88 derived base salary for basic education certificated instructional staff computed as of January 9, 1989, by the superintendent of public instruction using LEAP Document 1, multiplied by the district's average staff mix factor determined using LEAP Document 1 for 1988-89 basic education certificated instructional staff, and further increased by 2.1 percent. In no case shall the actual 1987-88 derived base salary recognized in this subsection exceed the average salary used for state allocations in the 1987-88 school year for basic education certificated instructional staff under section 502 of this 1988 act, including the increases provided under this section and section 504(4) of this 1988 act, divided by the district's average staff mix factor for 1987-88 basic education certificated instructional staff.

(3) Pursuant to RCW 28A.41.112, the following state-wide salary allocation schedules for certificated instructional staff, for allocation purposes only, are established:

(a) 1987-88 STATE-WIDE SALARY ALLOCATION SCHEDULE
FOR INSTRUCTIONAL STAFF

Years of Service	BA	BA+15	BA+30	BA+45
0	17,050	17,510	17,988	18,465
1	17,681	18,158	18,653	19,164
2	18,329	18,823	19,335	19,897
3	19,011	19,522	20,051	20,648
4	19,710	20,255	20,801	21,432
5	20,443	21,006	21,568	22,250
6	21,210	21,773	22,370	23,103
7	21,995	22,574	23,188	23,972
8	22,796	23,410	24,041	24,893
9		24,279	24,944	25,831
10			25,865	26,820
11				27,843
12				
13				
14 or more				

1987-88 STATE-WIDE SALARY ALLOCATION SCHEDULE
FOR INSTRUCTIONAL STAFF

Years of Service	BA+90	BA+135	MA	MA+45	MA+90 or PHD
0	20,000	20,989	20,000	21,210	22,250
1	20,750	21,756	20,750	21,995	23,069
2	21,517	22,557	21,517	22,813	23,921
3	22,301	23,393	22,301	23,648	24,808
4	23,137	24,262	23,137	24,518	25,728
5	23,989	25,166	23,989	25,439	26,666
6	24,876	26,087	24,876	26,376	27,655
7	25,797	27,058	25,797	27,348	28,678
8	26,751	28,064	26,751	28,354	29,752
9	27,740	29,104	27,740	29,411	30,843
10	28,763	30,179	28,763	30,502	31,986
11	29,838	31,287	29,838	31,628	33,162
12	30,946	32,446	30,946	32,804	34,390

1987-88 STATE-WIDE SALARY ALLOCATION SCHEDULE
FOR INSTRUCTIONAL STAFF

Years of Service	BA+90	BA+135	MA	MA+45	MA+90 or PHD
13	32,088	33,640	32,088	34,015	35,669
14 or more		34,884	33,265	35,276	36,981

(b) 1988-89 STATE-WIDE SALARY ALLOCATION SCHEDULE
FOR INSTRUCTIONAL STAFF

Years of Service	BA	BA+15	BA+30	BA+45
0	17,600	18,075	18,568	19,061
1	18,251	18,744	19,254	19,782
2	18,920	19,430	19,958	20,539
3	19,624	20,152	20,698	21,314
4	20,346	20,909	21,472	22,123
5	21,102	21,683	22,264	22,968
6	21,894	22,475	23,091	23,848
7	22,704	23,302	23,936	24,746
8	23,531	24,165	24,816	25,696
9		25,062	25,749	26,664
10			26,699	27,685
11				28,741
12				
13				
14 or more				

1988-89 STATE-WIDE SALARY ALLOCATION SCHEDULE
FOR INSTRUCTIONAL STAFF

Years of Service	BA+90	BA+135	MA	MA+45	MA+90 or PHD
0	20,645	21,666	20,645	21,894	22,968
1	21,419	22,458	21,419	22,704	23,813
2	22,211	23,285	22,211	23,549	24,693
3	23,021	24,147	23,021	24,411	25,608
4	23,883	25,045	23,883	25,309	26,558
5	24,763	25,978	24,763	26,259	27,526
6	25,678	26,928	25,678	27,227	28,547
7	26,629	27,931	26,629	28,230	29,603
8	27,614	28,970	27,614	29,269	30,712
9	28,635	30,043	28,635	30,360	31,838
10	29,691	31,152	29,691	31,486	33,018
11	30,800	32,296	30,800	32,648	34,232
12	31,944	33,493	31,944	33,862	35,499
13	33,123	34,725	33,123	35,112	36,819
14 or more		36,010	34,338	36,414	38,174

(c) As used in this subsection:

(i) 'BA' means a baccalaureate degree;

(ii) 'MA' means a masters degree;

(iii) 'PHD' means a doctorate degree;

(iv) '+ (N)' means the number of college quarter hour credits and inservice credits earned since the highest degree. Inservice hours shall be converted to equivalent college quarter hour credits in accordance with RCW 28A.71.110.

(4) (a) Prior to August 31st of each school year, each school district shall report to the superintendent of public instruction the following information for each certificated instructional employee employed by the district as of October 1st of that school year:

(i) The full time equivalency of the employee by duty code and program assignment;

(ii) The number of days in the employee's base contract;

(iii) The finalized salary amount provided for the employee's base contract;

(iv) The amount contributed by the school district for the employee's fringe benefits as defined in RCW 28A.58.0951(3)(b); and

(v) The finalized amount paid to the employee for any supplemental contracts under RCW 28A.58.0951(4).

Districts shall also confirm this data and submit any necessary revisions prior to December 1st of the subsequent school year.

(b) Prior to August 31st of each school year, each school district shall submit to the superintendent of public instruction copies of the district's finalized salary schedules used for compensation of certificated instructional employees.

(c) The superintendent of public instruction shall make available to school districts, the legislature, and the governor the information submitted by the school districts under this subsection (4), including calculation of average amounts provided by each school district for base salary contracts, supplemental contracts, and fringe benefits of basic education certificated instructional staff and of other certificated instructional staff.

Sec. 504. Section 505, chapter 7, Laws of 1987 1st ex. sess. as last amended by section 504, chapter 289, Laws of 1988 (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR MINIMUM SALARIES AND CATEGORICAL PROGRAM SALARY INCREASES

General Fund Appropriation \$ ~~(23,264,000)~~
23,684,000

The appropriation in this section is subject to the following conditions and limitations:

(1) 'Incremental fringe benefits' means 18.77 percent in the 1987-88 school year and ~~((18.89))~~ 18.95 percent in the 1988-89 school year for certificated staff, and 13.47 percent in the 1987-88 school year and ~~((13.59))~~ 13.65 percent in the 1988-89 school year for classified staff, which percentages shall be the fringe benefit rates applied to the respective salary adjustments provided in subsections (3) and (4) of this section.

(2) A maximum of ~~((8,165,000))~~ \$8,252,000 is provided to implement salary increases for each school year for state-supported school employees in the following categorical programs: Transitional bilingual instruction, learning assistance, education of highly capable students, vocational technical institutes, and pupil transportation. Moneys provided by this subsection include costs of incremental fringe benefits and shall be distributed by increasing allocation rates for each school year by the amounts specified:

(a) Transitional bilingual instruction: The rates specified in section 509, chapter 7, Laws of 1987 1st ex. sess. shall be increased by \$10.51 per pupil for the 1987-88 school year and by ~~((21.68))~~ \$21.69 per pupil for the 1988-89 school year.

(b) Learning assistance: The rates specified in section 510, chapter 7, Laws of 1987 1st ex. sess. shall be increased by \$9.15 per pupil for the 1987-88 school year and by \$16.72 per pupil for the 1988-89 school year.

(c) Education of highly capable students: The rates specified in section 511, chapter 7, Laws of 1987 1st ex. sess. shall be increased by \$6.23 per pupil for the 1987-88 school year and by \$12.84 per pupil for the 1988-89 school year.

(d) Vocational technical institutes: The rates for vocational programs specified in section 513, chapter 7, Laws of 1987 1st ex. sess. shall be increased by \$57.15 per full time equivalent student for the 1987-88 school year, and by ~~((114.91))~~ \$114.97 per full time equivalent student for the 1988-89 school year.

(e) Pupil transportation: The rates provided under section 516, chapter 7, Laws of 1987 1st ex. sess. shall be increased by \$0.47 per weighted pupil-mile for the 1987-88 school year, and by \$0.86 per weighted pupil-mile for the 1988-89 school year.

(3) A maximum of ~~((14,979,000))~~ \$15,332,000 is provided for salary increases and incremental fringe benefits for state-supported staff unit allocations in the handicapped program, section 507, and for state-supported staff in institutional education programs, section 508, and in educational service districts, section 502. The superintendent of public instruction shall distribute salary increases for these programs not to exceed the percentage salary increases provided for basic education staff under section 504, chapter 7, Laws of 1987 1st ex. sess.

(4) A maximum of \$100,000 is provided solely to implement minimum salaries, distributed as follows:

(a) For any certificated instructional employee in the 1987-88 school year, the superintendent of public instruction may allocate additional salary moneys equal to:

(i) The minimum salary required for the employee under RCW 28A.58.0951(2); minus

(ii) The salary that the school district would have paid to such an employee in the 1986-87 school year at the employee's 1987-88 level of experience and education, increased by the average percentage increase provided in the district's derived base salary for basic education certificated instructional staff under section 2 of this 1987 act between the 1986-87 and 1987-88 school years. For the purposes of this section, no salary which an employee would have been paid in the 1986-87 school year shall be considered to be less than \$16,500 on a full time equivalent basis if the district had received funds under section 502(3)(f) of chapter 7, Laws of 1987, to establish a minimum certificated salary of \$16,500.

(b) For any certificated instructional employee in the 1988-89 school year, the superintendent of public instruction may allocate additional salary moneys equal to:

(i) The minimum salary required for the employee under RCW 28A.58.0951(2); minus

(ii) The salary that the school district would have paid to such an employee during the 1987-88 school year at the employee's 1988-89 level of experience and education, increased

by the average percentage increase provided in the district's derived base salary for basic education certificated instructional staff under section 2 of this 1987 act between the 1987-88 and 1988-89 school years.

(c) The superintendent of public instruction shall allocate incremental fringe benefits as defined in subsection (1) of this section for additional salary moneys allocated under (a) and (b) of this subsection.

Sec. 505. Section 507, chapter 7, Laws of 1987 1st ex. sess. as amended by section 506, chapter 289, Laws of 1988 (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR HANDICAPPED EDUCATION PROGRAMS

General Fund Appropriation—State	\$	((423,635,000))
		<u>431,188,000</u>
General Fund Appropriation—Federal	\$	45,318,000
Total Appropriation	\$	((468,953,000))
		<u>476,506,000</u>

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

(1) ~~((541,570,000))~~ \$41,568,000 of the general fund—state appropriation is provided solely for the remaining months of the 1986-87 school year.

(2) The superintendent of public instruction shall distribute state funds for the 1987-88 and 1988-89 school years in accordance with districts' actual handicapped enrollments and the allocation model established in LEAP Document 9 as developed by the legislative evaluation and accountability program committee on April 27, 1987, at 14:43 hours.

(3) A maximum of \$411,000 may be expended from the general fund—state appropriation to fund 4.66 full time equivalent teachers and one aide at Children's Orthopedic Hospital and Medical Center. This amount is in lieu of money provided through the home and hospital allocation and the handicapped program.

(4) From state or federal funds appropriated under this section, the superintendent of public instruction shall allocate a total of \$130,000 for the early childhood home instruction program for hearing impaired infants and their families.

Sec. 506. Section 508, chapter 7, Laws of 1987 1st ex. sess. as amended by section 507, chapter 289, Laws of 1988 (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR INSTITUTIONAL EDUCATION PROGRAMS

General Fund Appropriation—State	\$	((21,445,000))
		<u>21,449,000</u>
General Fund Appropriation—Federal	\$	7,034,000
Total Appropriation	\$	((28,479,000))
		<u>28,483,000</u>

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

(1) \$3,462,000 of the general fund—state appropriation is provided solely for the remaining months of the 1986-87 school year.

(2) \$10,908,000 of the general fund—state appropriation is provided solely for the 1987-88 school year, distributed as follows:

(a) \$4,128,000 is provided solely for programs in state institutions for the handicapped or emotionally disturbed. These moneys may be distributed for that school year at a maximum rate averaged over all of these programs of \$10,294 per full time equivalent student.

(b) \$3,368,000 is provided solely for programs in state institutions for delinquent youth. These moneys may be distributed for that school year at a maximum rate averaged over all of these programs of \$6,112 per full time equivalent student.

(c) \$390,000 is provided solely for programs in state group homes for delinquent youth. These moneys may be distributed for that school year at a maximum rate averaged over all of these programs of \$3,678 per full time equivalent student.

(d) \$733,000 is provided solely for juvenile parole learning center programs. These moneys may be distributed for that school year at a maximum rate averaged over all of these programs of \$1,815 per full time equivalent student, and are in addition to moneys allocated for these students through the basic education formula established in section 503 of this act.

(e) \$2,289,000 is provided solely for programs in county detention centers. These moneys may be distributed for that school year at a maximum rate averaged over all of these programs of \$4,471 per full time equivalent student.

(3) Distribution of state funding for the 1988-89 school year shall be based upon the following overall limitations for that school year including expenditures anticipated for July and August of 1989:

(a) State funding for programs in state institutions for the handicapped or emotionally disturbed may be distributed at a maximum rate averaged over all of these programs of \$10,296 per full time equivalent student and a total allocation of no more than ~~((53,735,000))~~ \$3,736,000 for that school year.

(b) State funding for programs in state institutions for delinquent youth may be distributed at a maximum rate averaged over all of these programs of ~~((56,116))~~ \$6,119 per full time

equivalent student and a total allocation of no more than (~~(\$3,272,000)~~) \$3,274,000 for that school year.

(c) State funding for programs in state group homes for delinquent youth may be distributed in that school year at a maximum rate averaged over all of these programs of (~~(\$3,600)~~) \$3,690 per full time equivalent student and a total allocation of no more than \$391,000 for that school year.

(d) State funding for juvenile parole learning center programs may be distributed at a maximum rate averaged over all of these programs of (~~(\$1,800)~~) \$1,810 per full time equivalent student and a total allocation of no more than (~~(\$730,000)~~) \$731,000 for that school year, excluding funds provided through the basic education formula established in section 503 of this act.

(e) State funding for programs in county detention centers may be distributed at a maximum rate averaged over all of these programs of (~~(\$4,402)~~) \$4,484 per full time equivalent student and a total allocation of no more than (~~(\$2,295,000)~~) \$2,296,000 for that school year.

(4) The superintendent of public instruction may distribute a maximum of \$33,000 from the general fund—state appropriation to supplement moneys provided under subsections (1) through (3) of this section, for the purpose of addressing enrollment variations or other program needs, including increases in summer school programs.

(5) \$100,000 of the general fund—state appropriation is provided solely for grants for the establishment of job search skills, preemployment training, and job placement programs at state institutions for delinquent youth. Grants provided under this subsection shall not exceed twenty-five thousand dollars for any individual institution.

(6) \$120,000 of the general fund—state appropriation is provided solely to increase the teacher/student ratio for programs at mentally ill offender units within the state institutions for delinquent youth.

(7) Notwithstanding any other provision of this section, the superintendent of public instruction may transfer funds between the categories of institutions identified in subsections (2) and (3) of this section, so long as the maximum expenditures per full time equivalent student for each category of institution are not thereby exceeded.

Sec. 507, Section 509, chapter 7, Laws of 1987 1st ex. sess. as amended by section 508, chapter 289, Laws of 1988 (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR TRANSITIONAL BILINGUAL PROGRAMS

General Fund Appropriation \$ (~~(12,175,000)~~)
12,791,000

The appropriation in this section is subject to the following conditions and limitations:

- (1) \$1,111,000 is provided solely for the remaining months of the 1986-87 school year.
- (2) The superintendent shall distribute funds for the 1987-88 and 1988-89 school years at a rate for each year of \$420 per eligible student.

Sec. 508, Section 510, chapter 7, Laws of 1987 1st ex. sess. as amended by section 509, chapter 289, Laws of 1988 (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR THE LEARNING ASSISTANCE PROGRAM

General Fund Appropriation \$ (~~(40,806,000)~~)
48,640,000

The appropriation in this section is subject to the following conditions and limitations:

- (1) \$3,929,000 is provided solely for the remaining months of the 1986-87 school year.
- (2) Funding for school district learning assistance programs serving kindergarten through grade nine shall be distributed during the 1987-88 (~~and 1988-89 school years~~) school year at a maximum rate of \$356 per unit, and during the 1988-89 school year at a maximum rate of \$357 per unit, as calculated pursuant to this subsection. The number of units for each school district in each school year shall be the sum of: (a) The number of full time equivalent students enrolled in kindergarten through grade six in the district multiplied by the percentage of the district's students taking the fourth grade basic skills test who scored in the lowest quartile as compared to national norms, and then reduced by the number of students ages eleven and below in the district who are identified as specific learning disabled and are served through programs established pursuant to chapter 28A.13 RCW; and (b) the number of full time equivalent students enrolled in grades seven through nine in the district multiplied by the percentage of the district's students taking the eighth grade basic skills test who scored in the lowest quartile as compared to national norms, and then reduced by the number of students ages twelve through fourteen in the district who are identified as specific learning disabled and are served through programs established pursuant to chapter 28A.13 RCW. For the purposes of allocating funds for the 1987-88 school year, the superintendent shall use the most recent prior five-year average scores on the fourth grade test and the most recent prior three-year average scores on the eighth grade test. For the purposes of allocating funds for the 1988-89 school year, the superintendent shall use the most recent prior five-year average scores on the fourth grade test and the most recent prior four-year average scores on the eighth grade test.

Sec. 509. Section 511, chapter 7, Laws of 1987 1st ex. sess. as amended by section 510, chapter 289, Laws of 1988 (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR PROGRAMS FOR HIGHLY CAPABLE STUDENTS
 General Fund Appropriation \$ ~~(5,275,000)~~
5,287,000

The appropriation in this section is subject to the following conditions and limitations:

(1) \$458,000 is provided solely for distribution to school districts for the remaining months of the 1986-87 school year.

(2) ~~(\$2,458,000)~~ \$2,464,000 is provided solely for allocations for school district programs for highly capable students during the 1987-88 school year, distributed at a maximum rate of \$338 per student for up to one percent of each district's 1987-88 full time equivalent enrollment.

(3) Allocations for school district programs for highly capable students in the 1988-89 school year are to be calculated at a maximum rate for that school year of \$341 per student for up to one percent of each district's 1988-89 full time equivalent enrollment.

(4) A maximum of \$340,000 is provided to contract for gifted programs to be conducted at Fort Worden state park.

Sec. 510. Section 513, chapter 7, Laws of 1987 1st ex. sess. as amended by section 511, chapter 289, Laws of 1988 (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR VOCATIONAL-TECHNICAL INSTITUTES AND ADULT EDUCATION AT VOCATIONAL-TECHNICAL INSTITUTES
 General Fund Appropriation \$ ~~(75,923,000)~~
75,031,000

The appropriation in this section is subject to the following conditions and limitations:

(1) Funding for vocational programs during the 1987-88 school year shall be distributed at a rate of \$2,888 per student for a maximum of 12,050 full time equivalent students.

(2) Funding for vocational programs during the 1988-89 school year shall be distributed at a rate of ~~(\$2,930)~~ \$2,931 per student for a maximum of 12,050 full time equivalent students.

(3) Funding for adult basic education programs during the 1987-88 school year shall be distributed at a rate of \$1.40 per hour of student service for a maximum of 288,690 hours.

(4) Funding for adult basic education programs during the 1988-89 school year shall be distributed at a rate of \$1.41 per hour of student service for a maximum of 288,690 hours.

(5) \$2,000,000 is provided solely for purchase and replacement of equipment to be used in vocational courses.

(6) \$2,700,000 is provided solely for the establishment and operation of the Washington institute of applied technology within the Seattle area. This program shall be administered under a cooperative agreement between the Seattle school district, Seattle community college district No. 6, and the Seattle private business community. If Engrossed Senate Bill No. 5996 is not enacted by June 30, 1987, the amount provided in this subsection shall lapse.

(7) \$185,000 is provided solely to increase the funding rate for vocational programs, effective May 1, 1989, by \$147 per full time equivalent student. The increase is provided to assist vocational-technical institutes in replacing out-of-date or worn-out equipment used for vocational training.

Sec. 511. Section 515, chapter 7, Laws of 1987 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR EDUCATIONAL CLINICS
 General Fund Appropriation \$ 3,400,000

The appropriation in this section is subject to the following conditions and limitations:

~~(((+)))~~ Not more than \$1,688,000 of this appropriation shall be expended during fiscal year 1988.

Sec. 512. Section 516, chapter 7, Laws of 1987 1st ex. sess. as amended by section 513, chapter 289, Laws of 1988 (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR PUPIL TRANSPORTATION
 General Fund Appropriation \$ ~~(221,840,000)~~
223,315,000

The appropriation in this section is subject to the following conditions and limitations:

(1) \$20,422,000 is provided solely for distribution to school districts for the remaining months of the 1986-87 school year.

(2) A maximum of \$97,507,000 may be distributed for pupil transportation operating costs in the 1987-88 school year.

(3) A maximum of \$800,000 may be expended for regional transportation coordinators.

(4) A maximum of \$60,000 may be expended for bus driver training.

(5) A maximum of ~~(\$152,000)~~ \$189,000 may be expended for the state school for the deaf and the state school for the blind to contract for transportation of day students enrolled in those schools. Transportation services funded under this subsection are not eligible for additional state reimbursement provided through the allocation formulas for school district or educational service district pupil transportation programs, but shall, to the maximum extent feasible, be reimbursed on the same basis.

Sec. 513. Section 521, chapter 7, Laws of 1987 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR THE STATE SCHOOL FOR THE DEAF

General Fund Appropriation—State	\$	(9,613,000) 9,673,000
General Fund Appropriation—Federal	\$	(148,000) 58,000
Total Appropriation	\$	(9,761,000) 9,731,000

Sec. 514. Section 522, chapter 7, Laws of 1987 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR THE STATE SCHOOL FOR THE BLIND

General Fund Appropriation	\$	(5,201,000) 5,218,000
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Sec. 515. Section 514, chapter 289, Laws of 1988 (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR SCHOOL EMPLOYEE INSURANCE BENEFIT INCREASES		
General Fund Appropriation	\$	(31,878,000) 32,030,000

The appropriation in this section is subject to the following conditions and limitations:

(1) Effective October 1, 1988, allocations for insurance benefits for school district and education service district employees are increased to a rate of \$224.75 per month for each full time equivalent certificated employee, and \$224.75 per month for each full time equivalent classified employee as calculated pursuant to this subsection. For the purposes of allocations of insurance benefits, full time equivalent classified employees shall be calculated on the basis of 1440 hours of work per year, with no individual employee counted as more than one full time equivalent.

(2) The appropriation in this section is provided solely to increase insurance benefit allocations for state-funded certificated and classified staff units in the 1988-89 school year, distributed as follows:

(a) A maximum of ~~(\$25,717,000)~~ \$25,780,000 may be expended to increase insurance benefit allocations for basic education staff units under section 502(5) of this act by \$57.75 per month.

(b) A maximum of ~~(\$3,303,000)~~ \$3,416,000 may be expended to increase insurance benefit allocations for handicapped program staff units as calculated under section 506 of this act by \$57.75 per month.

(c) A maximum of \$174,000 may be expended to increase insurance benefit allocations for state-funded staff in educational service districts and institutional education programs by \$57.75 per month.

(d) A maximum of ~~(\$2,684,000)~~ \$2,660,000 may be expended to fund insurance benefit increases in the following categorical programs by increasing state funding rates for the 1988-89 school year as follows:

- (i) For pupil transportation, an increase of \$0.48 per weighted pupil mile;
- (ii) For learning assistance, an increase of \$13.23 per pupil;
- (iii) For education of highly capable students, an increase of \$4.54 per pupil;
- (iv) For transitional bilingual education, an increase of \$8.59 per pupil;
- (v) For vocational-technical institutes, an increase of \$35.22 per full time equivalent pupil.

PART VI

HIGHER EDUCATION

Sec. 601. Section 601, chapter 7, Laws of 1987 1st ex. sess. as amended by section 601, chapter 289, Laws of 1988 (uncodified) is amended to read as follows:

The appropriations in sections 602 through 608 of this act are subject to the following conditions and limitations:

(1) For the purposes of this section and sections 602 through 608 of this act, 'institutions of higher education' means the institutions receiving appropriations pursuant to sections 602 through 608 of this act.

(2) Student Quality Standard: During the 1987-89 fiscal biennium, each institution of higher education shall not expend less than the average biennial amount listed in this subsection per full time equivalent student. The amounts include total appropriated operating expenses for the institution, less expenditures for plant maintenance and operations, with the exception of Washington State University, where cooperative extension and agriculture research are also excluded from the per student expenditures. This expenditure per student requirement may vary by two percent if the director of financial management certifies that the failure to meet the minimum expenditures per student is attributable to circumstances beyond the control of the institution.

University of Washington	\$	7.763
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Washington State University	\$	6,549
Central Washington University, Eastern Washington University, The Evergreen State College, and Western Washington University:		
The first 3000 FTE Students	\$	5,974
Each Student over 3000 FTE	\$	3,895
State Board for Community College Education	\$	2,793

(3) Each institution of higher education and the state board for community college education shall report to the 1989 regular session of the legislature the following information:

(a) The number of minority students attending the institution or the community college system and the measures taken by such institution or system during the 1987-89 fiscal biennium to increase the number of minority students and reduce the drop-out rates for minority and other students;

(b) The number of women employed by the institution or system and the actions taken by the institution or system to increase the number of women in managerial and senior-level positions;

(c) Actions taken by the institution or community college system to improve the quality of undergraduate and graduate education programs;

(d) Actions taken by the institution or system to expand or improve educational services off the campus and the process for evaluating the need for educational services in locations away from the campus;

(e) The process for evaluating and accepting students for admission into the institution or the system;

(f) Any process developed by the institution or the system for evaluating student performance;

(g) Actions taken by the institution or system to operate programs jointly with another public or private institution;

(h) How the faculty and exempt salary increase funds were distributed among the faculty and staff at each institution and the results of the increased salary levels on faculty and staff recruitment and retention;

(i) The annual faculty turnover rates experienced by the institution or the system; and

(j) The amount spent on instructional equipment, the type of equipment purchased, and the instructional enhancements that resulted from the additional equipment.

The state board for community college education shall collect and report the information required of the community college system under this subsection.

(4) The state board for community college education shall, jointly with the superintendent of public instruction, develop an integrated state plan for all state and federally funded vocational education services. The superintendent of public instruction and the state board for community college education shall also jointly develop a consistent and reliable data base on public vocational education, including enrollments, costs, program activities, and job placement. Such data shall be made available to the office of the governor and the legislature.

(5) Central Washington University, Eastern Washington University, and Western Washington University shall each collect summer term tuition fees at the same rates established for the regular academic quarter and shall transfer the fees to the state treasury in accordance with RCW 28B.15.031.

(6) The appropriations in sections 602 through 608 of this act provide the following amounts to identify and recruit minority students from junior high and high schools in the state, to foster minority student interest in a college education, to provide support services such as counseling and tutorial assistance, and to improve the retention of such students in higher education through and beyond the baccalaureate level. At least \$147,000 of the amount appropriated to the University of Washington shall go to increase the efforts of the math, engineering, and science achievement program.

University of Washington	\$	522,000
Washington State University	\$	225,000
Central Washington University	\$	113,000
Eastern Washington University	\$	150,000
The Evergreen State College	\$	75,000
Western Washington University	\$	150,000

(7) The following are the maximum amounts that may be expended at each institution of higher education from the appropriations in sections 602 through 608 of this act for continuing the salary increases authorized by section 604, chapter 7, Laws of 1987 (ESSB 5351) from July 1, 1987, through February 29, 1988:

University of Washington	\$	3,893,000
Washington State University	\$	2,083,000
Central Washington University	\$	405,000
Eastern Washington University	\$	489,000
The Evergreen State College	\$	212,000
Western Washington University	\$	575,000
State Board for Community College Education	\$	3,196,000

Expenditures under this subsection shall be consistent with all terms and conditions contained in section 604, chapter 7, Laws of 1987 (ESSB 5351), which are hereby incorporated by reference.

(8) The following are maximum amounts which each institution may spend from the appropriations in sections 602 through 608 of this act for faculty and exempt staff salary increases and are subject to all the limitations contained in this section. For the purpose of allocating these funds, 'faculty' includes all instructional and research faculty, academic deans, department chairpersons, and community college librarians and counselors who are not part of the state classified service system. 'Exempt staff' includes presidents, chancellors, vice-presidents, administrative deans and professional personnel, and four-year institution librarians and counselors who are exempt from the classified service system.

University of Washington	\$	19,058,000
Washington State University	\$	((9,336,000))
		9,367,000
Central Washington University	\$	2,152,000
Eastern Washington University	\$	2,441,000
The Evergreen State College	\$	1,060,000
Western Washington University	\$	2,851,000
State Board for Community College Education	\$	14,667,000
Higher Education Coordinating Board	\$	55,000

These amounts are intended to provide full time faculty and teaching and research assistants, and medical residents at each four-year institution and the community college system as a whole the average percentage increase, including increments, enumerated below on the effective dates indicated:

	March 1, 1988	January 1, 1989
University of Washington	8.5%	8.4%
Washington State University	8.2%	8.1%
Central Washington University	7.6%	7.6%
Eastern Washington University	7.6%	7.6%
The Evergreen State College	7.6%	7.6%
Western Washington University	7.6%	7.6%
State Board for Community College Education	6.3%	6.0%

Exempt staff and part time faculty at each four-year institution, the community college system as a whole, and the higher education coordinating board are entitled to receive the average salary increases enumerated below on the effective dates indicated:

	March 1, 1988	January 1, 1989
University of Washington	5%	3%
Washington State University	5%	3%
Central Washington University	4.5%	3%
Eastern Washington University	4.5%	3%
The Evergreen State College	4.5%	3%
Western Washington University	4.5%	3%
State Board for Community College Education	4.0%	3%
Higher Education Coordinating Board	3%	3%

However, exempt librarians and counselors may be given the same percentage salary increase as the faculty at their institution if the total amount paid out for faculty and exempt salary increases is within the amounts provided in this subsection.

The salary increase authorized under this subsection may be granted to state employees at Washington State University who are supported in full or in part by federal land grant formula funds.

(9) In addition to the 6.3 and 6.0 percent salary increases provided to community college faculty in subsection (8) of this section, \$1,129,000 is provided solely to reduce the disparity in full time faculty salaries among community colleges. No funds in this subsection may be expended on administrative staff salaries. The state board for community college education shall allocate one third of these funds in fiscal year 1988 and two thirds in fiscal year 1989 as follows:

Lower Columbia College	\$	124,000
Shoreline Community College	\$	242,000
Community College of Spokane	\$	533,000
Skagit Valley College	\$	115,000
Whatcom Community College	\$	18,000
Community College District 12	\$	52,000
Walla Walla Community College	\$	18,000
Highline Community College	\$	27,000

(10) From the appropriations in sections 602 through 609 of this act, the following amounts for each institution are provided solely for higher education personnel board classified

employees to provide a 2.65 percent or \$50 per month, whichever is greater, salary increase effective January 1, 1988, and an additional 3.0 percent salary increase effective January 1, 1989. These increases shall be implemented in compliance and conformity with all requirements of the comparable worth agreement ratified by 1986 Senate Concurrent Resolution No. 126.

University of Washington	\$	3,501,000
Washington State University	\$	2,365,000
Central Washington University	\$	478,000
Eastern Washington University	\$	583,000
The Evergreen State College	\$	337,000
Western Washington University	\$	652,000
State Board for Community College Education	\$	3,350,000
Higher Education Coordinating Board	\$	23,000

No salary increase may be paid under this subsection to any person whose salary has been Y-rated pursuant to rules adopted by the higher education personnel board.

(1) Any institution that grants an average salary increase in excess of the amounts authorized in subsection (8) of this section is ineligible to receive any funds appropriated for salary increases in sections 603 through 608 of this act. Any community college district that grants an average salary increase in excess of the amounts authorized in subsections (8) and (9) of this section is ineligible to receive any funds appropriated for salary increases in section 602 of this act. The office of financial management shall adjust an institution's allotment as necessary to enforce the restrictions imposed by this section.

Sec. 602. Section 603, chapter 7, Laws of 1987 1st ex. sess. as amended by section 603, chapter 289, Laws of 1988 (uncodified) is amended to read as follows:

FOR THE UNIVERSITY OF WASHINGTON

General Fund Appropriation	\$	(516,089,000)
		521,489,000
Medical Aid Fund Appropriation	\$	2,553,000
Accident Fund Appropriation	\$	2,553,000
Death Investigations Account Appropriation	\$	594,000
Total Appropriation	\$	((521,789,000))
		527,189,000

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

- (1) \$10,500,000 of the general fund appropriation is provided solely for equipment.
- (2) A maximum of \$75,000 may be spent to identify suitable spaces in the vicinity of the University of Washington for use as child day care centers for the children of university civil service employees and for start-up costs of the day care centers.
- (3) \$400,000 is provided solely to conduct a study of the potential environmental and economic impacts of oil and mineral exploration off the coast of Washington.
- (4) At least \$75,000 of the appropriations in this section shall be spent for research on the health and safety hazards of video display terminals in the workplace.
- (5) \$200,000 of the general fund appropriation is provided solely for rental costs on a building to house clinical and laboratory space for the treatment of patients with AIDS and the training of health care professionals in such treatment.
- (6) The University of Washington shall take whatever actions are necessary to maximize refunds from the social security administration during the 1987-89 biennium and shall transfer to the general fund the refund received from the social security administration for graduate teaching and research assistants paid from the state general fund from January 1, 1980, through June 30, 1987.

(7) At least \$10,000 shall be spent for a study on the predation of sockeye smolt in Lake Washington.

(8) \$300,000 of the general fund—state appropriation is provided solely to conduct an assessment, in consultation with local community organizations in the Puget Sound area, of higher education needs and programs to be offered at branch campuses in accordance with the higher education coordinating board master plan.

(9) \$5,400,000 of the general fund appropriation is provided solely for additional support for Harborview medical center operations.

Sec. 603. Section 604, chapter 7, Laws of 1987 1st ex. sess. as amended by section 604, chapter 289, Laws of 1988 (uncodified) is amended to read as follows:

FOR WASHINGTON STATE UNIVERSITY

General Fund Appropriation	\$	((287,152,000))
		287,189,000

The appropriation in this section is subject to the following conditions and limitations:

- (1) \$4,717,000 is provided solely for equipment.
- (2) Funds are provided to Washington State University to continue the Yakima nursing training program.
- (3) \$500,000 of the appropriation is provided solely to initiate upper division programs and expand graduate programs at the Southwest Washington joint center for education.

(4) \$165,000 of the appropriation is provided solely for additional training of education professionals at the Southwest Washington joint center for education.

(5) \$427,000 is provided solely for start-up and operation of the health research and education center in Spokane.

(6) \$750,000 is provided solely to enhance and operate the Washington higher education telecommunications system (WHETS) for the purpose of allowing the delivery of university courses directly to Spokane, Vancouver, Seattle, and the Tri-Cities.

(7) \$37,000 of the appropriation is provided solely for the salary increases for the intercollegiate center for nursing education faculty.

(8) \$119,000 of the appropriation is provided solely for health insurance benefits for agricultural research employees.

PART VII

SPECIAL APPROPRIATIONS

Sec. 701. Section 712, chapter 7, Laws of 1987 1st ex. sess. as amended by section 705, chapter 289, Laws of 1988 (uncodified) is amended to read as follows:

FOR THE STATE TREASURER—TRANSFERS

General Fund Appropriation: For transfer to the Institutional Impact Account	\$	316,600
General Fund Appropriation: For transfer to the Landowner Contingency Forest Fire Suppression Account	\$	285,000
General Government Special Revenue Fund—State Treasurer's Service Account Appropriation: For transfer to the general fund on or before July 20, 1989, an amount up to \$5,000,000 in excess of the cash requirements in the State Treasurer's Service Account for fiscal year 1990, for credit to the fiscal year in which earned	\$	5,000,000
Charitable, Educational, Penal and Reformatory Institutions Account Appropriations: For transfer to the Resource Management Cost Account to the extent that funds are available as determined by the department of natural resources. The department shall provide the state treasurer with a schedule of such transfers	\$	3,000,000
General Fund Appropriation: For transfer to the Natural Resources Fund—Water Quality Account	\$	7,913,300
General Fund Appropriation: For transfer to the Miscellaneous Fund—Tort Claims Revolving Fund	\$	(5,978,000)
		<u>11,327,000</u>
Liquor Revolving Fund Appropriation: For Transfer to the Miscellaneous Fund—Tort Claims Revolving Fund	\$	573,000
Employment Security Fund—Deferred Compensation Revolving Fund: For transfer to the Motor Vehicle Fund	\$	861,000
Ferry System Fund: For transfer to the Tort Claims Revolving Fund for claims paid on behalf of the department of transportation, Washington state ferry system during the period July 1, 1987, through June 30, 1989	\$	884,100
Puget Sound Ferry Operations Account: For transfer to the Tort Claims Revolving Fund for claims paid on behalf of the department of transportation, Washington state ferry system during the period July 1, 1987, through June 30, 1989	\$	378,900
Motor Vehicle Fund: For transfer to the Tort Claims Revolving Fund for claims paid on behalf of the department of transportation and the state patrol during the period July 1, 1987 through June 30, 1989	\$	14,200,000
State Employees Insurance Principal Account: For transfer to the General Fund	\$	2,700,000

Sec. 702. Section 714, chapter 7, Laws of 1987 1st ex. sess. (uncodified) is amended to read as follows:

FOR BELATED CLAIMS

(1) There is appropriated to the office of financial management for payment of supplies and services furnished in previous biennia, from the General Fund

\$ ~~(1,125,000)~~

1,258,016

(2) The following sums, or so much thereof as shall severally be found necessary, are hereby appropriated and authorized to be expended out of the several funds indicated, for the period from the effective date of this act to June 30, 1989, except as otherwise noted.

To reimburse the general fund for expenditures from belated claims appropriations to be disbursed on vouchers approved by the office of financial management:

Medical Disciplinary Account	\$	4,655
Institutional Impact Account	\$	36,816
Architects' License Account	\$	1,062
Cemetery Account	\$	45

Hazardous Waste Control and Elimination Account	\$	6
Public Safety and Education Account	\$	31,011
Health Professions Account	\$	13,465
Professional Engineers' Account	\$	81
Real Estate Commission Account	\$	623
Reclamation Revolving Account	\$	14
State Investment Board Expense Account	\$	134
Capitol Building Construction Account	\$	55,831
Motor Transport Account	\$	9,665
State Capitol Historical Association Museum Account	\$	76
Resource Management Cost Account	\$	7,684
Capitol Purchase and Development Account	\$	16,603
Litter Control Account	\$	358
State and Local Improvements Revolving Account (Waste Disposal Facilities)	\$	12
State Building Construction Account	\$	67,372
Outdoor Recreation Account	\$	268
State Social and Health Services Construction Account	\$	1,142
Grade Crossing Protective Fund	\$	79,466
State Patrol Highway Account	\$	45,879
Motorcycle Safety Education Fund	\$	7,725
Nursery Inspection Fund	\$	38
Seed Fund	\$	347
Electrical License Fund	\$	1,727
State Game Fund	\$	64,064
Highway Safety Fund	\$	6,297
Motor Vehicle Fund	\$	24,572
Public Service Revolving Fund	\$	5,418
State Treasurer's Service Fund	\$	1,561
Legal Services Revolving Fund	\$	9,650
Municipal Revolving Fund	\$	4,146
General Administration Facilities and Services Revolving Fund	\$	6,140
Department of Personnel Service Fund	\$	366
Higher Education Personnel Board Service Fund	\$	331
State Employees' Insurance Fund	\$	499
State Auditing Services Revolving Fund	\$	3,028
Liquor Revolving Fund	\$	4,629
Department of Retirement Systems Expense Fund	\$	10,264
Accident Fund	\$	29,386
Medical Aid Fund	\$	29,232
Western Library Network Computer System Revolving Fund	\$	30,443
Pressure Systems Safety Fund	\$	196

Sec. 703, Section 715, chapter 7, Laws of 1987 1st ex. sess. as amended by section 706, chapter 289, Laws of 1988 (unmodified) is amended to read as follows:

FOR THE STATE TREASURER—STATE REVENUES FOR DISTRIBUTION

General Fund Appropriation for fire insurance premiums tax distribution	\$	((6,225,000)) <u>4,599,000</u>
General Fund Appropriation for public utility district excise tax distribution	\$	((21,130,000)) <u>20,879,000</u>
General Fund Appropriation for prosecuting attorneys' salaries	\$	<u>1,950,000</u>
General Fund Appropriation for motor vehicle excise tax distribution	\$	((59,751,000)) <u>58,239,000</u>
General Fund Appropriation for local mass transit assistance	\$	((165,535,000)) <u>183,800,000</u>
General Fund Appropriation for camper and travel trailer excise tax distribution	\$	((2,152,000)) <u>2,164,000</u>
Aquatic Lands Enhancement Account Appropriation for harbor improvement revenue distribution	\$	60,000
Liquor Excise Tax Fund Appropriation for liquor excise tax distribution	\$	((10,233,000)) <u>18,266,000</u>
Motor Vehicle Fund Appropriation for motor vehicle fuel tax and overload penalties distribution	\$	((268,002,000)) <u>278,124,000</u>

Liquor Revolving Fund Appropriation for liquor profits distribution	\$	((42,740,000)) 42,620,000
Timber Tax Distribution Account Appropriation for distribution to Timber counties	\$	((44,291,000)) 46,397,000
Municipal Sales and Use Tax Equalization Account Appropriation	\$	((32,174,000)) 31,359,000
County Sales and Use Tax Equalization Account Appropriation	\$	((11,062,000)) 10,788,000
Death Investigations Account Appropriation for distribution to coun- ties for publicly funded autopsies	\$	((688,000)) 713,000
Total Appropriation	\$	((694,001,000)) 699,958,000

The appropriations in this section are subject to the following conditions and limitations: \$96,000 is provided from the death investigations account appropriation for the purpose of reimbursing counties up to the maximum level authorized by RCW 68.08.104 for expenses incurred in the 1985-87 biennium.

Sec. 704. Section 716, chapter 7, Laws of 1987 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE STATE TREASURER—FEDERAL REVENUES FOR DISTRIBUTION

Forest Reserve Fund Appropriation for federal forest reserve fund dis- tribution	\$	((58,414,601)) 75,915,000
General Fund Appropriation for federal flood control funds distribu- tion	\$	((24,000)) 74,000
General Fund Appropriation for federal grazing fees distribution	\$	50,000
Geothermal Account Appropriation—Federal	\$	((60,000)) 10,000
General Fund Appropriation for distribution of federal funds to coun- ties in conformance with Public Law 97-99	\$	((300,000)) 400,000
Total Appropriation	\$	((58,840,601)) 76,449,000

Sec. 705. Section 717, chapter 7, Laws of 1987 1st ex. sess. as amended by section 707, chapter 289, Laws of 1988 (uncodified) is amended to read as follows:

FOR THE STATE TREASURER—BOND RETIREMENT AND INTEREST, INCLUDING ONGOING BOND REGISTRATION AND TRANSFER CHARGES

((Fisheries Bond Redemption Fund 1977 Appropriation	\$	1,280,467
Salmon Enhancement Bond Redemption Fund 1977 Appropriation	\$	5,479,684
Higher Education Refunding Bond Redemption Fund 1977 Appropria- tion	\$	8,773,875
Fire Service Training Center Bond Retirement Fund 1977 Appropria- tion	\$	1,619,731
Highway Bond Retirement Fund Appropriation	\$	171,910,324
Indian Cultural Center Construction Bond Redemption Fund 1976 Appropriation	\$	233,575
Higher Education Bond Redemption Fund 1977 Appropriation	\$	19,528,417
Ferry Bond Retirement Fund 1977 Appropriation	\$	25,627,988
Emergency Water Projects Bond Retirement Fund 1977 Appropriation	\$	2,604,490
Public School Building Bond Redemption Fund 1965 Appropriation	\$	1,230,790
Higher Education Bond Retirement Fund 1979 Appropriation	\$	10,736,990
State General Obligation Bond Retirement Fund 1979 Appropriation	\$	307,961,175
Fisheries Bond Redemption Fund 1976 Appropriation	\$	764,034
State Building Bond Redemption Fund 1967 Appropriation	\$	656,800
Community College Capital Construction Bond Redemption Fund 1975, 1976, 1977 Appropriation	\$	11,423,031
Common School Building Bond Redemption Fund 1967 Appropriation	\$	6,890,745
Outdoor Recreation Bond Redemption Fund 1967 Appropriation	\$	6,292,542
Water Pollution Control Facilities Bond Redemption Fund 1967 Appro- priation	\$	4,067,765
State Building and Higher Education Construction Bond Redemption Fund 1967 Appropriation	\$	10,349,392
State Building and Parking Bond Redemption Fund 1969 Appropria- tion	\$	2,448,830
Waste Disposal Facilities Bond Redemption Fund Appropriation	\$	57,944,960
Water Supply Facilities Bond Redemption Fund Appropriation	\$	11,952,815

Social and Health Services Facilities 1972 Bond Redemption Fund Appropriation	\$	3,765,665
Recreation Improvements Bond Redemption Fund Appropriation	\$	5,986,813
Community College Capital Improvement Bond Redemption Fund 1972 Appropriation	\$	7,499,389
State Building Authority Bond Redemption Fund Appropriation	\$	9,452,688
Office-Laboratory Facilities Bond Redemption Fund Appropriation	\$	270,988
University of Washington Hospital Bond Retirement Fund 1975 Appropriation	\$	1,163,924
Washington State University Bond Redemption Fund 1977 Appropriation	\$	559,915
Higher Education Bond Redemption Fund 1975 Appropriation	\$	2,165,785
State Building Bond Redemption Fund 1973 Appropriation	\$	3,794,144
State Building Bond Retirement Fund 1975 Appropriation	\$	424,788
State Higher Education Bond Redemption Fund 1973 Appropriation	\$	4,367,163
Social and Health Services Bond Redemption Fund 1976 Appropriation	\$	9,475,867
State Building (Expo 74) Bond Redemption Fund 1973A Appropriation	\$	372,828
Community College Refunding Bond Retirement Fund 1974 Appropriation	\$	9,436,996
State Higher Education Bond Redemption Fund 1974 Appropriation	\$	1,190,788
Total Appropriation	\$	729,653,901))

(1) FOR GENERAL OBLIGATION DEBT SUBJECT TO THE STATUTORY DEBT LIMIT

Fisheries Bond Redemption Fund 1977 Appropriation	\$	1,360,800
Water Pollution Control Facilities Bond Redemption Fund 1967 Appropriation	\$	4,067,800
State Building and Higher Education Construction Bond Redemption Fund 1967 Appropriation	\$	10,349,400
Public School Building Bond Redemption Fund 1965 Appropriation	\$	1,238,800
State Building (Expo 74) Bond Redemption Fund 1973A Appropriation	\$	372,900
State Building Bond Redemption Fund 1973 Appropriation	\$	3,794,200
State Higher Education Bond Redemption Fund 1973 Appropriation	\$	4,367,200
State Building Authority Bond Redemption Fund Appropriation	\$	9,452,700
Community College Capital Improvement Bond Redemption Fund 1972 Appropriation	\$	7,499,400
State Higher Education Bond Redemption Fund 1974 Appropriation	\$	1,190,800
Waste Disposal Facilities Bond Redemption Fund Appropriation	\$	50,221,900
Water Supply Facilities Bond Redemption Fund Appropriation	\$	11,750,900
Recreation Improvements Bond Redemption Fund Appropriation	\$	5,986,900
Social and Health Services Facilities 1972 Bond Redemption Fund Appropriation	\$	3,705,700
Outdoor Recreation Bond Redemption Fund 1967 Appropriation	\$	6,292,600
Indian Cultural Center Construction Bond Redemption Fund 1976 Appropriation	\$	207,100
Fisheries Bond Redemption Fund 1976 Appropriation	\$	764,100
Higher Education Bond Redemption Fund 1975 Appropriation	\$	2,165,800
State Building Bond Retirement Fund 1975 Appropriation	\$	424,800
Social and Health Services Bond Redemption Fund 1976 Appropriation	\$	9,475,900
Emergency Water Projects Bond Retirement Fund 1977 Appropriation	\$	2,603,500
Higher Education Bond Redemption Fund 1977 Appropriation	\$	16,435,200
Salmon Enhancement Bond Redemption Fund 1977 Appropriation	\$	4,327,100
Fire Service Training Center Bond Retirement Fund 1977 Appropriation	\$	1,329,300
State General Obligation Bond Retirement Bond 1979 Appropriation	\$	265,044,100
Total Appropriation this Subsection	\$	424,428,900

(2) FOR GENERAL OBLIGATION DEBT TO BE REIMBURSED BY ENTERPRISE ACTIVITIES

University of Washington Hospital Bond Retirement Fund 1975 Appropriation	\$	1,164,000
Office-Laboratory Facilities Bond Redemption Fund Appropriation	\$	271,000
Higher Education Bond Retirement Fund 1979 Appropriation	\$	3,078,900
State General Obligation Bond Retirement Bond 1979 Appropriation	\$	8,474,100
Total Appropriation this Subsection	\$	12,988,000

(3) FOR GENERAL OBLIGATION DEBT TO BE REIMBURSED AS PRESCRIBED BY STATUTE

Community College Refunding Bond Retirement Fund 1974 Appropriation	\$	9,437,000
Community College Capital Construction Bond Redemption Fund 1975, 1976, 1977 Appropriation	\$	10,758,100
Higher Education Bond Retirement Fund 1979 Appropriation	\$	7,279,200
Washington State University Bond Redemption Fund 1977 Appropriation	\$	532,500
Higher Education Refunding Bond Redemption Fund 1977 Appropriation	\$	8,773,900
State General Obligation Bond Retirement Bond 1979 Appropriation	\$	23,569,300
Total Appropriation this Subsection	\$	60,350,000

(4) FOR DEBT TO BE PAID BY MOTOR VEHICLE REVENUE

Highway Bond Retirement Fund Appropriation	\$	160,379,000
Ferry Bond Retirement Fund 1977 Appropriation	\$	24,683,800
Total Appropriation this Subsection	\$	185,062,800

(5) FOR DEBT TO BE PAID BY STATUTORILY SET REVENUE

Common School Building Bond Redemption Fund 1967 Appropriation	\$	6,890,800
State Building Bond Redemption Fund 1967 Appropriation	\$	656,900
State Building and Parking Bond Redemption Fund 1969 Appropriation	\$	2,448,900
Total Appropriation this Subsection	\$	9,996,600
Total	\$	692,826,100

Sec. 706. Section 708, chapter 289, Laws of 1988 (uncodified) is amended to read as follows:
BOND RETIREMENT—STATE TRADE AND CONVENTION CENTER

The following is appropriated from the state trade and convention center account for reimbursement to the general fund for the transfer to the state general obligation bond retirement fund for disbursement of bond retirement and interest, including ongoing bond registration and transfer charges:

State Convention and Trade Center Account Appropriation	\$	(19,746,276) 21,135,000
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Sec. 707. Section 709, chapter 289, Laws of 1988 (uncodified) is amended to read as follows:
BOND RETIREMENT—SPOKANE RIVER TOLL BRIDGE

The following is appropriated from the Spokane River toll bridge revolving account to the Spokane River toll bridge account for disbursement of bond retirement and interest, including ongoing bond registration and transfer charges:

Spokane River Toll Bridge Revolving Account Appropriation	\$	(889,088) 889,100
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NEW SECTION. Sec. 708. A new section is added to chapter 7, Laws of 1987 1st ex. sess. to read as follows:

FOR SUNDRY CLAIMS

General Fund Appropriation	\$	10,000,000
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This appropriation is for payment of the state's portion of a comprehensive settlement in IN RE WASHINGTON PUBLIC POWER SUPPLY SYSTEM SECURITIES LITIGATION (U.S. Dist. Ct. Ariz. MDL 551) which settlement includes a relinquishment of all claims by the bondholder class of WPPSS projects numbers 4 and 5 against the state of Washington.

PART VIII**CAPITAL APPROPRIATIONS**

NEW SECTION. Sec. 801. A new section is added to chapter 6, Laws of 1987 1st ex. sess. to read as follows:

FOR THE STATE PARKS AND RECREATION COMMISSION

To purchase trust lands from the department of natural resources for the extension of Iron Horse state parks into the John Wayne pioneer trail. (89-5-006)

	Reappropriation	Appropriation
Trust Land Purchase Acct		200,000
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/89 and	Costs
6/30/87	Thereafter	
		200,000

NEW SECTION. Sec. 802. A new section is added to chapter 6, Laws of 1987 1st ex. sess. to read as follows:

FOR THE MILITARY DEPARTMENT

Minor Works—HVAC Renovation (89-2-001)

	Reappropriation	Appropriation
St Bldg Constr Acct		274,000
General Fund—Federal		274,000

Project Costs Through 6/30/87	Estimated Costs 7/1/89 and Thereafter	Estimated Total Costs
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548,000

Sec. 803. Section 518, chapter 6, Laws of 1987 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE UNIVERSITY OF WASHINGTON
Suzzallo Library addition (88-3-013)

(The appropriation in this section is subject to the following conditions and limitations: Disbursements from the state building construction account shall not exceed \$7,917,000 in the 1987-89 biennium.)

Reappropriation

Appropriation

St Bldg Const Acct

Project Costs Through 6/30/87	Estimated Costs 7/1/89 and Thereafter
1,043,000	

Estimated Costs 7/1/89 and Thereafter
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28,283,000

Estimated Total Costs

33,626,000

Sec. 804. Section 837, chapter 6, Laws of 1987 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF ((GAME)) WILDLIFE

Satsop river: Acquisition and redevelopment (86-2-029)

Reappropriation

Appropriation

ORA, State

75,000

ORA, Federal

8,000

Project Costs Through 6/30/87
2,000

Estimated Costs 7/1/89 and Thereafter
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Estimated Total Costs

85,000

PART IX

MISCELLANEOUS

NEW SECTION. Sec. 901. The appropriations contained in this act are maximum expenditure authorizations. Pursuant to RCW 43.88.037, moneys disbursed from the treasury on the basis of a formalized loan agreement with another governmental entity shall be treated as a loan and are to be recorded as loans receivable and not as expenditures for accounting purposes. To the extent that moneys are disbursed on a loan basis, the corresponding appropriation shall be reduced by the amount of loan moneys disbursed from the treasury during the 1987-89 biennium.

NEW SECTION. Sec. 902. In addition to the amounts appropriated in this act for revenue for distribution, bond retirement and interest including ongoing bond registration and transfer charges, transfers, interest on registered warrants, and certificates of indebtedness, there is also appropriated such further amounts as may be required or available for these purposes under any statutory formula or under any proper bond covenant made in accordance with law.

NEW SECTION. Sec. 903. In addition to such other appropriations as are made by this act, there is hereby appropriated to the state finance committee from legally available bond proceeds in the respective construction or building funds and accounts such amounts as are necessary to pay the expenses incurred in the issuance and sale of the subject bonds.

NEW SECTION. Sec. 904. The following acts or parts of acts are each repealed:

(1) Section 202, chapter 7, Laws of 1987 1st ex. sess., section 202, chapter 289, Laws of 1988 (uncodified);

(2) Section 203, chapter 7, Laws of 1987 1st ex. sess., section 203, chapter 289, Laws of 1988 (uncodified);

(3) Section 204, chapter 7, Laws of 1987 1st ex. sess., section 204, chapter 289, Laws of 1988 (uncodified);

(4) Section 205, chapter 7, Laws of 1987 1st ex. sess., section 205, chapter 289, Laws of 1988 (uncodified);

(5) Section 206, chapter 7, Laws of 1987 1st ex. sess., section 206, chapter 289, Laws of 1988 (uncodified);

(6) Section 207, chapter 7, Laws of 1987 1st ex. sess., section 207, chapter 289, Laws of 1988 (uncodified);

(7) Section 208, chapter 7, Laws of 1987 1st ex. sess., section 208, chapter 289, Laws of 1988 (uncodified);

(8) Section 210, chapter 7, Laws of 1987 1st ex. sess., section 210, chapter 289, Laws of 1988 (uncodified);

(9) Section 211, chapter 7, Laws of 1987 1st ex. sess., section 211, chapter 289, Laws of 1988 (uncodified);

(10) Section 212, chapter 7, Laws of 1987 1st ex. sess., section 212, chapter 289, Laws of 1988 (uncodified);

(11) Section 213, chapter 7, Laws of 1987 1st ex. sess., section 213, chapter 289, Laws of 1988 (uncodified);

(12) Section 214, chapter 7, Laws of 1987 1st ex. sess., section 214, chapter 289, Laws of 1988 (uncodified);

(13) Section 215, chapter 7, Laws of 1987 1st ex. sess. (uncodified);

(14) Section 216, chapter 7, Laws of 1987 1st ex. sess. (uncodified); and

(15) Section 56, chapter 112, Laws of 1988 (uncodified).

NEW SECTION. Sec. 905. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 906. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect immediately."

On page 1, line 1 of the title, after "budget;" strike the remainder of the title and insert "amending section 107, chapter 7, Laws of 1987 1st ex. sess. as amended by section 102, chapter 289, Laws of 1988 (uncodified); amending section 108, chapter 7, Laws of 1987 1st ex. sess. (uncodified); amending section 111, chapter 7, Laws of 1987 1st ex. sess. (uncodified); amending section 113, chapter 7, Laws of 1987 1st ex. sess. (uncodified); amending section 114, chapter 7, Laws of 1987 1st ex. sess. as amended by section 105, chapter 289, Laws of 1988 (uncodified); amending section 130, chapter 7, Laws of 1987 1st ex. sess. (uncodified); amending section 201, chapter 7, Laws of 1987 1st ex. sess. as amended by section 201, chapter 289, Laws of 1988 (uncodified); amending section 209, chapter 7, Laws of 1987 1st ex. sess. as amended by section 209, chapter 289, Laws of 1988 (uncodified); amending section 219, chapter 7, Laws of 1987 1st ex. sess. as amended by section 217, chapter 289, Laws of 1988 (uncodified); amending section 223, chapter 7, Laws of 1987 1st ex. sess. as amended by section 218, chapter 289, Laws of 1988 (uncodified); amending section 303, chapter 7, Laws of 1987 1st ex. sess. as amended by section 303, chapter 289, Laws of 1988 (uncodified); amending section 312, chapter 7, Laws of 1987 1st ex. sess. as amended by section 308, chapter 289, Laws of 1988 (uncodified); amending section 313, chapter 7, Laws of 1987 1st ex. sess. as amended by section 309, chapter 289, Laws of 1988 (uncodified); amending section 316, chapter 7, Laws of 1987 1st ex. sess. as amended by section 313, chapter 289, Laws of 1988 (uncodified); amending section 318, chapter 7, Laws of 1987 1st ex. sess. as amended by section 311, chapter 289, Laws of 1988 (uncodified); amending section 12, chapter 8, Laws of 1987 1st ex. sess. as amended by section 312, chapter 289, Laws of 1988 (uncodified); amending section 402, chapter 7, Laws of 1987 1st ex. sess. as amended by section 402, chapter 289, Laws of 1988 (uncodified); amending section 502, chapter 7, Laws of 1987 1st ex. sess. (uncodified); amending section 503, chapter 7, Laws of 1987 1st ex. sess. as last amended by section 502, chapter 289, Laws of 1988 (uncodified); amending section 504, chapter 7, Laws of 1987 1st ex. sess. as last amended by section 503, chapter 289, Laws of 1988 (uncodified); amending section 505, chapter 7, Laws of 1987 1st ex. sess. as last amended by section 504, chapter 289, Laws of 1988 (uncodified); amending section 507, chapter 7, Laws of 1987 1st ex. sess. as amended by section 506, chapter 289, Laws of 1988 (uncodified); amending section 508, chapter 7, Laws of 1987 1st ex. sess. as amended by section 507, chapter 289, Laws of 1988 (uncodified); amending section 509, chapter 7, Laws of 1987 1st ex. sess. as amended by section 508, chapter 289, Laws of 1988 (uncodified); amending section 510, chapter 7, Laws of 1987 1st ex. sess. as amended by section 509, chapter 289, Laws of 1988 (uncodified); amending section 511, chapter 7, Laws of 1987 1st ex. sess. as amended by section 510, chapter 289, Laws of 1988 (uncodified); amending section 513, chapter 7, Laws of 1987 1st ex. sess. as amended by section 511, chapter 289, Laws of 1988 (uncodified); amending section 515, chapter 7, Laws of 1987 1st ex. sess. (uncodified); amending section 516, chapter 7, Laws of 1987 1st ex. sess. as amended by section 513, chapter 289, Laws of 1988 (uncodified); amending section 521, chapter 7, Laws of 1987 1st ex. sess. (uncodified); amending section 522, chapter 7, Laws of 1987 1st ex. sess. (uncodified); amending section 514, chapter 289, Laws of 1988 (uncodified); amending section 601, chapter 7, Laws of 1987 1st ex. sess. as amended by section 601, chapter 289, Laws of 1988 (uncodified); amending section 603, chapter 7, Laws of 1987 1st ex. sess. as amended by section 603, chapter 289, Laws of 1988 (uncodified); amending section 604, chapter 7, Laws of 1987 1st ex. sess. as amended by section 604, chapter 289, Laws of 1988 (uncodified); amending section 712, chapter 7, Laws of 1987 1st ex. sess. as amended by section 705, chapter 289, Laws of 1988 (uncodified); amending section 714, chapter 7, Laws of 1987 1st ex. sess. (uncodified); amending section 715, chapter 7, Laws of 1987 1st ex. sess. as amended by section 706, chapter 289, Laws of 1988 (uncodified); amending section 716, chapter 7, Laws of 1987 1st ex. sess. (uncodified); amending section 717, chapter 7, Laws of 1987 1st ex. sess. as amended by section 707, chapter 289, Laws of 1988 (uncodified); amending section 708, chapter 289, Laws of 1988 (uncodified); amending section 709, chapter 289, Laws of 1988 (uncodified); amending section 518, chapter 6, Laws of 1987 1st ex. sess. (uncodified); and amending section 837, chapter 6, Laws of 1987 1st ex. sess. (uncodified); adding new sections to chapter 6, Laws of 1987 1st ex.

sess.; creating new sections; repealing section 202, chapter 7, Laws of 1987 1st ex. sess., section 202, chapter 289, Laws of 1988 (uncodified); repealing section 203, chapter 7, Laws of 1987 1st ex. sess., section 203, chapter 289, Laws of 1988 (uncodified); repealing section 204, chapter 7, Laws of 1987 1st ex. sess., section 204, chapter 289, Laws of 1988 (uncodified); repealing section 205, chapter 7, Laws of 1987 1st ex. sess., section 205, chapter 289, Laws of 1988 (uncodified); repealing section 206, chapter 7, Laws of 1987 1st ex. sess., section 206, chapter 289, Laws of 1988 (uncodified); repealing section 207, chapter 7, Laws of 1987 1st ex. sess., section 207, chapter 289, Laws of 1988 (uncodified); repealing section 208, chapter 7, Laws of 1987 1st ex. sess., section 208, chapter 289, Laws of 1988 (uncodified); repealing section 210, chapter 7, Laws of 1987 1st ex. sess., section 210, chapter 289, Laws of 1988 (uncodified); repealing section 211, chapter 7, Laws of 1987 1st ex. sess., section 211, chapter 289, Laws of 1988 (uncodified); repealing section 212, chapter 7, Laws of 1987 1st ex. sess., section 212, chapter 289, Laws of 1988 (uncodified); repealing section 213, chapter 7, Laws of 1987 1st ex. sess., section 213, chapter 289, Laws of 1988 (uncodified); repealing section 214, chapter 7, Laws of 1987 1st ex. sess., section 214, chapter 289, Laws of 1988 (uncodified); repealing section 215, chapter 7, Laws of 1987 1st ex. sess. (uncodified); repealing section 216, chapter 7, Laws of 1987 1st ex. sess. (uncodified); and repealing section 56, chapter 112, Laws of 1988 (uncodified); and declaring an emergency."

and the same is herewith transmitted.

W. D. Naismith, Assistant Secretary.

MOTION

Mr. Grant moved that the House refuse to concur in the Senate amendments to Engrossed Substitute House Bill No. 1479 and ask the Senate for a conference thereon.

Representatives Grant and Silver spoke in favor of the motion, and it was carried.

APPOINTMENT OF CONFEREES

The Speaker (Mr. O'Brien presiding) appointed Representatives Locke, Ebersole and Silver as conferees on Engrossed Substitute House Bill No. 1479.

SENATE AMENDMENT TO HOUSE BILL

April 14, 1989

Mr. Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 1569 with the following amendment:

On page 2, line 13, strike "may" and insert "shall"
and the same is herewith transmitted.

W. D. Naismith, Assistant Secretary.

MOTION

Ms. K. Wilson moved that the House do concur in the Senate amendment to Substitute House Bill No. 1569.

Ms. K. Wilson spoke in favor of the motion, and it was carried.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

The Speaker (Mr. O'Brien presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1569 as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1569 as amended by the Senate, and the bill passed the House by the following vote: Yeas, 95; nays, 2; excused, 1.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Baugher, Beck, Belcher, Betzozoff, Bowman, Braddock, Brekke, Bristow, Brooks, Brough, Brumsickle, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Fraser, Fuhrman, Grant, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Jacobsen, Jones, King P, King R, Kremen, Leonard, Locke, May, McLean, Meyers R, Miller, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Padden, Patrick, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith, Sommers D, Sommers H, Spanel, Sprengle, Tate, Todd, Vaile, Van Luven, Vekich, Walk, Walker, Wang, Wilson K, Wilson S, Wineberry, Winsley, Wolfe, Wood, Youngsman, Zellinsky, and Mr. Speaker - 95.

Voting nay: Representatives Inslee, Jesernig - 2.

Excused: Representative Gallagher - 1.

Substitute House Bill No. 1569 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SENATE AMENDMENTS TO HOUSE BILL

April 14, 1989

Mr. Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 2024 with the following amendments:

On page 4, after line 9, insert the following:

NEW SECTION. Sec. 8. The business assistance center within the department of trade and economic development shall act as the primary agency of state government to respond to complaints regarding administrative rules adopted under chapter 34.05 RCW that unduly favor either the for profit or nonprofit business sectors.

NEW SECTION. Sec. 9. Any party who believes that a rule or proposed rule adopted by a state agency unduly favors either for profit corporations or nonprofit corporations may submit a complaint in writing to the center outlining the rule and the pertinent issues concerning the manner in which it unduly favors either the for profit or nonprofit business sectors.

NEW SECTION. Sec. 10. The center is authorized to: (1) Conduct background research and rules under review; (2) request information from agencies under which a proposed rule has been promulgated or is intended to be promulgated; and (3) arrange meetings with interested parties.

NEW SECTION. Sec. 11. Upon determining a case of preferential treatment by an agency between a for profit and nonprofit business, the center shall notify the affecting agency requesting modification of the rule. If the state agency does not begin remedial action within thirty days, the center may refer the issue to the joint administrative rules committee.

NEW SECTION. Sec. 12. The center may adopt rules to administer this act.

NEW SECTION. Sec. 13. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 14. Sections 8 through 12 of this act are added to chapter 43.31 RCW." On page 1, line 2 of the title, after "RCW;" insert "adding new sections to chapter 43.31 RCW;"

and the same is herewith transmitted.

W. D. Naismith, Assistant Secretary.

MOTION

Ms. Cantwell moved that the House insist on its position regarding the Senate amendments to Substitute House Bill No. 2024 and ask the Senate to recede therefrom.

Representatives Cantwell and Doty spoke in favor of the motion, and it was carried.

MESSAGE FROM THE SENATE

April 19, 1989

Mr. Speaker:

The Senate refuses to recede from its amendment to ENGROSSED HOUSE BILL NO. 2155 on page 28, line 20, insists on its position and again asks the House to concur therein, and the same is herewith transmitted.

W. D. Naismith, Assistant Secretary.

MOTION

Mr. Appelwick moved that the House insist on its position regarding the Senate amendment to Engrossed House Bill No. 2155 and again ask the Senate to recede therefrom.

Mr. Appelwick spoke in favor of the motion, and it was carried.

MESSAGE FROM THE SENATE

April 10, 1989

Mr. Speaker:

The Senate refuses to concur in the House amendment to SUBSTITUTE SENATE BILL NO. 5085, and asks the House to recede therefrom, and the same is herewith transmitted.

W. D. Naismith, Assistant Secretary.

MOTION

Mr. Dellwo moved that the House recede from its amendment to Substitute Senate Bill No. 5085.

Mr. Dellwo spoke in favor of the motion, and it was carried.

FINAL PASSAGE OF SENATE BILL WITHOUT HOUSE AMENDMENT

The Speaker (Mr. O'Brien presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 5085 without the House amendment.

POINT OF INQUIRY

Mr. Dellwo yielded to question by Mr. Appelwick.

Mr. Appelwick: Representative Dellwo, is it the intent of Substitute Senate Bill No. 5085 to require attorneys or accountants, who are rendering professional services to their clients, to register as investment advisors?

Mr. Dellwo: Substitute Senate Bill No. 5085 makes only one change in the Investment Advisors' Act as it relates to attorneys and accountants. If a lawyer or an accountant advertises his or her services as a financial planner or otherwise tells the public that they are financial planners, then the lawyer or accountant would have to register as an investment advisor. Apart from this change, the law stays the same. The existing law already provides that, as long as the attorney or accountant provides investment advice that is solely incidental to the work as an attorney or an accountant, they do not have to register as an investment advisor. For example, if an attorney or an accountant recommends that a client invest in a certain type of investment while giving tax advice to that client and the attorney or accountant does not charge more than the customary fee for such tax advice, then the attorney or accountant is exempt from the Investment Advisors' Act.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5085 without the House amendment, and the bill passed the House by the following vote: Yeas, 97; excused, 1.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Baugher, Beck, Belcher, Betzoff, Bowman, Braddock, Brekke, Bristow, Brooks, Brough, Brumsickle, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Fraser, Fuhrman, Grant, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Inslee, Jacobsen, Jesernig, Jones, King P, King R, Kremen, Leonard, Locke, May, McLean, Meyers R, Miller, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Padden, Patrick, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith, Sommers D, Sommers H, Spanel, Sprenkle, Tate, Todd, Valle, Van Luven, Vekich, Walk, Walker, Wang, Wilson K, Wilson S, Wineberry, Winsley, Wolfe, Wood, Youngsman, Zellinsky, and Mr. Speaker - 97.

Excused: Representative Gallagher - 1.

Substitute Senate Bill No. 5085 without the House amendment, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE SENATE

April 13, 1989

Mr. Speaker:

The Senate refuses to concur in the House amendments to SENATE BILL NO. 5172, and asks the House to recede therefrom, and the same is herewith transmitted.

W. D. Naismith, Assistant Secretary.

MOTION

Mr. Nelson moved that the House insist on its position regarding the House amendments to Senate Bill No. 5172 and ask the Senate to concur therein. The motion was carried.

MESSAGE FROM THE SENATE

April 19, 1989

Mr. Speaker:

The Senate refuses to recede from its amendment to the House Committee on Judiciary amendment to ENGROSSED SUBSTITUTE SENATE BILL NO. 5186, and asks the House for a conference thereon. The President has appointed the following members as conferees: Senators Pullen, Talmadge and McCaslin, and the same is herewith transmitted.

W. D. Naismith, Assistant Secretary.

MOTION

Mr. Appelwick moved that the House grant the request of the Senate for a conference on Engrossed Substitute Senate Bill No. 5186.

Representatives Appelwick and Padden spoke in favor of the motion, and it was carried.

APPOINTMENT OF CONFEREES

The Speaker (Mr. O'Brien presiding) appointed Representatives Appelwick, Hargrove and Padden as conferees on Engrossed Substitute Senate Bill No. 5186.

MESSAGE FROM THE SENATE

April 18, 1989

Mr. Speaker:

The Senate refuses to concur in the House amendments to SENATE BILL NO. 5926, and asks the House for a conference thereon. The President has appointed the following members as conferees: Senators Benitz, Williams and Bluechel, and the same is herewith transmitted.

W. D. Naismith, Assistant Secretary.

MOTION

Mr. Nelson moved that the House grant the request of the Senate for a conference on Senate Bill No. 5926. The motion was carried.

APPOINTMENT OF CONFEREES

The Speaker (Mr. O'Brien presiding) appointed Representatives Nelson, Jesernig and Hankins as conferees on Senate Bill No. 5926.

MESSAGE FROM THE SENATE

April 18, 1989

Mr. Speaker:

The Senate refuses to concur in the House amendments to SECOND SUBSTITUTE SENATE BILL NO. 6051, and asks the House for a conference thereon. The President has appointed the following members as conferees: Senators Anderson, Niemi and Cantu, and the same is herewith transmitted.

W. D. Naismith, Assistant Secretary.

MOTION

Ms. Cantwell moved that the House grant the request of the Senate for a conference on Second Substitute Senate Bill No. 6051.

Ms. Cantwell spoke in favor of the motion, and it was carried.

APPOINTMENT OF CONFEREES

The Speaker (Mr. O'Brien presiding) appointed Representatives Cantwell, Wineberry and Moyer as conferees on Second Substitute Senate Bill No. 6051.

MESSAGE FROM THE SENATE

April 19, 1989

Mr. Speaker:

The Senate refuses to recede from its amendments to SECOND SUBSTITUTE HOUSE BILL NO. 1476, and asks the House for a conference thereon. The President has appointed the following members as conferees: Senators Lee, McMullen and Bluechel.

W. D. Naismith, Assistant Secretary.

MOTION

Mr. Grant moved that the House grant the request of the Senate for a conference on Second Substitute House Bill No. 1476.

Mr. Grant spoke in favor of the motion, and it was carried.

APPOINTMENT OF CONFEREES

The Speaker (Mr. O'Brien presiding) appointed Representatives Cantwell, Basich and Doty as conferees on Second Substitute House Bill No. 1476.

SENATE AMENDMENTS TO HOUSE BILL

April 19, 1989

Mr. Speaker:

On motion, the Senate returned SUBSTITUTE HOUSE BILL NO. 2041 to second reading, reconsidered the vote by which the Senate amendments were adopted, withdrew the amendment to p. 1, line 18, and passed the bill with the amendments, in which the House previously concurred, to p. 22, l. 36; p. 23, l. 8; p. 24, l. 9; p. 11, l. 31; p. 1, l. 3 and with the following additional amendments:

On page 1, line 15, after "49.60.227" strike "~~((where the petitioner shall pay a filing fee of twenty dollars))~~" and insert "where the petitioner shall pay a filing fee of twenty dollars"

On page 1, line 18, after "fee of" strike "twenty" and insert "thirty"

On page 1, line 21, after "additional" strike "fifty-eight" and insert "forty-eight"

On page 1, line 23, before "dollar" strike "twenty" and insert "thirty"

and the same is herewith transmitted.

W. D. Naismith, Assistant Secretary.

MOTION

Ms. Nutley moved that the House do concur in the Senate amendments to Substitute House Bill No. 2041.

Ms. Nutley spoke in favor of the motion, and it was carried.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

The Speaker (Mr. O'Brien presiding) stated the question before the House to be the final passage of Substitute House Bill No. 2041 as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2041 as amended by the Senate, and the bill passed the House by the following vote: Yeas, 97; excused, 1.

Voting yeas: Representatives Anderson, Appelwick, Ballard, Basich, Baugher, Beck, Belcher, Betzoff, Bowman, Braddock, Brekke, Bristow, Brooks, Brough, Brumsickle, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Fraser, Fuhrman, Grant, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Insee, Jacobsen, Jesernig, Jones, King P, King R, Kremen, Leonard, Locke, May, McLean, Meyers R,

Miller, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Padden, Patrick, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith, Sommers D, Sommers H, Spanel, Sprengle, Tate, Todd, Valle, Van Luven, Vekich, Walk, Walker, Wang, Wilson K, Wilson S, Wineberry, Winsley, Wolfe, Wood, Youngsman, Zellinsky, and Mr. Speaker - 97.

Excused: Representative Gallagher - 1.

Substitute House Bill No. 2041 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE SENATE

April 19, 1989

Mr. Speaker:

The Senate has adopted the report of the Conference Committee on SUBSTITUTE HOUSE BILL NO. 1558, and has granted said committee the powers of Free Conference. The Report of the Conference Committee is herewith transmitted.

W. D. Naismith, Assistant Secretary.

REPORT OF CONFERENCE COMMITTEE

April 19, 1989

Mr. Speaker:

We of your Conference Committee, to whom was referred SUBSTITUTE HOUSE BILL NO. 1558, regulating use of steroids, have had the same under consideration, and we report that we are unable to agree, and we respectfully request the powers of Free Conference to amend the bill as follows:

Adopt the Senate Committee on Health Care & Corrections amendment as amended by the Senate on April 7, 1989, (For amendments, see Journal, 97th Day, April 15, 1989.) with the following change:

On page 4, line 33 of the Senate Committee on Health Care & Corrections amendments, after "follows:" strike all material through "year." on page 5, and insert:

"The superintendent of public instruction, in consultation with the Washington interscholastic activity association, shall promulgate rules by January 1, 1990, regarding loss of eligibility to participate in school sponsored athletic events for any student athlete found to have violated this chapter. The regents or trustees of each institution of higher education shall promulgate rules by January 1, 1990, regarding loss of eligibility to participate in school sponsored athletic events for any student athlete found to have violated this chapter."

Signed by Senators West, Talmadge, Amondson; Representatives Braddock, Inslee, Brumsickle.

MOTION

On motion of Mr. Jesernig, the Report of the Conference Committee on Substitute House Bill No. 1558 was adopted and the committee was granted the powers of Free Conference.

REPORT OF CONFERENCE COMMITTEE

April 19, 1989

Mr. Speaker:

We of your Conference Committee, to whom was referred SUBSTITUTE SENATE BILL NO. 5827, providing pet identification and certification procedures to minimize theft, have had the same under consideration, and we report that we are unable to agree, and we respectfully request the powers of Free Conference to amend the bill as follows:

Strike everything after the enacting clause and insert the following:

*NEW SECTION. Sec. 1. A new section is added to chapter 9.08 RCW to read as follows:

As used in RCW 9.08.070:

(1) 'Pet animal' means a tamed or domesticated animal legally retained by a person and kept as a companion. 'Pet animal' does not include livestock raised for commercial purposes.

(2) 'Research institution' means a facility licensed by the United States department of agriculture to use animals in biomedical or product research.

(3) 'U.S.D.A. licensed dealer' means a person who is licensed or required to be licensed by the United States department of agriculture to commercially buy, receive, sell, negotiate for sale, or transport animals.

Sec. 2. Section 1, chapter 114, Laws of 1982 and RCW 9.08.070 are each amended to read as follows:

(1) Any person who, with intent to deprive or defraud the owner thereof, does any of the following shall be guilty of a gross misdemeanor and shall be punished as prescribed under RCW 9A.20.021(2) and by a mandatory fine of not less than five hundred dollars per pet animal except as provided by (d) of this subsection:

((1)) (a) Takes, leads away, confines, secretes or converts any ((dog)) pet animal, except in cases in which the value of the ((dog)) pet animal exceeds two hundred fifty dollars;

((2)) (b) Conceals the identity of any ((dog)) pet animal or its owner by obscuring, altering, or removing from the ((dog)) pet animal any collar, tag, license, tattoo, or other identifying device or mark((:-r));

((3)) (c) Willfully or recklessly kills or injures any ((dog)) pet animal, unless excused by law.

((Such violations shall be punished by imprisonment in the county jail for not more than one year or by a fine of not more than one thousand dollars, or by both such fine and imprisonment.))

(d) Nothing in this subsection or subsection (2) of this section shall prohibit a person from also being convicted of separate offenses under RCW 9A.56.030, 9A.56.040, or 9A.56.050 for theft or under RCW 9A.56.150, 9A.56.160, or 9A.56.170 for possession of stolen property.

(2) (a) It is unlawful for any person to receive with intent to sell to a research institution in the state of Washington, or sell or otherwise directly transfer to a research institution in the state of Washington, a pet animal that the person knows or has reason to know has been stolen or fraudulently obtained. This subsection does not apply to U.S.D.A. licensed dealers.

(b) The first conviction under (a) of this subsection is a gross misdemeanor and is punishable as prescribed under RCW 9A.20.021(2) and by a mandatory fine of not less than five hundred dollars per pet animal. A second or subsequent conviction under (a) of this subsection is a class C felony and is punishable as prescribed under RCW 9A.20.021 (1)(c) and by a mandatory fine of not less than one thousand dollars per pet animal.

(3) (a) It is unlawful for any person, who knows or has reason to know that a pet animal has been stolen or fraudulently obtained, to sell or otherwise transfer the pet animal to another who the person knows or has reason to know has previously sold a stolen or fraudulently obtained pet animal to a research institution in the state of Washington.

(b) A conviction under (a) of this subsection is a class C felony and shall be punishable as prescribed under RCW 9A.20.021 (1)(c) and by a mandatory fine of not less than one thousand dollars per pet animal.

(4)(a) It is unlawful for a U.S.D.A. licensed dealer to receive with intent to sell, or sell or transfer directly or through a third party, to a research institution in the state of Washington, a pet animal that the dealer knows or has reason to know has been stolen or fraudulently obtained.

(b) A conviction under (a) of this subsection is a class C felony and shall be punishable as prescribed under RCW 9A.20.021 (1)(c) and by a mandatory fine of not less than one thousand dollars per pet animal.

(5) The sale, receipt, or transfer of each individual pet animal in violation of subsections (1), (2), (3), and (4) of this section constitutes a separate offense.

(6) The provisions of subsections (1), (2), (3), and (4) of this section shall not apply to the lawful acts of any employee, agent, or director of any humane society, animal control agency, or animal shelter operated by or on behalf of any government agency, operating under law.

NEW SECTION, Sec. 3. A new section is added to chapter 16.52 RCW to read as follows:

(1) All transfers of mammals, other than rats and mice bred for use in research and livestock, to research institutions in this state, whether by sale or otherwise, shall conform with federal laws and, except as to those animals obtained from a source outside the United States, shall be accompanied by one of the following written certifications, dated and signed under penalty of perjury:

(a) Breeder certification: A written statement certifying that the person signing the certification is a United States department of agriculture-licensed class A dealer whose business license in the state of Washington includes only those animals that the dealer breeds and raises as a closed or stable colony and those animals that the dealer acquires for the sole purpose of maintaining or enhancing the dealer's breeding colony, that the animal being sold is one of those animals, and that the person signing the certification is authorized to do so. The certification shall also include an identifying number for the dealer, such as a business license number.

(b) True owner certification: A written statement certifying that the animal being transferred is owned by the person signing the certification, and that the person signing the certification either (i) has no personal knowledge or reason to believe that the animal is a pet animal, or (ii) consents to having the animal used for research at a research institution. The certification shall also state the date that the owner obtained the animal, and the person or other source from whom it was obtained. The certification shall also include an identifying number for the person signing the certification, such as a drivers' license number or business license number. The certifications signed by or on behalf of a humane society, animal control agency, or animal shelter need not contain a statement that the society, agency, or shelter owns the animal, but shall state that the animal has been in the possession of the society,

agency, or shelter for the minimum period required by law that entitles it to legally dispose of the animal.

(2) In addition to the foregoing certification, all research institutions in this state shall open at the time a dog or cat is transferred to it a file that contains the following information for each dog or cat transferred to the institution:

- (a) All information required by federal law;
- (b) The certification required by this section; and
- (c) A brief description of the dog or cat (e.g. breed, color, sex, any identifying characteristics), and a photograph of the dog or cat.

The brief description may be contained in the written certification.

These files shall be maintained and open for public inspection for a period of at least two years from the date of acquisition of the animal.

(3) All research institutions in this state shall, within one hundred eighty days of the effective date of this act, adopt and operate under written policies governing the acquisition of animals to be used in biomedical or product research at that institution. The written policies shall be binding on all employees, agents, or contractors of the institution. These policies must contain, at a minimum, the following provisions:

(a) Animals shall be acquired in accordance with the federal animal welfare act, public health service policy, and other applicable statutes and regulations;

(b) No research may be conducted on a pet animal without the written permission of the pet animal's owner;

(c) Any animal acquired by the institution that is determined to be a pet animal shall be returned to its legal owner, unless the institution has the owner's written permission to retain the animal; and

(d) A person at the institution shall be designated to have the responsibility for investigating any facts supporting the possibility that an animal in the institution's possession may be a pet animal, including any inquiries from citizens regarding their pets. This person shall devise and insure implementation of procedures to inform inquiring citizens of their right to prompt review of the relevant files required to be kept by the institution for animals obtained under subsection (2) of this section, and shall be responsible for facilitating the rapid return of any animal determined to be a pet animal to the legal owner who has not given the institution permission to have the animal or transferred ownership of it to the institution.

(4) For the purposes of this section, 'research institution' means any facility licensed by the United States department of agriculture to use animals in biomedical or product research.

NEW SECTION. Sec. 4. A new section is added to chapter 19.86 RCW to read as follows:

Any violation of RCW 9.08.070 or section 3 of this act constitutes an unfair or deceptive practice in violation of this chapter. The relief available under this chapter for violations of RCW 9.08.070 or section 3 of this act by a research institution shall be limited to only monetary penalties in an amount not to exceed two thousand five hundred dollars.

NEW SECTION. Sec. 5. A new section is added to chapter 16.52 RCW to read as follows:

No provision of RCW 9.08.070 or section 3 of this act shall in any way interfere with or impair the operation of any other provision of this chapter or Title 28B RCW, relating to higher education or biomedical research. The provisions of RCW 9.08.070 and section 3 of this act are cumulative and nonexclusive and shall not affect any other remedy.

NEW SECTION. Sec. 6. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect immediately."

On page 1, line 3 of the title, after "research;" strike the remainder of the title and insert "amending RCW 9.08.070; adding a new section to chapter 9.08 RCW; adding new sections to chapter 16.52 RCW; adding a new section to chapter 19.86 RCW; prescribing penalties; and declaring an emergency."

Signed by Senators Barr, Bailey, Moore; Representatives Rayburn, Appelwick, Nealey.

MOTION

Mr. Jesernig moved that the House adopt the Report of the Conference Committee on Substitute Senate Bill No. 5827 and grant the committee the powers of Free Conference.

POINT OF INQUIRY

Mr. Appelwick yielded to question by Ms. Rayburn.

Ms. Rayburn: This bill clearly creates new criminal offenses and imposes new obligations on research institutions, and violations of the act are made violations of the Consumer Protection Act. Aside from these provisions, is it the intent of this bill to expand or increase the tort liability of a research institution beyond this liability under existing law?

Mr. Appelwick: No, there is no intent here to expand the tort liability of a research institution beyond current law.

Ms. Rayburn: This bill requires research institutions to return pet animals to their legal owners. If the return of the animal to the owner may cause future health problems for the animal, because of what may have happened to it while it was in the custody of the research institution, may the research institution fully disclose in writing such potential health problems to the owner and, in such circumstances, require the owner to sign a release of liability of the research institution for such potential future health problems?

Mr. Appelwick: The bill requires the return of a pet animal to its legal owner, but it does not permit research institutions to condition the return of the animal on a signature by the owner, which constitutes a general release of the research institution from all liability. The bill does not prohibit the use of liability releases in limited circumstances as to future health problems, including those an animal may have, and it is good public policy to have such disclosure about those potential health problems revealed to the owner.

ROLL CALL

The Clerk called the roll on the motion by Mr. Jesernig to adopt the Report of the Conference Committee on Substitute Senate Bill No. 5827 and grant the committee the powers of Free Conference, and the motion was carried by the following vote: Yeas, 97; excused, 1.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Baugher, Beck, Belcher, Betrozoff, Bowman, Braddock, Brekke, Bristow, Brooks, Brough, Brumsickle, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Fraser, Fuhrman, Grant, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Inslée, Jacobsen, Jesernig, Jones, King P, King R, Kremen, Leonard, Locke, May, McLean, Meyers R, Miller, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Padden, Patrick, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith, Sommers D, Sommers H, Spanel, Sprenkle, Tate, Todd, Valle, Van Luven, Vekich, Walk, Walker, Wang, Wilson K, Wilson S, Wineberry, Winsley, Wolfe, Wood, Youngsman, Zellinsky, and Mr. Speaker - 97.

Excused: Representative Gallagher - 1.

REPORT OF CONFERENCE COMMITTEE

April 19, 1989

Mr. Speaker:

We of your Conference Committee, to whom was referred SUBSTITUTE SENATE BILL NO. 5443, providing for various policy changes to provisions of law dealing with drivers and vehicles, have had the same under consideration, and we recommend that the House Committee on Transportation amendments (For committee amendments, see Journal, 82nd Day, March 31, 1989.) be adopted, and the bill do pass as recommended by the Conference Committee.

Signed by Senators Patterson, Nelson, Bender; Representatives R. Meyers, Cooper, Schmidt.

MOTION

Mr. Jesernig moved that the House adopt the report of the Conference Committee on Substitute Senate Bill No. 5443 and pass the bill as recommended by the committee.

Ms. Schmidt spoke in favor of the motion, and it was carried.

FINAL PASSAGE OF SENATE BILL AS RECOMMENDED BY CONFERENCE COMMITTEE

The Speaker (Mr. O'Brien presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 5443 as recommended by Conference Committee.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5443 as recommended by Conference Committee, and the bill passed the House by the following vote: Yeas, 97; excused, 1.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Baugher, Beck, Belcher, Betrozoff, Bowman, Braddock, Brekke, Bristow, Brooks, Brough, Brumsickle, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Fraser, Fuhrman, Grant, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Inslee, Jacobsen, Jesernig, Jones, King P, King R, Kremen, Leonard, Locke, Mary, McLean, Meyers R, Miller, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Padden, Patrick, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith, Sommers D, Sommers H, Spanel, Sprenkle, Tate, Todd, Valle, Van Luven, Vekich, Walk, Walker, Wang, Wilson K, Wilson S, Wineberry, Winsley, Wolfe, Wood, Youngsman, Zellinsky, and Mr. Speaker - 97.

Excused: Representative Gallagher - 1.

Substitute Senate Bill No. 5443 as recommended by Conference Committee, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE SENATE

April 15, 1989

Mr. Speaker:

The Senate refuses to concur in the House amendments to SUBSTITUTE SENATE BILL NO. 5686, and asks the House for a conference thereon. The President has appointed the following members as conferees: Senators Barr, Madsen and Newhouse, and the same is herewith transmitted.

Gordon A. Golob, Secretary.

MOTION

Ms. Rayburn moved that the House grant the request of the Senate for a conference on Substitute Senate Bill No. 5686. The motion was carried.

APPOINTMENT OF CONFEREES

The Speaker (Mr. O'Brien presiding) appointed Representatives Rayburn, Grant and Nealey as conferees on Substitute Senate Bill No. 5686.

The Speaker (Mr. O'Brien presiding) declared the House to be at ease.
The Speaker called the House to order.

There being no objection, the House reverted to the fourth order of business.

INTRODUCTIONS AND FIRST READING

HCR 4413 by Representative Ebersole

Modifying the cut-off date for Engrossed Substitute House Bill No. 2198.

ESSB 5338 by Committee on Transportation (originally sponsored by Senators Patterson, Bender, Bluechel and Nelson; by request of Governor)

Modifying transportation tax rates and distributions.

ESB 6106 by Senator McDonald

Relating to social and health services.

Referred to Committee on Health Care.

SCR 8415 by Senators Hayner, Vognild and Rasmussen

Creating a tax and spending reform task force.

MOTIONS

On motion of Mr. Ebersole, the rules were suspended and Engrossed Substitute Senate Bill No. 5338 was placed on the second reading calendar.

On motion of Mr. Ebersole, Engrossed Senate Bill No. 6106 was referred to Committee on Health Care.

On motion of Mr. Ebersole, the rules were suspended and Senate Concurrent Resolution No. 8415 was placed on the second reading calendar.

SENATE CONCURRENT RESOLUTION NO. 8415, by Senators Hayner, Vognild and Rasmussen

Creating a tax and spending reform task force.

The resolution was read the second time.

With consent of the House, the rules were suspended, the second reading considered the third, and the resolution was placed on final passage.

Mr. Ebersole spoke in favor of adoption of the resolution, and Mr. Ballard spoke against it. Mr. Ebersole again spoke in favor of the resolution, and Mr. Ballard again opposed it.

POINT OF ORDER

Mr. Sayan: Thank you, Mr. Speaker. It is my understanding that we are dealing with a Senate Concurrent Resolution. I have heard debate, with all due respect, from both sides of the aisle and from leadership on both sides about a letter which the Governor sent to somebody and which contains some information about what we are going to do. May I suggest, Mr. Speaker, that we address the issue before us.

SPEAKER'S REPLY

The Speaker: Representative Sayan, I realize the Speaker has allowed some latitude, given the emotional makeup of the day and the different issues we have dealt with. But, yes, the question before us is, as you correctly point out, the adoption of Senate Concurrent Resolution No. 8415.

ROLL CALL

The Clerk called the roll on the final passage of Senate Concurrent Resolution No. 8415, and the resolution was adopted by the following vote: Yeas, 60; nays, 37; excused, 1.

Voting yea: Representatives Anderson, Appelwick, Basich, Baugher, Belcher, Braddock, Brekke, Bristow, Cantwell, Cole, Cooper, Crane, Day, Dellwo, Dorn, Ebersole, Fisher G, Fisher R, Fraser, Grant, Hargrove, Heavey, Hine, Inslee, Jacobsen, Jesernig, Jones, King P, King R, Kremen, Leonard, Locke, Meyers R, Morris, Myers H, Nelson, Nutley, O'Brien, Peery, Prentice, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Scott, Sommers H, Spanel, Sprengle, Todd, Valle, Vekich, Walk, Wang, Wilson K, Wineberry, Zellinsky, and Mr. Speaker - 60.

Voting nay: Representatives Ballard, Beck, Betrozoff, Bowman, Brooks, Brough, Brumsickle, Chandler, Doty, Ferguson, Fuhrman, Hankins, Haugen, Holland, Horn, May, McLean, Miller, Moyer, Nealey, Padden, Patrick, Phillips, Prince, Schmidt, Schoon, Silver, Smith, Sommers D, Tate, Van Luvan, Walker, Wilson S, Winsley, Wolfe, Wood, Youngsman - 37.

Excused: Representative Gallagher - 1.

Senate Concurrent Resolution No. 8415, having received the constitutional majority, was declared adopted.

The Speaker called on Representative Appelwick to preside.

SENATE AMENDMENTS TO HOUSE BILL

April 19, 1989

Mr. Speaker:

The Senate has passed ENGROSSED SUBSTITUTE HOUSE BILL NO. 1968 with the following amendments:

Strike everything after the enacting clause and insert the following:

*NEW SECTION. Sec. 1. The legislature finds that:

Washington's chronically functionally disabled population is growing at a rapid pace. This growth, along with economic and social changes and the coming age wave, presents opportunities for the development of long-term care community services networks and enhanced volunteer participation in those networks, and creates a need for different approaches to currently fragmented long-term care programs. The legislature further recognizes that persons with functional disabilities should receive long-term care services that encourage individual dignity, autonomy, and development of their fullest human potential.

NEW SECTION. Sec. 2. The purpose of this chapter is to:

(1) Establish a balanced range of community-based health, social, and supportive services that deliver long-term care services to chronically, functionally disabled persons of all ages;

(2) Ensure that functional disability shall be the determining factor in defining long-term care service needs and that these needs will be determined by a uniform system for comprehensively assessing functional disability;

(3) Ensure that services are provided in the most independent living situation consistent with individual needs;

(4) Ensure that long-term care service options shall be developed and made available that enable functionally disabled persons to continue to live in their homes or other community residential facilities while in the care of their families or other volunteer support persons;

(5) Ensure that long-term care services are coordinated in a way that minimizes administrative cost, eliminates unnecessarily complex organization, minimizes program and service duplication, and maximizes the use of financial resources in directly meeting the needs of persons with functional limitations;

(6) Develop a systematic plan which maximizes participation of local government in providing for the coordination, planning, budgeting, and administration of long-term care services now fragmented between the division of developmental disabilities, division of mental health, division of aging and adult services, division of children and family services, division of vocational rehabilitation, office on AIDS, division of health, and bureau of alcohol and substance abuse;

(7) Encourage the development of a state-wide long-term care case management system that effectively coordinates the plan of care and services provided to eligible clients;

(8) Ensure that individuals and organizations affected by or interested in long-term care programs have an opportunity to participate in identification of needs and priorities, policy development, planning, and development, implementation, and monitoring of state supported long-term care programs;

(9) Support educational institutions in Washington state to assist in the procurement of federal support for expanded research and training in long-term care; and

(10) Facilitate the development of a coordinated system of long-term care education that is clearly articulated between all levels of higher education and reflective of both in-home care needs and institutional care needs of functionally disabled persons.

NEW SECTION. Sec. 3. A valuable option available to Washington state to achieve the goals of sections 1 and 2 of this act is the flexibility in personal care and other long-term care services encouraged by the federal government under Title XIX of the federal social security act. These services include options to expand community-based long-term care services, such as adult family homes, congregate care facilities, respite, chore services, hospice, and case management.

I. CHORE SERVICES

Sec. 4. Section 17, chapter 6, Laws of 1981 1st ex. sess. as last amended by section 1, chapter 222, Laws of 1986 and RCW 74.08.541 are each amended to read as follows:

(1) 'Department' as used in this chapter, means the department of social and health services.

(2) 'Long-term care facility' as used in this chapter, means a nursing home licensed under chapter 18.51 RCW or a residential habilitation center licensed under chapter 71A.20 RCW.

(3) 'Chore services,' as used in this chapter, means services in performing ((~~light work and household and other~~)) personal care and related tasks ((~~which eligible persons are unable to do for themselves because of frailty or handicapping conditions~~)) as provided in the department's medical assistance state plan provision addressing personal care.

~~((2))~~ (4) Persons eligible for chore services are adult ((~~individuals~~)) persons having resources less than a level determined by the department, ((~~and~~)) whose need for chore services and risk of being placed in a ((~~residential~~)) long-term care facility have been determined by the department, and who are not eligible to receive medical assistance personal care benefits under section 10 of this 1989 act.

(a) Persons are eligible for the level ((~~or amount~~)) of services determined by the department under RCW 74.08.545 if the persons ((~~are~~: (i) Adult recipients of supplemental security income or state supplementation; (ii) eligible at the time their eligibility for chore services is determined or redetermined, for limited casualty program medical care as defined by RCW 74.09.010; or (iii)) have an income at or below thirty percent of the state median income.

(b) For other persons, the department shall develop a scale which progressively reduces the level ((~~or amount~~)) of chore services provided by the department based on the ability of applicants and ((~~recipients~~)) clients to purchase the chore services. ((~~To determine the ability of applicants and recipients to purchase chore services:~~)) The department shall not consider income below thirty percent of the state median income.

(c) Effort shall be made to obtain chore services from volunteer chore service providers under the senior citizens services act, chapter 74.38 RCW, for those individuals at risk of being placed in a residential care facility and who are age sixty or over but eligible for five hours of chore services per month or less, rather than have those services provided by paid providers. Any individual at risk of being placed in a residential care facility and who is age sixty or over but not eligible for chore services or eligible for a reduced amount of service shall be referred

to a volunteer chore service program under the senior citizens services act, chapter 74.38 RCW, where available for needed services not authorized by the department.

(d) ~~((individual's))~~ Persons determined by the department to be eligible for adult protective services are eligible to receive emergency chore services without regard to income if the services are essential to, and a subordinate part of, the adult protective services plan. Emergency chore services under adult protective services shall be provided only until the situation necessitating the services has stabilized, not to exceed ninety days.

~~((3))~~ (4) The department shall establish a monthly dollar lid on chore services expenditures as necessary to maintain such expenditures within the legislative appropriation. To maintain expenditures for chore services within the limits of funds appropriated for this purpose, the department may reduce the level ~~((or amount))~~ of services authorized below the level of need assessed pursuant to RCW 74.08.545 for some or all ~~((recipients, but))~~ clients. The reductions shall be done in a manner which maintains state-wide uniformity of eligibility and service authorization standards and which considers the level of need for services and the degree of risk of being placed in a ~~((residential))~~ long-term care facility of all applicants for, and recipients of, chore services: PROVIDED, That the department may implement a ratable reduction of hours or payment for some or all clients receiving chore services.

(5) The department may continue providing chore services for those clients who were receiving assistance only with household tasks prior to December 14, 1987, provided that those clients are receiving this same service as of June 1989.

(6) The department may continue providing chore services to clients who were receiving attendant care services prior to April 1, 1988, provided that those clients are receiving the same services as of June 1989.

Sec. 5. Section 16, chapter 6, Laws of 1981 1st ex. sess. and RCW 74.08.545 are each amended to read as follows:

It is the intent of the legislature that chore services be provided to eligible persons within the limits of funds appropriated for that purpose. Therefore, the department shall provide services only to those persons identified as at risk of being placed in a ~~((residential))~~ long-term care facility in the absence of such services. Chore services shall be provided ~~((only))~~ to the extent necessary to maintain a safe and healthful living environment. It is the policy of the state to encourage the development of volunteer chore services in local communities as a means of meeting chore care service needs and directing financial resources. The department shall fund volunteer chore services on a priority basis. In determining ~~((an individual's))~~ eligibility for chore services, the department shall consider the following:

- (1) The kind of services needed;
- (2) The degree of service need, and the extent to which an individual is dependent upon such services to remain in his or her home or return to his or her home;
- (3) The availability of personal or community resources which may be utilized to meet the individual's need; and
- (4) Such other factors as the department considers necessary to insure service is provided only to those persons whose chore service needs cannot be met by relatives, friends, nonprofit organizations, or other persons.

In determining the level of services to be provided under this chapter, ~~((the department shall utilize a client review questionnaire designed))~~ client shall be assessed using an instrument designed by the department to determine ~~((both))~~ the ~~((degree and level of service))~~ level of functional disability, the need for service and the ~~((individual's))~~ person's risk of ~~((institutionalization if such needs are not met by this chapter))~~ long-term care facility placement.

Sec. 6. Section 3, chapter 51, Laws of 1973 1st ex. sess. as last amended by section 189, chapter 3, Laws of 1983 and RCW 74.08.550 are each amended to read as follows:

(1) The department ~~((of social and health services))~~ is authorized to develop a program to provide for those services enumerated in RCW 74.08.541.

~~((The department shall endeavor to assure that for each individual receiving in-home services, a single caseworker is responsible for coordinating the delivery of all necessary in-home services for which the recipient is eligible.~~

~~((3))~~ The department may provide assistance in the recruiting of providers of the services enumerated in RCW 74.08.541 and seek to assure the timely provision of services in emergency situations.

~~((4))~~ (3) The department shall assure that all providers of the services enumerated in RCW 74.08.541 are compensated for the delivery of the services on a prompt and regular basis.

Sec. 7. Section 3, chapter 137, Laws of 1980 and RCW 74.08.570 are each amended to read as follows:

(1) An otherwise eligible disabled person shall not be deemed ineligible for chore services under this chapter if the person's gross income from employment, adjusted downward by the cost of the chore services to be provided and the disabled person's work expenses, does not exceed the maximum eligibility standard established by the department for such chore services. The department shall establish a sliding scale fee schedule for such disabled persons, taking into consideration the person's ability to pay and work expenses.

(2) If a disabled person arranges for chore services through an individual provider arrangement, the ((recipient's)) client's contribution shall be counted as first dollar toward the total amount owed to the provider for chore services rendered.

(3) As used in this section:

(a) 'Gross income' means total earned wages, commissions, salary, and any bonus;

(b) 'Work expenses' includes:

(i) Payroll deductions required by law or as a condition of employment, in amounts actually withheld;

(ii) The necessary cost of transportation to and from the place of employment by the most economical means, except rental cars; and

(iii) Expenses of employment necessary for continued employment, such as tools, materials, union dues, transportation to service customers if not furnished by the employer, and uniforms and clothing needed on the job and not suitable for wear away from the job;

(c) 'Employment' means any work activity for which a recipient receives monetary compensation;

(d) 'Disabled' means:

(i) Permanently and totally disabled as defined by the department and as such definition is approved by the federal social security ((agency)) administration for federal matching funds;

(ii) Eighteen years of age or older;

(iii) A resident of the state of Washington; and

(iv) Willing to submit to such examinations as are deemed necessary by the department to establish the extent and nature of the disability.

II. RESPITE SERVICES

Sec. 8, Section 5, chapter 158, Laws of 1984 as amended by section 4, chapter 409, Laws of 1987 and RCW 74.41.050 are each amended to read as follows:

The department shall ((select)) contract with area agencies on aging to conduct respite care projects to the extent of available funding. The responsibilities of the ((selected)) area agencies on aging shall include but not be limited to: Negotiating rates of payment, administering sliding-fee scales to enable eligible participants to participate in paying for respite care, and arranging for respite care services. Rates of payment to respite care service providers shall not exceed, and may be less than, rates paid by the department to providers for the same level of service.

III. TITLE XIX COMMUNITY-BASED LONG-TERM CARE SERVICES

NEW SECTION, Sec. 9, Title XIX of the federal social security act offers valuable opportunities to increase federal funds available to provide community-based long-term care services to functionally disabled persons in their homes, and in noninstitutional residential facilities, such as adult family homes and congregate care facilities.

A. PERSONAL CARE

NEW SECTION, Sec. 10. A new section is added to chapter 74.09 RCW to read as follows:

(1) The department shall amend the state plan for medical assistance under Title XIX of the federal social security act to include personal care services, as defined in 42 C.F.R. 440.170(f), in the categorically needy program.

(2) The department shall adopt, amend, or rescind such administrative rules as are necessary to ensure that Title XIX personal care services are provided to eligible persons in conformance with federal regulations.

(a) These administrative rules shall include financial eligibility indexed according to the requirements of the social security act providing for medicaid eligibility.

(b) The rules shall require clients be assessed as having a medical condition requiring assistance with personal care tasks. Plans of care must be approved by a physician and reviewed by a nurse every ninety days.

(3) The department shall design and implement a means to assess the level of functional disability of persons eligible for personal care services under this section. The personal care services benefit shall be provided to the extent funding is available according to the assessed level of functional disability. Any reductions in services made necessary for funding reasons should be accomplished in a manner that assures that priority for maintaining services is given to persons with the greatest need as determined by the assessment of functional disability.

(4) The department shall report to the appropriate fiscal committees of the legislature on the utilization and associated costs of the personal care option under Title XIX of the federal social security act, as defined in 42 C.F.R. 440.170(f), in the categorically needy program. This report shall be submitted by January 1, 1990, and submitted on a yearly basis thereafter.

B. COPE RESPIRE SERVICES

NEW SECTION, Sec. 11. The department shall request an amendment to its community options program entry system waiver under section 1905(c) of the federal social security act to include respite services as a service available under the waiver.

C. COMMUNITY-BASED SERVICES FOR PERSONS WITH AIDS

NEW SECTION, Sec. 12. A new section is added to chapter 74.09 RCW to read as follows:

The department shall prepare and request a waiver under section 1915(c) of the federal social security act to provide community based long-term care services to persons with AIDS

or AIDS-related conditions who qualify for the medical assistance program under RCW 74.09-.510 or the limited casualty program for the medically needy under RCW 74.09.700. Respite services shall be included as a service available under the waiver.

IV. LONG-TERM CARE REFORM IMPLEMENTATION TEAM

NEW SECTION, Sec. 13. (1) A long-term care commission is created. It shall consist of:

(a) Four legislators who shall serve on the executive committee, one from each of the two largest caucuses in the house of representatives and the senate who shall be selected by the president of the senate and the speaker of the house of representatives;

(b) Six members, to be selected by the executive committee, who shall be experts in gerontology, developmental disabilities, neurological impairments, physical disabilities, mental illness, nursing, long-term care service delivery, long-term care service financing, systems development, or systems analysis;

(c) Three members, to be selected by the executive committee, who represent long-term care consumers, services providers, or advocates;

(d) Two members, to be selected by the executive committee, who represent county government;

(e) One member, to be selected by the secretary of social and health services, to represent the department of social and health services long-term care programs, including at least developmental disabilities, mental health, aging and adult services, AIDS, children's services, alcohol and substance abuse, and vocational rehabilitation; and

(f) One member, to represent the governor, who shall serve on the executive committee.

The legislative members shall select a chair who is a consumer of long-term care services.

The commission shall be staffed, to the extent possible, by staff from the appropriate senate and house of representatives committees.

The commission may form technical advisory committees to assist it with any particular matters deemed necessary by the commission.

The commission and technical advisory committee members shall receive no compensation, but except for publicly funded agency staff, shall, to the extent funds are available, be reimbursed for their expenses while attending any meetings in the same manner as legislators engaged in interim committee business as specified in RCW 44.04.120.

The commission may receive appropriations, grants, gifts, and other payments from any governmental or other public or private entity or person which it may use to defray the cost of its operations or to contract for technical assistance, with the approval of the senate committee on facilities and operations and the house of representatives executive rules committee.

(2) The long-term care commission shall develop legislation and recommend administrative actions necessary to achieve the following long-term care reforms:

(a) The systematic coordination, planning, budgeting, and administration of long-term care services currently administered by the department of social and health services, division of developmental disabilities, aging and adult services administration, division of vocational rehabilitation, office on AIDS, division of health, and the bureau of alcohol and substance abuse;

(b) Provision of long-term care services to persons based on their functional disabilities noncategorically and in the most independent living situation consistent with the person's needs;

(c) A consistent definition of appropriate roles and responsibilities for state and local government, regional organizations, and private organizations in the planning, administration, financing, and delivery of long-term care services;

(d) Technical assistance to enable local communities to have greater participation and control in the planning, administration, and provision of long-term care services;

(e) A case management system that coordinates an appropriate and cost-effective plan of care and services for eligible functionally disabled persons based on their individual needs and preferences;

(f) A sufficient supply of quality noninstitutional residential alternatives for functionally disabled persons, and supports for the providers of such services;

(g) Public and private alternative funding for long-term care services, such as federal Title XIX funding of personal care services through the limited casualty program for the medically needy and other optional services, a uniform fee scale for client participation in state-funded, long-term care programs, and private, long-term care insurance;

(h) A systematic and balanced long-term care services payment and reimbursement system, including nursing home reimbursement, that will provide access to needed services while controlling the rate of cost increases for such services;

(i) Active involvement of volunteers and advocacy groups;

(j) An integrated data base that provides long-term care client tracking;

(k) A coordinated education system for long-term care; and

(l) Other issues deemed appropriate by the implementation team.

The commission shall report to the legislature with its findings, recommendations, and proposed legislation by December 1, 1990.

V. ADULT FAMILY HOME LICENSING

NEW SECTION, Sec. 14. The legislature finds that adult family homes are an important part of the state's long-term care system. Adult family homes provide an alternative to institutional care and promote a high degree of independent living for residents.

The legislature further finds that minimum safety, health, and fire standards are needed to ensure the health and safety of residents. The legislature recognizes that the attractiveness of adult family homes to residents is the family nature of the home that allows residents a higher degree of privacy, freedom of choice, and ability to form personal relations than is permitted in an institutional environment. Whenever possible family and community groups should be encouraged to work with adult family homes with the goal of assuring high quality care. Volunteer groups such as local volunteer ombudsman programs can be effective in helping adult family home sponsors and residents create a family-like environment.

The legislature declares that state regulation of adult family homes should not serve as an overly restrictive barrier to the development of homes in the state by imposing complex, expensive, or intimidating standards that will discourage sponsors who would otherwise be competent and compassionate care givers.

NEW SECTION, Sec. 15. The purposes of this chapter are to:

(1) Encourage the establishment and maintenance of adult family homes that provide a humane, safe, and homelike environment for persons with functional limitations who need personal and special care;

(2) Establish standards for regulating adult family homes that adequately protect residents, but are consistent with the abilities and resources of an adult family home so as not to discourage individuals from serving as adult family home providers; and

(3) Encourage consumers, families, providers, and the public to become active in assuring their full participation in development of adult family homes that provide high quality care.

NEW SECTION, Sec. 16. Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) 'Adult family home' means a regular family abode of a person or persons who are providing the services, personal care, room, and board to more than one but not more than five adults who are not related by blood or marriage to the person or persons providing the services; except that a maximum of six adults may be permitted if the department determines that the home is of adequate size and that the home and the provider are capable of meeting standards and qualifications as provided for in this act.

(2) 'Provider' means any person who is licensed under this chapter to operate an adult family home. The provider shall reside at the adult family home, except that exceptions may be authorized by the department for good cause.

(3) 'Department' means the department of social and health services or the department of health if enacted by the legislature.

(4) 'Resident' means an adult in need of personal or special care in an adult family home who is not related to the provider.

(5) 'Adults' means persons who have attained the age of eighteen years.

(6) 'Home' means an adult family home.

NEW SECTION, Sec. 17. The following residential facilities shall be exempt from the operation of this chapter:

(1) Nursing homes licensed under chapter 18.51 RCW;

(2) Boarding homes licensed under chapter 18.20 RCW;

(3) Facilities approved and certified under chapter 71A.22 RCW;

(4) Residential treatment centers for the mentally ill licensed under chapter 71.24 RCW;

(5) Hospitals licensed under chapter 70.41 RCW;

(6) Homes for the developmentally disabled licensed under chapter 74.15 RCW.

NEW SECTION, Sec. 18. (1) The department shall adopt rules and standards with respect to all adult family homes and the operators thereof to be licensed under this chapter to carry out the purposes and requirements of this chapter. In developing rules and standards the department shall recognize the residential family-like nature of adult family homes and not develop rules and standards which by their complexity serve as an overly restrictive barrier to the development of the adult family homes in the state. Procedures and forms established by the department shall be developed so they are easy to understand and comply with. Paper work requirements shall be minimal. Easy to understand materials shall be developed for homes explaining licensure requirements and procedures.

(2) During the initial stages of development of proposed rules, the department shall provide notice of development of the rules to organizations representing adult family homes and their residents, and other groups that the department finds appropriate. The notice shall state the subject of the rules under consideration and solicit written recommendations regarding their form and content.

(3) Except where provided otherwise, chapter 34.05 RCW shall govern all department rule-making and adjudicative activities under this chapter.

NEW SECTION, Sec. 19. After July 1, 1990, no person shall operate or maintain an adult family home in this state without a license under this chapter.

NEW SECTION. Sec. 20. (1) An application for license shall be made to the department upon forms provided by it and shall contain such information as the department reasonably requires.

(2) The department shall issue a license to an adult family home if the department finds that the applicant and the home are in compliance with this chapter and the rules adopted under this chapter; and that the applicant has no prior violations of this chapter relating to the adult family home subject to the application or any other adult family home, or of any other law regulating residential care facilities within the past five years that resulted in revocation or nonrenewal of a license.

(3) The license fee shall be submitted with the application.

(4) The department shall serve upon the applicant a copy of the decision granting or denying an application for a license. An applicant shall have the right to contest denial of his or her application for a license as provided in chapter 34.05 RCW by requesting a hearing in writing within ten days after receipt of the notice of denial.

(5) A provider shall not be licensed for more than one adult family home. Exceptions may be authorized by the department for good cause.

(6) The license fee shall be set at fifty dollars per year for each home. A fifty dollar processing fee shall also be charged each home when the home is initially licensed.

NEW SECTION. Sec. 21. (1) An adult family home shall post conspicuously in an area of the home accessible to the residents and visitors:

(a) Its license to operate;

(b) A notice that a copy of each inspection report received by the home from the department for the past three years is available for public inspection.

(2) An adult family home shall retain for public inspection a complete copy of each inspection report received by the home from the department for the past three years.

NEW SECTION. Sec. 22. (1) A license shall be valid for one year.

(2) At least ninety days prior to expiration of the license, the provider shall submit an application for renewal of a license. The department shall have the authority to investigate any information included in the application for renewal of a license.

(3)(a) Homes applying for a license shall be inspected at the time of licensure.

(b) Homes licensed by the department shall be inspected every two years.

(c) Licensed homes where a complaint has been received by the department may be inspected at any time.

(4) If the department finds that the home is not in compliance with this chapter, it shall require the home to correct any violations as provided in this chapter. If the department finds that the home is in compliance with this chapter and the rules adopted under this chapter, the department shall renew the license of the home.

NEW SECTION. Sec. 23. (1) No public agency contractor or employee shall place, refer, or recommend placement of a person into an adult family home that is operating without a license.

(2) Any public agency contractor or employee who knows or should know that an adult family home is operating without a license shall report the name and address of the home to the department. The department shall investigate any report filed under this section.

NEW SECTION. Sec. 24. An adult family home provider shall have the following minimum qualifications:

(1) Eighteen years of age or older;

(2) Good moral and responsible character and reputation;

(3) Literacy;

(4) Management and administrative ability to carry out the requirements of this chapter;

and

(5) Sufficient physical, mental, and emotional capacity to carry out the requirements of this chapter.

NEW SECTION. Sec. 25. (1) Adult family homes shall be maintained internally and externally in good repair and condition. Such homes shall have safe and functioning systems for heating, cooling, hot and cold water, electricity, plumbing, garbage disposal, sewage, cooking, laundry, artificial and natural light, ventilation, and any other feature of the home.

(2) Adult family homes shall be maintained in a clean and sanitary manner, including proper sewage disposal, food handling, and hygiene practices.

(3) Adult family homes shall develop a fire drill plan for emergency evacuation of residents, shall have smoke detectors in each bedroom where a resident is located, shall have fire extinguishers on each floor of the home, and shall not keep nonambulatory patients above the first floor of the home.

(4) Adult family homes shall have clean, functioning, and safe household items and furnishings.

(5) Adult family homes shall provide a nutritious and balanced diet and shall recognize residents' needs for special diets.

(6) Adult family homes shall establish health care procedures for the care of residents including medication administration and emergency medical care.

(a) Adult family home residents shall be permitted to self-administer medications.

(b) Adult family home providers may administer medications only to the extent that the provider is a licensed health care professional for whom the administration of medications is within the scope of practice under Washington law.

NEW SECTION, Sec. 26. Each adult family home shall meet applicable local licensing, zoning, building, and housing codes, and state and local fire safety regulations. It is the responsibility of the home to check with local authorities to ensure all local codes are met. An adult family home shall be a residential use of property for zoning purposes. Political jurisdictions shall treat adult family homes as a permitted use in all residential zoning districts, including all single family residential zoning districts.

NEW SECTION, Sec. 27. Whenever possible adult family homes are encouraged to contact and work with local quality assurance projects such as the volunteer ombudsman with the goal of assuring high quality care is provided in the home.

NEW SECTION, Sec. 28. The department shall develop written training material to distribute to adult family home sponsors. The material shall explain licensure requirements established by this chapter and cover other areas to include issues affecting the health, mental health, nutrition, and hygiene of residents as well as other areas pertinent to the care of residents of the home.

NEW SECTION, Sec. 29. (1) During inspections of an adult family home, the department shall have access and authority to examine, among other things, an adult family home's resident records, accounts, and physical premises, including the buildings, grounds, equipment, or any vehicles. The department also shall have the authority to interview the provider and residents of an adult family home.

(2) Whenever an inspection is conducted, the department shall prepare a written report that summarizes all information obtained during the inspection, and if the home is in violation of this chapter, serve a copy of the inspection report upon the provider at the same time as the notice of violation as provided in this chapter. If the home is not in violation of this chapter, a copy of the inspection report shall be mailed to the provider within ten days of the inspection of the home. All inspection reports shall be made available to the public at the department during business hours.

(3) If during an inspection the department finds it is necessary to take actions against the home as provided for in section 30(2) of this act, the inspection report shall describe any corrective measures on the part of the provider necessary to pass a reinspection. If the department finds upon reinspection of the home that the corrective measures have been satisfactorily implemented, the department shall cease any actions taken against the home. Nothing in this section shall require the department to license or renew the license of a home where serious physical harm or death has occurred to a resident.

NEW SECTION, Sec. 30. (1) The department is authorized to take one or more of the actions listed in subsection (2) of this section in any case in which the department finds that an adult family home provider has:

(a) Failed or refused to comply with the requirements of this chapter or the rules adopted under this chapter;

(b) Operated an adult family home without a license or under a revoked license;

(c) Knowingly or with reason to know made a false statement of material fact on his or her application for license or any data attached thereto, or in any matter under investigation by the department; or

(d) Willfully prevented or interfered with any inspection or investigation by the department.

(2) When authorized by subsection (1) of this section, the department may take one or more of the following actions:

(a) Refuse to issue a license;

(b) Suspend, revoke, or refuse to renew a license; or

(c) Suspend admissions to the adult family home.

NEW SECTION, Sec. 31. Nothing in this chapter or the rules adopted under it may be construed as authorizing the supervision, regulation, or control of the remedial care or treatment of residents in any adult family home conducted by and for the adherents of a church or religious denomination who rely upon spiritual means alone through prayer for healing in accordance with the tenets and practices of such church or religious denomination and the bona fide religious beliefs genuinely held by such adherents.

NEW SECTION, Sec. 32. Section 11, chapter 172, Laws of 1969 ex. sess., section 1, chapter 52, Laws of 1975-'76 2nd ex. sess. and RCW 74.08.044 are each repealed.

VI. RESIDENTIAL CARE FACILITY SITING

NEW SECTION, Sec. 33. (1) Unless the context clearly requires otherwise, these definitions shall apply throughout this section:

(a) 'Adult family home' means a residential care facility that is regulated by the department of social and health services or, if SB 5145 becomes law, as regulated under that act.

(b) 'Residential care facility' means a facility that cares for at least five, but not more than fifteen functionally disabled persons.

(c) 'Sponsor' means any agency or unit of government, or any person or organization that intends to establish an adult family home or a residential care facility.

(d) 'Municipality' means a town or city where a residential care facility is to be located, or a county, if the residential care facility is to be located therein and not simultaneously within a town or city.

(e) 'Department' means the department of social and health services.

(2) An adult family home shall be considered a residential use of property for zoning purposes. Adult family homes shall be a permitted use in all areas zoned for residential or commercial purposes, including areas zoned for single family dwellings.

(3) The appropriate committees of the legislature shall collaborate with representatives of municipalities, service providers, advocates, the department, the office of the governor, and interested citizens in developing legislation to facilitate the siting of residential facilities in a way that preserves local control of zoning decisions, but implements the purposes of this act. Such committees shall propose legislation by January 1990.

NEW SECTION. Sec. 34. The sum of one hundred fifty thousand dollars, or as much thereof as may be necessary, is appropriated for the biennium ending June 30, 1991, from the general fund to the senate and house of representatives solely for the long-term care commission created under section 13 of this act.

NEW SECTION. Sec. 35. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 36. Sections 2 through 35 of this act are necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect immediately.

NEW SECTION. Sec. 37. Sections 2, 3, 9, 11, 13, and 33 of this act shall constitute a new chapter in Title 74 RCW.

NEW SECTION. Sec. 38. Sections 14 through 31 of this act shall constitute a new chapter in Title 70 RCW.

NEW SECTION. Sec. 39. Subchapter headings as used in this act do not constitute any part of the law."

On page 1, line 1 of the title, after "care," strike the remainder of the title and insert "amending RCW 74.08.541, 74.08.545, 74.08.550, 74.08.570, and 74.41.050; adding a new chapter to Title 74 RCW; adding a new chapter to Title 70 RCW; adding new sections to chapter 74.09 RCW; creating new sections; repealing RCW 74.08.044; making an appropriation; and declaring an emergency."

and the same is herewith transmitted.

W. D. Naismith, Assistant Secretary.

MOTION

Mr. Braddock moved that the House refuse to concur in the Senate amendments to Engrossed Substitute House Bill No. 1968 and ask the Senate for a conference thereon.

Mr. Braddock spoke in favor of the motion, and it was carried.

APPOINTMENT OF CONFEREES

The Speaker (Mr. Appelwick presiding) appointed Representatives Braddock, Morris and D. Sommers as conferees on Engrossed Substitute House Bill No. 1968.

MESSAGE FROM THE SENATE

April 19, 1989

Mr. Speaker:

The Senate refuses to concur in the House amendments to SECOND SUBSTITUTE SENATE BILL NO. 5400, and asks the House for a conference thereon. The President has appointed the following members as conferees: Senators Pullen, Niemi and West, and the same is herewith transmitted.

W. D. Naismith, Assistant Secretary.

MOTION

Mr. Bristow moved that the House grant the request of the Senate for a conference on Second Substitute Senate Bill No. 5400. The motion was carried.

APPOINTMENT OF CONFEREES

The Speaker (Mr. Appelwick presiding) appointed Representatives Bristow, Raiter and Moyer as conferees on Second Substitute Senate Bill No. 5400.

SENATE AMENDMENTS TO HOUSE BILL

April 14, 1989

Mr. Speaker:

The Senate has passed ENGROSSED SUBSTITUTE HOUSE BILL NO. 1444 with the following amendments:

Strike everything after the enacting clause and insert the following:

*STUDENTS AT RISK

PART I

LEARNING ASSISTANCE PROGRAM FOR STUDENTS AT RISK OF DROPPING OUT

Sec. 1. Section 1, chapter 478, Laws of 1987 and RCW 28A.120.010 are each amended to read as follows:

The legislature finds that an important and effective means of improving the educational performance of many students with special needs is to improve the general education program. The legislature also finds that there is a continuum of educational program needs among students with learning problems or poor academic performance. The legislature wants to encourage school districts to serve students with special needs within the regular classroom. Therefore, the legislature intends to replace the remediation program with a broader range of program options, without reducing special instructional programs when those services are both necessary and appropriate. The legislature intends to enhance the ability of basic education teachers to identify and address learning problems within the regular classroom. The legislature further intends to stimulate development by local schools and school districts of innovative and effective means of serving students with special needs. The goal is to increase the achievement of students with special needs in a shorter period of time using processes that are more timely, appropriate and effective in producing better outcomes.

Sec. 2. Section 4, chapter 478, Laws of 1987 and RCW 28A.120.016 are each amended to read as follows:

Each school district which applies for state funds distributed pursuant to RCW 28A.120.022 shall conduct a needs assessment and, on the basis of its findings, shall develop a plan for the use of these funds. The plan may incorporate plans developed by each eligible school. Districts are encouraged to place special emphasis on addressing the needs of students in the early grades. The needs assessment and plan shall be updated at least biennially, and shall be determined in consultation with an advisory committee including but not limited to members of the following groups: Parents, including parents of students served by the program; teachers; principals; administrators; and school directors. The district shall submit a biennial application specifying this plan to the office of the superintendent of public instruction for approval. Plans shall include:

(1) The means which the district will use to identify participating students to receive additional services or support under the proposed program;

(2) The specific services or activities which the funds will be used to support, and their estimated costs;

(3) A plan for annual evaluation of the program by the district, based on performance objectives related to basic skills achievement of participating students, and a plan for reporting the results of this evaluation to the superintendent of public instruction;

(4) Procedures for recordkeeping or other program documentation as may be required by the superintendent of public instruction; and

(5) The approval of the local school district board of directors.

Sec. 3. Section 6, chapter 478, Laws of 1987 and RCW 28A.120.020 are each amended to read as follows:

Services or activities which may be supported under an approved program of learning assistance shall include but not be limited to:

(1) Consultant teachers to assist classroom teachers in meeting the needs of participating students;

(2) Instructional support staff and instructional assistants to assist classroom teachers in meeting the needs of participating students;

(3) In-service training for classroom teachers, instructional support staff, and instructional assistants in multicultural differences and the identification of learning problems or in instructional methods for teaching students with learning problems;

(4) Special instructional programs for participating students, of sufficient size, scope, and quality to address the needs of these students and to give reasonable promise of substantial progress toward((s)) meeting their educational objectives;

(5) Tutoring assistance during or after school or on Saturday provided by instructional support staff, a student tutor, teacher, or instructional assistant;

(6) In-service training for parents of participating students; and

(7) Counseling, with an emphasis on services for elementary students who are in need of learning assistance, provided by instructional support staff such as school counselors, school psychologists, school nurses, and school social workers. Pursuant to the provisions of section

4(2) of this act, learning assistance funds may be used to provide counseling for students who in the absence of counseling would likely become in need of such learning assistance.

Sec. 4. Section 7, chapter 478, Laws of 1987 and RCW 28A.120.022 are each amended to read as follows:

(1) Each school district which has established an approved program shall be eligible, as determined by the superintendent of public instruction, for state funds made available for the purposes of such programs. The superintendent of public instruction shall make use of data derived from the basic skills tests in determining the amount of funds for which a district may be eligible. Funds shall be distributed according to the district's total full-time equivalent enrollment in kindergarten through grade nine and the percentage of the district's students taking the basic skills tests who scored in the lowest quartile as compared with national norms. In making this calculation, the superintendent of public instruction may use an average over the immediately preceding five or fewer years of the district's percentage scoring in the lowest quartile. The superintendent of public instruction shall also deduct the number of students at these age levels who are identified as specific learning disabled and are generating state funds for special education programs conducted pursuant to chapter 28A.13 RCW, in distributing state funds for learning assistance.

(2) In those districts receiving learning assistance funds in which students' test scores improve, districts may retain learning assistance funds based on the state-wide average of students eligible for participation in the learning assistance program, or the district's current level of funding under the learning assistance program, whichever is higher: PROVIDED, That only those learning assistance funds which are retained but would have been reduced due to improved student test scores, may be used for district identified purposes: PROVIDED FURTHER, That districts shall consider, as the first priority, expending such retained funds on prevention and intervention programs for students in grades preschool through sixth grade.

(3) The superintendent of public instruction shall review this allocation method and submit a report to the legislature by December 1, 1991. The report shall include but is not limited to the following information:

(a) An analysis of the impact of the allocation method and any recommendations regarding the continuation or discontinuation of the allocation method;

(b) A comparison of students' test scores for each district participating in the learning assistance program for the 1988-89 and 1990-91 school years against the test scores of students in the district for the 1986-87 and 1987-88 school years; and

(c) An analysis of how districts expended unencumbered learning assistance funds, if any, resulting from the allocation method. The distribution formula in this section is for allocation purposes only.

PART II

SUBSTANCE ABUSE AWARENESS

Sec. 5. Section 206, chapter 518, Laws of 1987 and RCW 28A.120.032 are each amended to read as follows:

The superintendent of public instruction shall adopt rules to implement this section, RCW 28A.120.030, and ((RCW)) 28A.120.034 through 28A.120.050 and shall distribute to school districts on a grant basis, from moneys appropriated for the purposes of this section, RCW 28A.120.030 and ((RCW)) 28A.120.034 through 28A.120.050, funds for the development and implementation of educational and disciplinary policies leading to the implementation of prevention, intervention, and aftercare activities regarding the use and abuse of drugs and alcohol. The following program areas may be funded through moneys made available for this section, RCW 28A.120.030, and ((RCW)) 28A.120.034 through 28A.120.050, including but not limited to:

- (1) Comprehensive program development;
- (2) Prevention programs directed at addressing addictive substances such as alcohol, drugs, and nicotine;
- (3) Elementary identification and intervention programs including counseling programs;
- (4) Secondary identification and intervention programs including counseling programs;
- (5) School drug and alcohol core team development and training;
- (6) Development of referral and preassessment procedures;
- (7) Aftercare;
- (8) Drug and alcohol specialist;
- (9) Staff, parent, student, and community training; and
- (10) Coordination with law enforcement, community service providers, other school districts, educational service districts, and drug and alcohol treatment facilities.

NEW SECTION, Sec. 6. A new section is added to Title 28A RCW to read as follows:

To protect children in the public schools of this state from exposure to the addictive substance of nicotine, each school district board of directors shall adopt a written policy mandating a prohibition on the use of all tobacco products on public school property. A total ban on the use of all tobacco products shall be enforced by September 1, 1991. The policy may allow for exemptions from this prohibition with regard to alternative educational programs.

PART III
HIGH SCHOOL DROP-OUT RATE REDUCTION

NEW SECTION. Sec. 7. The legislature finds that high schools and high school programs designed to meet the diverse needs of students can be an important factor in decreasing the dropout rate. The development of alternative high schools, schools-within-schools, student-centered collaborative learning communities utilizing interdisciplinary strategies, and subject-matter-related schools is encouraged.

High schools are also encouraged to develop programs providing for flexibility in daily, weekly, monthly, and yearly schedules. High schools are further encouraged to develop flexible teaching arrangements, including tutor programs which may include the use of adults, high school students, or college students as tutors, with particular encouragement to consider seeking persons from ethnic and racial minority groups to serve as tutors.

High schools are also encouraged to use research that has been proven effective and has produced significant outcomes in working with both potential dropouts and dropouts.

NEW SECTION. Sec. 8. (1) beginning with the 1989-1990 school year and concluding at the end of the 1993-1994 school year, any student who has dropped out of high school for six weeks or longer, or has returned from participation in a substance abuse treatment program, or is about to become or is a teen parent, or has returned from hospitalization due to a mental health problem may choose to attend any other high school in the state regardless of residence. Students may attend high school in a nonresident school district only if they are accepted by the high school and pursuant to policies and procedures of the nonresident school district. Receiving school districts may not charge nonresident students tuition. Schools and districts are encouraged to accept students who choose to transfer if they meet these conditions. Basic education funding allocations from the state shall follow the students.

(2) The superintendent of public instruction shall report to the legislature and the governor by December 1, 1994, on the student enrollment patterns pursuant to the provisions of this section.

(3) This section shall expire December 31, 1994.

Sec. 9. Section 222, chapter 518, Laws of 1987 and RCW 28A.58.217 are each amended to read as follows:

(1) ~~(School districts are hereby authorized to)~~ The superintendent of public instruction shall contract with the University of Washington for the education of ~~(eligible academically)~~ highly capable ~~(high school)~~ students below eighteen years of age who are admitted or enrolled at such early entrance program or transition school(s) as are now or hereafter established and maintained by the University of Washington.

(2) ~~(School districts may authorize)~~ The superintendent of public instruction ~~(to)~~ shall allocate directly to the University of Washington all ~~(or a portion)~~ of the state basic education allocation moneys, state categorical moneys excepting categorical moneys provided for the highly capable students program under chapter 28A.16 RCW, and federal moneys generated by a student while attending ((a)) an early entrance program or transition school at the University of Washington ((early entrance or transition school pursuant to this section directly to the university: PROVIDED, That). The allocations shall be according to each student's school district of residence. The expenditure of such ((state)) moneys shall be ((expended exclusively for instruction and related activities necessary for students to fulfill the high school graduation requirements established by their school district of enrollment)) limited to selection of students, precollege instruction, special advising, and related activities necessary for the support of students while attending a transition school or early entrance program at the University of Washington. Such allocations may be supplemented with such additional payments by other parties as necessary to cover the actual and full costs of such instruction and other activities.

(3) The provisions of subsections (1) and (2) of this section shall apply during the first three years a student is attending a transition school or early entrance program at the University of Washington or through the academic school year in which the student turns eighteen, whichever occurs first. No more than thirty students shall be admitted and enrolled in the transition school at the University of Washington in any one year.

~~((3))~~ (4) The superintendent of public instruction shall adopt or amend rules pursuant to chapter ~~((34.04))~~ 34.05 RCW implementing subsection (2) of this section before August 31, 1989.

PART IV
FLEXIBLE SCHEDULING

NEW SECTION. Sec. 10. A new section is added to chapter 28A.41 RCW to read as follows:

The superintendent of public instruction shall establish procedures to allow school districts to claim basic education allocation funds for students attending classes that are provided outside the regular school year to the extent such attendance is in lieu of attendance during the regular school year: PROVIDED, That nothing in this section shall be construed to alter the basic education allocation for which the district is otherwise eligible.

Sec. 11. Section 13, chapter 283, Laws of 1969 ex. sess. as last amended by section 2, chapter 189, Laws of 1985 and RCW 28A.02.061 are each amended to read as follows:

The following are school holidays, and school shall not be taught on these days: ~~((Saturday:))~~ Sunday; the first day of January, commonly called New Year's Day; the third Monday of

January, being celebrated as the anniversary of the birth of Martin Luther King, Jr.; the third Monday in February to be known as Presidents' Day and to be celebrated as the anniversary of the births of Abraham Lincoln and George Washington; the last Monday in May, commonly known as Memorial Day; the fourth day of July, being the anniversary of the Declaration of Independence; the first Monday in September, to be known as Labor Day; the eleventh day of November, to be known as Veterans' Day, the fourth Thursday in November, commonly known as Thanksgiving Day; the day immediately following Thanksgiving Day; the twenty-fifth day of December, commonly called Christmas Day: PROVIDED, That no reduction from the teacher's time or salary shall be made by reason of the fact that a school day happens to be one of the days referred to in this section as a day on which school shall not be taught.

PART V

CORE COMPETENCIES

NEW SECTION. Sec. 12. (1) The state board of education, in consultation with the superintendent of public instruction, the higher education coordinating board, the state board for community college education, the state board for vocational education in the office of the governor, institutions of higher education, and other appropriate agencies, shall study and evaluate strategies to replace the use of Carnegie units (seat time) with core competencies, including critical thinking skills, to evaluate student performance.

(2) The study shall take into consideration relevant information from projects under the schools for the twenty-first century program pursuant to RCW 28A.100.030 through 28A.100.038, the report of the temporary committee on the assessment and accountability of educational outcomes pursuant to section 4, chapter 401, Laws of 1987, and information as may be available from any field tests of educational outcomes and indicators as may be established pursuant to RCW 28A.100.017.

(3) The state board of education shall report the study findings and recommendations to the legislature, the governor, the superintendent of public instruction, the higher education coordinating board, the state board for community college education, and the state board for vocational education in the office of the governor by December 1, 1990.

(4) This section shall expire December 31, 1990.

PART VI

PILOT PROGRAM FOR PREVENTION OF LEARNING PROBLEMS

NEW SECTION. Sec. 13. (1) The superintendent of public instruction may select up to five school districts to participate in a pilot program for prevention of learning problems and academic delays. The program shall begin with the 1989-90 school year and conclude at the end of the 1990-91 school year.

(2) If at the end of a pilot school year the number of specific learning disabled students served by a participating school district in handicapped education programs has decreased as a result of the pilot project, the district shall be reimbursed based upon the number of specific learning disabled students served in special education during the school year prior to commencement of the pilot project. These funds will be used to support the pilot project for prevention of learning problems and academic delays: PROVIDED, That school districts participating in the pilot prevention program established under this section who have ongoing pilot projects previously approved by the superintendent of public instruction shall utilize the school year prior to initiation of such pilot project as the base for the reimbursement calculation under this subsection when the number of specific learning disabled students identified has decreased as a result of participation in the pilot program established under this section.

(3) School districts applying to participate in the pilot program established under this section shall submit to the superintendent of public instruction a proposed program budget for the 1989-90 school year and a preliminary budget plan for the 1990-91 school year. These proposed budgets or budget plans shall outline the resources to be used by the district in the identification and early prevention of learning problems. Districts selected to participate shall submit an updated budget proposal to the superintendent of public instruction prior to the 1990-91 school year.

(4) Applications submitted by school districts shall also include:

(a) Assurances that the school district will not deny access to special education programs for handicapped students entitled to services under chapter 28A.13 RCW;

(b) A description of methods to be used by the district to identify students for additional instruction or other services provided under the pilot project;

(c) A description of the types of instructional programs or services to be used in prevention of learning problems;

(d) A plan for evaluating the effectiveness of the district's project at the end of the 1990-91 school year, using student test scores and other indicators of academic progress and, as appropriate, vocational progress, as determined by the district; and

(e) Other information as may be required by the superintendent of public instruction.

(5) For the purposes of this section, 'state allocation for handicapped students' includes state handicapped education moneys allocated for students served in special education programs provided under chapter 28A.13 RCW and basic education allocations generated by such students under the state funding formula adopted pursuant to RCW 28A.41.140.

(6) This section shall expire December 31, 1991.

NEW SECTION. Sec. 14. (1) Prior to December 1, 1991, the superintendent of public instruction shall submit a report on the pilot program established under section 13 of this act to the legislature and the governor. The report shall include an analysis of the effectiveness of the program and recommendations on whether the program should be continued or expanded to other districts.

(2) This section shall expire December 31, 1991.

PART VII

OUTCOMES-BASED LEARNING ASSISTANCE EDUCATION RECOGNITION AWARD PROGRAM

NEW SECTION. Sec. 15. (1) The superintendent of public instruction shall develop and implement by December 1, 1991, an outcomes-based learning assistance education recognition program to recognize schools, or school districts, or both, for the development and use of outcomes-based learning assistance education programs which have resulted in significant and continuous improvement in students' basic and work skills performance.

(2) The superintendent of public instruction shall develop separate awards under the recognition program for each basic skills and work skills category as defined under RCW 28A.58.754, including an award for outcomes-based health and physical education learning assistance education programs. The superintendent shall also develop an award for interdisciplinary outcomes-based learning assistance education programs and an award for outcomes-based positive discipline learning assistance education programs.

The superintendent may develop a separate award for other desired outcomes identified by school districts and communities pursuant to local student learning objectives required under RCW 28A.58.090 and self-study processes required under RCW 28A.58.085.

(3) In developing the recognition program, the superintendent shall consult with school districts and take into consideration:

(a) Relevant information from projects under the schools for the twenty-first century program pursuant to RCW 28A.100.030 through 28A.100.038;

(b) The report of the temporary committee on the assessment and accountability of educational outcomes pursuant to section 4, chapter 401, Laws of 1987;

(c) Information as might become available from any field tests of educational outcomes and indicators as may be established pursuant to RCW 28A.100.017;

(d) The results of the core competencies study pursuant to section 12 of this act; and

(e) Information from the model curriculum programs or curriculum guidelines developed pursuant to RCW 28A.03.425.

(4) The superintendent of public instruction is encouraged to link the outcomes-based learning assistance education recognition program with student learning objectives required under RCW 28A.58.090 and school and school district progress under the self-study requirements pursuant to RCW 28A.58.085.

(5) The superintendent of public instruction is encouraged to review the relationship between poverty and student performance and, as appropriate, incorporate such relationship as an element in proposed criteria or guidelines for selecting schools or districts for awards under the outcomes-based learning assistance education recognition program.

NEW SECTION. Sec. 16. A new section is added to Title 28A RCW to read as follows:

(1) The superintendent of public instruction shall develop by September 1, 1990, a model curriculum or curriculum guidelines for an outcomes-based health and physical education learning assistance education program. The purpose of the model curriculum or curriculum guidelines is to assist school districts in coordinating the current health and physical education requirements under Title 28A RCW and to assist school districts in the appropriate offering of those requirements to students enrolled in kindergarten through grade twelve. The model curriculum or curriculum guidelines shall be available for use at district's discretion.

(2) Every school district board of directors shall consider adopting an outcomes-based health and physical education program by September 1, 1991.

(3) School districts may adopt or modify the model curriculum or curriculum guidelines developed pursuant to subsection (1) of this section, develop a curriculum locally, or adopt or modify any other existing curriculum: PROVIDED, That no provision of this subsection or subsections (1) and (2) of this section shall be construed to authorize the development of school-based health clinics.

(4) For the purposes of this section the term 'outcomes-based' means the establishment of skills and/or knowledge the district determines students should learn from the curriculum developed for their local outcomes-based health and physical education program.

PART VIII

MISCELLANEOUS

NEW SECTION. Sec. 17. The superintendent of public instruction shall adopt rules as necessary under chapter 34.05 RCW to carry out the provisions of this act.

NEW SECTION. Sec. 18. The sum of thirty thousand dollars, or as much thereof as may be necessary, is appropriated from the general fund for the biennium ending June 30, 1991, to the superintendent of public instruction to carry out the purpose of section 15 of this act.

NEW SECTION. Sec. 19. Subchapter headings used in this act do not constitute any part of the law."

On page 1, line 1 of the title, after "risk;" strike the remainder of the title and insert "amending RCW 28A.58.217, 28A.120.010, 28A.120.016, 28A.120.020, 28A.120.022, 28A.120.032, and 28A.02.061; adding a new section to chapter 28A.41 RCW; adding new sections to Title 28A RCW; creating new sections; providing an expiration date; and making an appropriation." and the same is herewith transmitted.

W. D. Naismith, Assistant Secretary.

MOTION

Mr. Peery moved that the House do concur in the Senate amendments to Engrossed Substitute House Bill No. 1444.

Representatives Peery and Betrozoff spoke in favor of the motion, and it was carried.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

The Speaker (Mr. Appelwick presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 1444 as amended by the Senate.

Mr. Schoon spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1444 as amended by the Senate, and the bill passed the House by the following vote: Yeas, 96; nays, 1; excused, 1.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Baugher, Beck, Belcher, Betrozoff, Bowman, Braddock, Brekke, Bristow, Brooks, Brough, Brumsickle, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Fraser, Fuhrman, Grant, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Inslee, Jacobsen, Jesernig, Jones, King P, King R, Kremen, Leonard, Locke, May, McLean, Meyers R, Miller, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Padden, Patrick, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith, Sommers D, Sommers H, Spanel, Sprenkle, Tate, Todd, Valle, Van Luven, Vekich, Walk, Walker, Wang, Wilson S, Wineberry, Winsley, Wolfe, Wood, Youngsman, Zellinsky, and Mr. Speaker - 96.

Voting nay: Representative Wilson K - 1.

Excused: Representative Gallagher - 1.

Engrossed Substitute House Bill No. 1444 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE SENATE

April 18, 1989

Mr. Speaker:

The Senate refuses to grant the request of the House for a conference on SUBSTITUTE HOUSE BILL NO. 1711, insists on its position and asks the House to concur in the Senate amendments, and the same is herewith transmitted.

W. D. Naismith, Assistant Secretary.

MOTION

Mr. Vekich moved that the House do concur in the Senate amendments to Substitute House Bill No. 1711.

Mr. Vekich spoke in favor of the motion, and it was carried.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

The Speaker (Mr. Appelwick presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1711 as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1711 as amended by the Senate, and the bill passed the House by the following vote: Yeas, 97; excused, 1.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Baugher, Beck, Belcher, Berozoff, Bowman, Braddock, Brekke, Bristow, Brooks, Brough, Brumsickle, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Fraser, Fuhrman, Grant, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Inslee, Jacobsen, Jesernig, Jones, King P, King R, Kremen, Leonard, Locke, May, McLean, Meyers R, Miller, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Padden, Patrick, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith, Sommers D, Sommers H, Spanel, Sprengle, Tate, Todd, Valle, Van Luvan, Vekich, Walk, Walker, Wang, Wilson K, Wilson S, Wineberry, Winsley, Wolfe, Wood, Youngsman, Zellinsky, and Mr. Speaker - 97.

Excused: Representative Gallagher - 1.

Substitute House Bill No. 1711 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE SENATE

April 20, 1989

Mr. Speaker:

The Senate has adopted the report of the Conference Committee on ENGROSSED HOUSE BILL NO. 1917, and has granted said committee the powers of Free Conference. The Report of the Conference Committee is herewith transmitted.

W. D. Naismith, Assistant Secretary.

REPORT OF CONFERENCE COMMITTEE

April 20, 1989

Mr. Speaker:

We of your Conference Committee, to whom was referred ENGROSSED HOUSE BILL NO. 1917, establishing a certified real estate appraiser law, have had the same under consideration, and we report that we are unable to agree, and we respectfully request the powers of Free Conference to amend the bill as follows:

Adopt the amendments by Senators Williams and Lee as amended on April 14, 1989, (For amendments, see Journal, 97th Day, April 17, 1989.) with the following changes and additions:

On page 6, line 20 of the amendment, after "chapter;" strike "and" and insert the following:

"(3) To make recommendations to the director regarding continuing education requirements; and"

Renumber the subsections consecutively.

On page 7, after line 30 of the amendment, insert the following:

"(7) To impose continuing education requirements as a prerequisite to renewal of certification."

Renumber the subsections consecutively.

On page 8, line 27 of the amendment, after "chapter" insert "and minimally meet the requirements of federal guidelines regarding state certification of appraisers that the director determines are appropriate for state-certified appraisers in this state"

On page 10, after line 19 of the amendment, insert the following:

"(3) The education requirements of subsections (1) and (2) of this section may be waived by the director if the applicant presents evidence to the satisfaction of the director that the applicant was practicing as a real estate appraiser in the state of Washington on the effective date of this section."

On page 10, line 27 of the amendment, after "Sec. 14." strike "(1)"

On page 10, line 32 of the amendment, after "by the" strike "board" and insert "director"

On page 10, beginning on line 33 of the amendment, strike all material through "examination," on page 11, line 7

On page 12, line 6 of the amendment, after "period of" strike "one year" and insert "two years"

On page 12, line 13 of the amendment, after "certificate" insert "and shall demonstrate satisfaction of any continuing education requirements"

Signed by Senators von Reichbauer, Williams, Sellar; Representatives O'Brien, Vekich, May.

MOTION

On motion of Mr. Jesernig, the Report of the Conference Committee on Engrossed House Bill No. 1917 was adopted and the committee was granted the powers of Free Conference.

MESSAGE FROM THE SENATE

April 20, 1989

Mr. Speaker:

The Senate has adopted the report of the Conference Committee on HOUSE BILL NO. 2060, and has granted said committee the powers of Free Conference. The Report of the Conference Committee is herewith transmitted.

W. D. Naismith, Assistant Secretary.

REPORT OF CONFERENCE COMMITTEE

April 20, 1989

Mr. Speaker:

We of your Conference Committee, to whom was referred HOUSE BILL NO. 2060, providing industrial insurance coverage for the horse racing industry, have had the same under consideration, and we report that we are unable to agree, and we respectfully request the powers of Free Conference to amend the bill as follows:

Reject the Senate Committee on Economic Development & Labor amendment adopted April 4, 1989 (For committee amendment, see Journal, 100th Day, April 18, 1989.), and

Adopt the following amendments:

Strike everything after the enacting clause and insert the following:

***NEW SECTION.** Sec. 1. A new section is added to chapter 51.16 RCW to read as follows:

(1) The department shall assess premiums, under the provisions of this section, for certain horse racing employments licensed in accordance with chapter 67.16 RCW. This premium assessment shall be for the purpose of providing industrial insurance coverage for employees of trainers licensed under chapter 67.16 RCW, including but not limited to exercise riders, pony riders, and grooms, and including all on or off track employment. For the purposes of sections 1 through 5 of this act a hotwalker shall be considered a groom. The department may adopt rules under chapter 34.05 RCW to carry out the purposes of this section, including rules providing for alternative reporting periods and payment due dates for coverage under this section. The department rules shall ensure that no licensee licensed prior to the effective date of this act shall pay more than the assessment fixed at the basic manual rate.

(2) The department shall compute industrial insurance premium rates on a per license basis, which premiums shall be assessed at the time of each issuance or renewal of the license for owners, trainers, and grooms in amounts established by department rule for coverage under this section. Premium assessments shall be determined in accordance with the requirements of this title, except that assessments shall not be experience rated and shall be fixed at the basic manual rate. However, rates may vary according to differences in working conditions at major tracks and fair tracks.

(3) For the purposes of paying premiums and assessments under this section and making reports under this title, individuals licensed as trainers by the Washington horse racing commission shall be considered employers. The premium assessment for a groom's license shall be paid by the trainer responsible for signing the groom's license application and shall be payable at the time of license issuance or renewal.

(4) The fee to be assessed on owner licenses as required by this section shall not exceed one hundred fifty dollars. However, those owners having less than a full ownership in a horse or horses shall pay a percentage of the required license fee that is equal to the total percentage of the ownership that the owner has in the horse or horses. In no event shall an owner having an ownership percentage in more than one horse pay more than a one hundred fifty-dollar license fee. The assessment on each owner's license shall not imply that an owner is an employer, but shall be required as part of the privilege of holding an owner's license.

(5) Premium assessments under this section shall be collected by the Washington horse racing commission and deposited in the industrial insurance trust funds as provided under department rules.

NEW SECTION. Sec. 2. A new section is added to chapter 67.16 RCW to read as follows:

In addition to the license fees authorized by this chapter, the commission shall collect the industrial insurance premium assessments required under section 1 of this act from trainers, grooms, and owners. The industrial insurance premium assessments required under section 1 of this act shall be retroactive to January 1, 1989, and shall be collected from all licensees whose licenses were issued after that date. The commission shall deposit the industrial insurance premium assessments in the industrial insurance trust fund as required by rules adopted by the department of labor and industries.

Sec. 3. Section 51.16.140, chapter 23, Laws of 1961 as last amended by section 29, chapter 350, Laws of 1977 ex. sess. and RCW 51.16.140 are each amended to read as follows:

(1) Every employer who is not a self-insurer shall deduct from the pay of each of his or her workers one-half of the amount he or she is required to pay, for medical benefits within each

risk classification. Such amount shall be periodically determined by the director and reported by him or her to all employers under this title: PROVIDED, That the state governmental unit shall pay the entire amount into the medical aid fund for volunteers, as defined in RCW 51.12.035, and the state apprenticeship council shall pay the entire amount into the medical aid fund for registered apprentices or trainees, for the purposes of RCW 51.12.130. The deduction under this section is not authorized for premiums assessed under section 1 of this 1989 act.

(2) It shall be unlawful for the employer, unless specifically authorized by this title, to deduct or obtain any part of the premium or other costs required to be by him or her paid from the wages or earnings of any of his or her workers, and the making of or attempt to make any such deduction shall be a gross misdemeanor.

Sec. 4. Section 9, chapter 14, Laws of 1980 and RCW 51.32.073 are each amended to read as follows:

(1) Except as provided in subsection (2) of this section, each employer shall retain from the earnings of each worker that amount as shall be fixed from time to time by the director, the basis for measuring said amount to be determined by the director. The money so retained shall be matched in an equal amount by each employer, and all such moneys shall be remitted to the department in such manner and at such intervals as the department directs and shall be placed in the supplemental pension fund: PROVIDED, That the state apprenticeship council shall pay the entire amount into the supplemental pension fund for registered apprentices or trainees during their participation in supplemental and related instruction classes. The moneys so collected shall be used exclusively for the additional payments from the supplemental pension fund prescribed in this title and for the amount of any increase payable under the provisions of RCW 51.32.075, as now or hereafter amended, and shall be no more than necessary to make such payments on a current basis. The department may require a self-insurer to make any additional payments which are payable from the supplemental pension fund and thereafter such self-insurer shall be reimbursed therefrom.

(2) None of the amount assessed for the supplemental pension fund under section 1 of this 1989 act may be retained from the earnings of workers covered under section 1 of this 1989 act.

Sec. 5. Section 4, chapter 55, Laws of 1933 as last amended by section 2, chapter 146, Laws of 1985 and RCW 67.16.020 are each amended to read as follows:

It shall be the duty of the commission, as soon as it is possible after its organization, to prepare and promulgate a complete set of rules and regulations to govern the race meets in this state. It shall determine and announce the place, time and duration of race meets for which license fees are exacted; and it shall be the duty of each person holding a license under the authority of this chapter, and every owner, trainer, jockey, and attendant at any race course in this state, to comply with all rules and regulations promulgated and all orders issued by the commission. It shall be unlawful for any person to hold any race meet without having first obtained and having in force and effect a license issued by the commission as in this chapter provided; and it shall be unlawful for any owner, trainer or jockey to participate in race meets in this state without first securing a license therefor from the state racing commission, the fee for which shall be set by the commission which shall offset the cost of administration and shall not be for a period exceeding ~~((three))~~ one year~~((s))~~.

NEW SECTION. Sec. 6. The house commerce and labor committee and the senate economic development and labor committee, in conjunction with the horse racing commission and the department of labor and industries, shall conduct a study of industrial insurance coverage of the horse racing industry, specifically including coverage for jockeys. The committees shall report the results of the study to the house of representatives and the senate by December 1, 1989.

NEW SECTION. Sec. 7. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect immediately."

On page 1, line 1 of the title, after "industry;" strike the remainder of the title and insert "amending RCW 51.16.140, 51.32.073, and 67.16.020; adding a new section to chapter 51.16 RCW; adding a new section to chapter 67.16 RCW; creating a new section; and declaring an emergency."

Signed by Senators Matson, Warnke, West; Representatives Leonard, Rector, Patrick.

MOTION

On motion of Mr. Jesernig, the Report of the Conference Committee on House Bill No. 2060 was adopted and the committee was granted the powers of Free Conference.

REPORT OF CONFERENCE COMMITTEE

April 19, 1989

Mr. Speaker:

We of your Conference Committee, to whom was referred ENGROSSED SUBSTITUTE SENATE BILL NO. 5314, prohibiting persons convicted of sex crimes or other crimes affecting children from working in the public schools, have had the same under consideration, and we report that we are unable to agree, and we respectfully request the powers of Free Conference to amend the bill as follows:

Reject all previous amendments; and

Adopt the following amendments:

Strike everything after the enacting clause and insert the following:

*Sec. 1. Section 28A.70.160, chapter 223, Laws of 1969 ex. sess. as last amended by section 137, chapter 275, Laws of 1975 1st ex. sess. and RCW 28A.70.160 are each amended to read as follows:

(1) Any certificate (~~to teach~~) or permit authorized under the provisions of this chapter, chapter 28A.67 RCW, or rules and regulations promulgated thereunder may be revoked or suspended by the authority authorized to grant the same upon complaint of any school district superintendent or educational service district superintendent for immorality, violation of written contract, unprofessional conduct, intemperance, or crime against the law of the state(;;).

(2) Any such certificate or permit authorized under this chapter or chapter 28A.67 RCW shall be revoked by the authority authorized to grant the certificate upon a guilty plea or the conviction of any felony crime involving the physical neglect of ((children)) a child under chapter 9A.42 RCW, the physical injury or death of ((children)) a child under chapter 9A.32 or 9A.36 RCW (excepting ((possible)) motor vehicle violations under chapter 46.61 RCW, sexual exploitation of a child under chapter 9.68A RCW, sexual offenses under chapter 9A.44 RCW where a minor is the victim, promoting prostitution of a minor under chapter 9A.88 RCW, the sale or purchase of a minor child under RCW 9A.64.030, or ((the sexual abuse of children, or any unprofessional conduct, after)) violation of similar laws of another jurisdiction. The person whose certificate is in question (~~has been~~) shall be given an opportunity to be heard. Mandatory permanent revocation upon a guilty plea or the conviction of felony crimes specified under this subsection shall apply to such convictions or guilty pleas which occur after the effective date of this 1989 act. Revocation of any certificate or permit authorized under this chapter or chapter 28A.67 RCW for a guilty plea or criminal conviction occurring prior to the effective date of this 1989 act shall be subject to the provisions of subsection (1) of this section.

Sec. 2. Section 28A.70.180, chapter 223, Laws of 1969 ex. sess. and RCW 28A.70.180 are each amended to read as follows:

In case any certificate or permit authorized under this chapter or chapter 28A.67 RCW is revoked, the holder shall not be eligible to receive another ((teacher's)) certificate or permit for a period of twelve months after the date of revocation. However, if the certificate or permit authorized under this chapter or chapter 28A.67 RCW was revoked because of a guilty plea or the conviction of a felony crime involving the physical neglect of a child under chapter 9A.42 RCW, the physical injury or death of a child under chapter 9A.32 or 9A.36 RCW (except motor vehicle violations under chapter 46.61 RCW), sexual exploitation of a child under chapter 9.68A RCW, sexual offenses under chapter 9A.44 RCW where a minor is the victim, promoting prostitution of a minor under chapter 9A.88 RCW, the sale or purchase of a minor child under RCW 9A.64.030, or violation of similar laws of another jurisdiction, the certificate or permit shall not be reinstated.

NEW SECTION. Sec. 3. A new section is added to Title 28A RCW to read as follows:

(1) The school district board of directors shall immediately terminate the employment of any classified employee who has contact with children during the course of his or her employment upon a guilty plea or conviction of any felony crime involving the physical neglect of a child under chapter 9A.42 RCW, the physical injury or death of a child under chapter 9A.32 or 9A.36 RCW (except motor vehicle violations under chapter 46.61 RCW), sexual exploitation of a child under chapter 9.68A RCW, sexual offenses under chapter 9A.44 RCW where a minor is the victim, promoting prostitution of a minor under chapter 9A.88 RCW, the sale or purchase of a minor child under RCW 9A.64.030, or violation of similar laws of another jurisdiction.

(2) The employee shall have a right of appeal under chapter 28A.88 RCW including any right of appeal under a collective bargaining agreement.

NEW SECTION. Sec. 4. A new section is added to Title 28A RCW to read as follows:

The school district board of directors shall include in any contract for services with an entity or individual other than an employee of the school district a provision requiring the contractor to prohibit any employee of the contractor from working at a public school who has contact with children at a public school during the course of his or her employment and who has pled guilty to or been convicted of any felony crime involving the physical neglect of a child under chapter 9A.42 RCW, the physical injury or death of a child under chapter 9A.32 or 9A.36 RCW (except motor vehicle violations under chapter 46.61 RCW), sexual exploitation of a

child under chapter 9.68A RCW, sexual offenses under chapter 9A.44 RCW where a minor is the victim, promoting prostitution of a minor under chapter 9A.88 RCW, the sale or purchase of a minor child under RCW 9A.64.030, or violation of similar laws of another jurisdiction. The contract shall also contain a provision that any failure to comply with this section shall be grounds for the school district immediately terminating the contract.

NEW SECTION, Sec. 5. A new section is added to Title 28A RCW to read as follows:

The school district shall immediately terminate the employment of any person whose certificate or permit authorized under chapter 28A.70 or 28A.67 RCW is subject to revocation under RCW 28A.70.160(2) upon a guilty plea or conviction of any felony crime involving the physical neglect of a child under chapter 9A.42 RCW, the physical injury or death of a child under chapter 9A.32 or 9A.36 RCW (except motor vehicle violations under chapter 46.61 RCW), sexual exploitation of a child under chapter 9.68A RCW, sexual offenses under chapter 9A.44 RCW where a minor is the victim, promoting prostitution of a minor under chapter 9A.88 RCW, the sale or purchase of a minor child under RCW 9A.64.030, or violation of similar laws of another jurisdiction. Employment shall remain terminated unless the employee successfully prevails on appeal. This section shall only apply to employees holding a certificate or permit who have contact with children during the course of their employment.

NEW SECTION, Sec. 6. A new section is added to chapter 43.43 RCW to read as follows:

(1) Upon a guilty plea or conviction of a person of any felony crime involving the physical neglect of a child under chapter 9A.42 RCW, the physical injury or death of a child under chapter 9A.32 or 9A.36 RCW (except motor vehicle violations under chapter 46.61 RCW), sexual exploitation of a child under chapter 9.68A RCW, sexual offenses under chapter 9A.44 RCW where a minor is the victim, promoting prostitution of a minor under chapter 9A.88 RCW, or the sale or purchase of a minor child under RCW 9A.64.030, the prosecuting attorney shall determine whether the person holds a certificate or permit issued under chapter 28A.70 or 28A.67 RCW or is employed by a school district. If the person is employed by a school district or holds a certificate or permit issued under chapter 28A.70 or 28A.67 RCW, the prosecuting attorney shall notify the state patrol of such guilty pleas or convictions.

(2) When the state patrol receives information that a person who has a certificate or permit issued under chapter 28A.70 or 28A.67 RCW or is employed by a school district has pled guilty to or been convicted of one of the felony crimes under subsection (1) of this section, the state patrol shall immediately transmit that information to the superintendent of public instruction. It shall be the duty of the superintendent of public instruction to provide this information to the state board of education and the school district employing the individual who pled guilty or was convicted of the crimes identified in subsection (1) of this section.

NEW SECTION, Sec. 7. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected."

On page 1, line 1 of the title, after "schools;" strike the remainder of the title and insert "amending RCW 28A.70.160 and 28A.70.180; adding new sections to Title 28A RCW; and adding a new section to chapter 43.43 RCW."

Signed by Senators Bailey, Rinehart, Metcalf; Representatives Peery, G. Fisher, Berozoff.

MOTION

On motion of Mr. Jesernig, the Report of the Conference Committee on Engrossed Substitute Senate Bill No. 5314 was adopted and the committee was granted the powers of Free Conference.

REPORT OF CONFERENCE COMMITTEE

April 19, 1989

Mr. Speaker:

We of your Conference Committee, to whom was referred ENGROSSED SUBSTITUTE SENATE BILL NO. 5759, establishing a school breakfast program, have had the same under consideration, and we report that we are unable to agree, and we respectfully request the powers of Free Conference to amend the bill as follows:

Adopt the House Committee on Education striking amendment (For committee amendment, see Journal, 73rd Day, March 22, 1989.) with the exception of the following:

On page 4, line 16, strike "reduced or"

Signed by Senators Bailey, Rinehart, Lee; Representatives Peery, G. Fisher, Berozoff.

MOTION

On motion of Mr. Jesernig, the Report of the Conference Committee on Engrossed Substitute Senate Bill No. 5759 was adopted and the committee was granted the powers of Free Conference.

MESSAGE FROM THE SENATE

April 20, 1989

Mr. Speaker:

The Senate has adopted the report of the Conference Committee on HOUSE BILL NO. 2167, and has granted said committee the powers of Free Conference. The Report of the Conference Committee is herewith transmitted.

W. D. Naismith, Assistant Secretary.

REPORT OF CONFERENCE COMMITTEE

April 20, 1989

Mr. Speaker:

We of your Conference Committee, to whom was referred HOUSE BILL NO. 2167, regarding mobile home parks, have had the same under consideration, and we report that we are unable to agree, and we respectfully request the powers of Free Conference to amend the bill as follows:

Adopt the Senate Committee on Economic Development & Labor striking amendment, which was adopted on April 12, 1989, (For committee amendment, see Journal, 100th Day, April 18, 1989.), with the following changes:

On page 4, beginning on line 7, strike section 7

Renumber the remaining sections consecutively and correct any internal references accordingly

On page 7, line 18, after "insert" strike "amending RCW 59.22.050;"

On page 6, line 23, after "1990" strike all material through "act" on page 6, line 31

Signed by Senators Smith, Murray, Bluechel; Representatives Nutley, Leonard, Winsley.

MOTION

On motion of Mr. Jesernig, the Report of the Conference Committee on House Bill No. 2167 was adopted and the committee was granted the powers of Free Conference.

MESSAGES FROM THE SENATE

April 20, 1989

Mr. Speaker:

The Senate concurred in the House amendments to SUBSTITUTE SENATE BILL NO. 5108 and passed the bill as amended by the House.

W. D. Naismith, Assistant Secretary.

April 20, 1989

Mr. Speaker:

The Senate concurred in the House amendment to SUBSTITUTE SENATE BILL NO. 5184 on page 1, line 19, and passed the bill as amended by the House.

W. D. Naismith, Assistant Secretary.

April 20, 1989

Mr. Speaker:

The Senate concurred in the House amendments to ENGROSSED SENATE BILL NO. 5536 and passed the bill as amended by the House.

W. D. Naismith, Assistant Secretary.

April 20, 1989

Mr. Speaker:

The Senate concurred in the House amendments to SUBSTITUTE SENATE BILL NO. 5663 and passed the bill as amended by the House.

W. D. Naismith, Assistant Secretary.

SIGNED BY THE SPEAKER

The Speaker (Mr. Appelwick presiding) announced the Speaker had signed:

SUBSTITUTE HOUSE BILL NO. 1007,
HOUSE BILL NO. 1019,
HOUSE BILL NO. 1042,
HOUSE BILL NO. 1060,
SUBSTITUTE HOUSE BILL NO. 1065,
HOUSE BILL NO. 1072,
HOUSE BILL NO. 1085,
SUBSTITUTE HOUSE BILL NO. 1104,
SUBSTITUTE HOUSE BILL NO. 1115,
SUBSTITUTE HOUSE BILL NO. 1173,
SUBSTITUTE HOUSE BILL NO. 1183,
HOUSE BILL NO. 1241,
HOUSE BILL NO. 1253,
SUBSTITUTE HOUSE BILL NO. 1337,
HOUSE BILL NO. 1342,
SUBSTITUTE HOUSE BILL NO. 1370,
HOUSE BILL NO. 1385,
SUBSTITUTE HOUSE BILL NO. 1388,
HOUSE BILL NO. 1395,
SUBSTITUTE HOUSE BILL NO. 1414,
HOUSE BILL NO. 1467,
SUBSTITUTE HOUSE BILL NO. 1504,
SUBSTITUTE HOUSE BILL NO. 1547,
HOUSE BILL NO. 1729,
HOUSE JOINT MEMORIAL NO. 4001,
SUBSTITUTE SENATE BILL NO. 5107,
SUBSTITUTE SENATE BILL NO. 5128,
SUBSTITUTE SENATE BILL NO. 5147,
SENATE BILL NO. 5154,
SENATE BILL NO. 5167,
SENATE BILL NO. 5246,
SENATE BILL NO. 5250,
SUBSTITUTE SENATE BILL NO. 5293,
SENATE BILL NO. 5329,
SUBSTITUTE SENATE BILL NO. 5348,
SUBSTITUTE SENATE BILL NO. 5350,
SENATE BILL NO. 5381,
SUBSTITUTE SENATE BILL NO. 5418,
SUBSTITUTE SENATE BILL NO. 5506,
SENATE BILL NO. 5552,
SENATE BILL NO. 5592,
SUBSTITUTE SENATE BILL NO. 5648,
SECOND SUBSTITUTE SENATE BILL NO. 5658,
SENATE BILL NO. 5679,
SENATE BILL NO. 5689,
SENATE BILL NO. 5701,
SENATE BILL NO. 5737,
SENATE BILL NO. 5738,
SUBSTITUTE SENATE BILL NO. 5812,
SENATE BILL NO. 5826,
SENATE BILL NO. 5853,
SUBSTITUTE SENATE BILL NO. 5857,
SENATE BILL NO. 5858,
SUBSTITUTE SENATE BILL NO. 5903,
SUBSTITUTE SENATE BILL NO. 5905,
SENATE BILL NO. 5907,
SENATE BILL NO. 5916,
SUBSTITUTE SENATE BILL NO. 5947,
SUBSTITUTE SENATE BILL NO. 6013,

SUBSTITUTE SENATE BILL NO. 6048,
SENATE JOINT MEMORIAL NO. 8010,
SENATE JOINT RESOLUTION NO. 8200,
SENATE JOINT RESOLUTION NO. 8210.

MESSAGE FROM THE SENATE

April 20, 1989

Mr. Speaker:

The Senate refuses to concur in the House amendments to ENGROSSED SENATE BILL NO. 5185, and asks the House for a conference thereon. The President has appointed the following members as conferees: Senators Smith, Wojahn and Bailey, and the same is herewith transmitted.

W. D. Naismith, Assistant Secretary.

MOTION

Ms. Haugen moved that the House adhere to its position regarding the House amendments to Engrossed Senate Bill No. 5185 and once again ask the Senate to concur therein.

Representatives Haugen and Ferguson spoke in favor of the motion, and it was carried.

MESSAGES FROM THE SENATE

April 20, 1989

Mr. Speaker:

The Senate grants the request of the House for a conference on ENGROSSED SUBSTITUTE HOUSE BILL NO. 1479. The President has appointed the following members as conferees: Senators McDonald, Gaspard and Hayner.

W. D. Naismith, Assistant Secretary.

April 20, 1989

Mr. Speaker:

The Senate has concurred in the House amendments to SUBSTITUTE SENATE BILL NO. 6009, and passed the bill as amended by the House.

W. D. Naismith, Assistant Secretary.

April 20, 1989

Mr. Speaker:

The Senate refuses to concur in the House amendments to SUBSTITUTE SENATE BILL NO. 5383, and asks the House for a conference thereon. The President has appointed the following members as conferees: Senators Lee, Vognild and Bailey, and the same is herewith transmitted.

W. D. Naismith, Assistant Secretary.

MOTION

Ms. Cantwell moved that the House grant the request of the Senate for a conference on Substitute Senate Bill No. 5383. The motion was carried.

APPOINTMENT OF CONFEREES

The Speaker (Mr. Appelwick presiding) appointed Representatives Cantwell, Rector and Fuhrman as conferees on Substitute Senate Bill No. 5383.

MESSAGE FROM THE SENATE

April 20, 1989

Mr. Speaker:

The Senate receded from its position on ENGROSSED HOUSE BILL NO. 1768 regarding the Senate amendment to page 1, line 19, and passed the bill without said amendment, and the same is herewith transmitted.

W. D. Naismith, Assistant Secretary.

FINAL PASSAGE OF HOUSE BILL WITH CERTAIN SENATE AMENDMENTS

The Speaker (Mr. Appelwick presiding) stated the question before the House to be the final passage of Engrossed House Bill No. 1768 with certain Senate amendments.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 1768 with certain Senate amendments, and the bill passed the House by the following vote: Yeas, 93; nays, 4; excused, 1.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Beck, Belcher, Betrozoff, Bowman, Braddock, Brekke, Bristow, Brooks, Brough, Brumsickle, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Fraser, Grant, Hankins, Hargrove, Haugen, Hine, Holland, Horn, Jacobsen, Jesernig, Jones, King P, King R, Kremen, Leonard, Locke, May, McLean, Meyers R, Miller, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Padden, Patrick, Peery, Phillips, Prentice, Prince, Pruitt, Ratter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith, Sommers D, Sommers H, Spanel, Sprenkle, Tate, Todd, Valle, Van Luven, Vekich, Walk, Walker, Wang, Wilson K, Wilson S, Wineberry, Winsley, Wolfe, Wood, Youngsman, Zellinsky, and Mr. Speaker - 93.

Voting nay: Representatives Baugher, Fuhrman, Heavey, Inslee - 4.

Excused: Representative Gallagher - 1.

Engrossed House Bill No. 1768 with certain Senate amendments, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Mr. Ebersole, the House recessed until 6:30 p.m.

EVENING SESSION

The Speaker (Mr. O'Brien presiding) called the House to order at 6:30 p.m. The Clerk called the roll and all members were present except Representatives Belcher, Cole, G. Fisher, Gallagher, Haugen, Jones, Leonard, Locke, Morris, Nutley, Scott, Sprenkle, Vekich and S. Wilson. With consent of the House, Representative Gallagher was excused.

MESSAGE FROM THE SENATE

April 20, 1989

Mr. Speaker:

The Senate has adopted the report of the Conference Committee on SUBSTITUTE SENATE BILL NO. 5443 and has passed the bill as recommended by the Conference Committee.

W. D. Naismith, Assistant Secretary.

MESSAGE FROM THE SENATE

April 20, 1989

Mr. Speaker:

The Senate has adopted the report of the Free Conference Committee on SUBSTITUTE HOUSE BILL NO. 1558 and has passed the bill as amended by the Free Conference Committee, and the same is herewith transmitted.

W. D. Naismith, Assistant Secretary.

REPORT OF FREE CONFERENCE COMMITTEE

April 19, 1989

Mr. Speaker:

We of your Free Conference Committee to whom was referred SUBSTITUTE HOUSE BILL NO. 1558, regulating use of steroids, have had the same under consideration and we recommend that the bill be amended as proposed in the request for Free Conference and that the bill do pass as amended by the Free Conference Committee.

(See Report of Conference Committee on Substitute House Bill No. 1558, 102nd Day, April 20, 1989, Afternoon Session.)

Signed by Senators West, Talmadge, Amondson; Representatives Braddock, Inslee, Brumsickle.

MOTION

Mr. Inslee moved that the House adopt the Report of the Free Conference Committee on Substitute House Bill No. 1558.

Representatives Inslee and Brumsickle spoke in favor of the motion, and it was carried.

FINAL PASSAGE OF HOUSE BILL AS AMENDED BY FREE CONFERENCE COMMITTEE

The Speaker (Mr. O'Brien presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1558 as amended by Free Conference Committee.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1558 as amended by Free Conference Committee, and the bill passed the House by the following vote: Yeas, 84; absent, 13; excused, 1.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Baugher, Beck, Betzoff, Bowman, Braddock, Brekke, Bristow, Brooks, Brough, Brumsickle, Cantwell, Chandler, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Ferguson, Fisher R, Fraser, Fuhrman, Grant, Hankins, Hargrove, Heavey, Hine, Holland, Horn, Inslee, Jacobsen, Jesernig, King P, King R, Kremen, May, McLean, Meyers R, Miller, Moyer, Myers H, Nealey, Nelson, O'Brien, Padden, Patrick, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Schoon, Silver, Smith, Sommers D, Sommers H, Spanel, Tate, Todd, Valle, Van Luven, Walk, Walker, Wang, Wilson K, Wineberry, Winsley, Wolfe, Wood, Youngsman, Zellinsky, and Mr. Speaker - 84.

Absent: Representatives Belcher, Cole, Fisher G, Haugen, Jones, Leonard, Locke, Morris, Nutley, Scott, Sprengle, Vekich, Wilson S - 13.

Excused: Representative Gallagher - 1.

Substitute House Bill No. 1558 as amended by Free Conference Committee, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

Representatives Belcher, Cole, G. Fisher, Jones, Leonard, Locke, Morris, Nutley, Scott, Vekich and S. Wilson appeared at the bar of the House.

MESSAGE FROM THE SENATE

April 20, 1989

Mr. Speaker:

The Senate refuses to recede from its amendments to ENGROSSED HOUSE BILL NO. 1334, insists on its position and asks the House to concur therein, and the same is herewith transmitted.

W. D. Naismith, Assistant Secretary.

MOTION

Mr. Peery moved that the House do concur in the Senate amendments to Engrossed House Bill No. 1334.

Mr. Peery spoke in favor of the motion, and it was carried.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

The Speaker (Mr. O'Brien presiding) stated the question before the House to be the final passage of Engrossed House Bill No. 1334 as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 1334 as amended by the Senate, and the bill passed the House by the following vote: Yeas, 95; absent, 2; excused, 1.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Baugher, Beck, Belcher, Betzoff, Bowman, Braddock, Brekke, Bristow, Brooks, Brough, Brumsickle, Cantwell,

Chandler, Cole, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Fraser, Fuhrman, Grant, Hankins, Hargrove, Heavey, Hine, Holland, Horn, Insee, Jacobsen, Jesernig, Jones, King P, King R, Kremen, Leonard, Locke, May, McLean, Meyers R, Miller, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Padden, Patrick, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith, Sommers D, Sommers H, Spanel, Tate, Todd, Valle, Van Luven, Vekich, Walk, Walker, Wang, Wilson K, Wilson S, Wineberry, Winsley, Wolfe, Wood, Youngsman, Zellinsky, and Mr. Speaker - 95.

Absent: Representatives Haugen, Sprengle - 2.

Excused: Representative Gallagher - 1.

Engrossed House Bill No. 1334 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Mr. Ebersole, the House adjourned until 9:30 a.m., Friday, April 21, 1989.

JOSEPH E. KING, Speaker

ALAN THOMPSON, Chief Clerk

ONE HUNDRED-THIRD DAY

MORNING SESSION

House Chamber, Olympia, Friday, April 21, 1989

The House was called to order at 9:30 a.m. by the Speaker (Mr. O'Brien presiding). The Clerk called the roll and all members were present except Representative Gallagher, who was excused.

The flag was escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Danny Roberge and John Lin. Prayer was offered by The Reverend Michael Grimshaw, Minister of the First Church of the Nazarene of Bremerton.

Reading of the Journal of the previous day was dispensed with and it was ordered to stand approved.

CENTENNIAL MESSAGE FROM THE WASHINGTON STATE HISTORICAL SOCIETY

April 21, 1989

On this day in 1889, the Electric Light Company of Ellensburg announced that they would place twenty-five new arc lights to illuminate the city. Since the railroad was to illuminate its own shops and depot, Ellensburg would shortly become one of the best-lighted cities in the territory.

On April 21, 1950 the Northgate Shopping Mall in Seattle opened. This was the first regional shopping mall of the modern form.

On April 21, 1962 President John F. Kennedy opened the Seattle World's Fair. He was in Washington, D.C., and pressed the same telegraph key, made of a gold nugget, that had opened Seattle's 1909 Alaska Yukon Pacific Exhibition. Unlike the method of transmission in 1909, the key in 1962 sent a signal to a computer that focused a radio telescope on the star Cassiopeia, relaying the vibration to Seattle.

On this day in 1983 the Tacoma Dome, the largest wood-domed structure in the world (five hundred and thirty feet in diameter and one hundred and fifty-two feet tall) opened in Tacoma.

MESSAGES FROM THE SENATE

April 19, 1989

Mr. Speaker:

The Senate grants the request of the House for a conference on SECOND SUBSTITUTE SENATE BILL NO. 5372. The President has appointed the following members as conferees: Senators Nelson, Talmadge and Bluechel, and the same is herewith transmitted.

W. D. Naismith, Assistant Secretary.

April 21, 1989

Mr. Speaker:

The Senate receded from its position on SUBSTITUTE HOUSE BILL NO. 2024, and passed the bill without the Senate amendments, and the same is herewith transmitted.

W. D. Naismith, Assistant Secretary.

MESSAGE FROM THE GOVERNOR

April 19, 1989

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, Substitute House Bill No. 1774, entitled:

"AN ACT Relating to duties of operators and users of commercial ski areas."

This bill reduces the liability exposure of ski area operators and increases the responsibilities of those operators to warn skiers. The need for the emergency clause is not warranted due to the fact that the next ski season will not be starting until long after this bill has become effective in the ordinary course.

With the exception of section 7, Substitute House Bill No. 1774 is approved.

Respectfully submitted,
Booth Gardner, Governor.

There being no objection, the House advanced to the eighth order of business.

RESOLUTIONS

HOUSE FLOOR RESOLUTION NO. 89-4688, by Representatives O'Brien, Sayan, Patrick, Beck, Hine, Basich, Heavey, Padden, Prentice, Fraser, Belcher, Wood, Anderson, Appelwick, Ballard, Baugher, Betrozoff, Bowman, Braddock, Brekke, Bristow, Brooks, Brough, Brumsickle, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Ferguson, G. Fisher, R. Fisher, Fuhrman, Gallagher, Grant, Hankins, Hargrove, Haugen, Holland, Horn, Inslee, Jacobsen, Jesernig, Jones, J. King, P. King, R. King, Kremen, Leonard, Locke, May, McLean, R. Meyers, Miller, Morris, Moyer, H. Myers, Nealey, Nelson, Nutley, Peery, Phillips, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Schmidt, Schoon, Scott, Silver, Smith, D. Sommers, H. Sommers, Spanel, Sprenkle, Tate, Todd, Valle, Van Luven, Vekich, Walk, Walker, Wang, K. Wilson, S. Wilson, Wineberry, Winsley, Wolfe, Youngsman and Zellinsky

WHEREAS, For nearly one hundred years, Saint Martin's College has provided Washington State with graduates "...who endeavor to safeguard, foster, expand and disseminate knowledge and ideas, following a philosophy of education based upon Christian tradition and Benedictine ideals..."; and

WHEREAS, The challenge of Saint Martin's College to students and to citizens for "...ethical judgments based upon Judeo-Christian principles...in carrying out their personal and social responsibilities..." has remained an integral part of our community and social fabric during our first century of statehood; and

WHEREAS, The traditions and ideals of Saint Martin's College have been a positive influence in the State of Washington; and

WHEREAS, To expand student opportunities for an education of "...Christian tradition and Benedictine ideals..." the Alumni Association of Saint Martin's College will sponsor the first Saint Martin's Food and Wine Festival to provide funds for the expansion of the Saint Martin's Alumni Association Scholarship Program and will feature Washington State foods and wines on October 28, 1989;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State House of Representatives honor Saint Martin's College for its nearly one hundred years of education "...based upon Judeo-Christian principles..." and express certainty that the festival will afford more students the privilege of an education that is the heart and soul of Saint Martin's College; and

BE IT FURTHER RESOLVED, That copies of this Resolution be immediately transmitted by the Chief Clerk of the House of Representatives to Saint Martin's College.

Mr. Sayan moved adoption of the resolution. Representatives Sayan, Basich, Fraser and Rasmussen spoke in favor of the resolution.

With consent of the House, the rules were suspended and the names of all members of the House of Representatives were added as sponsors of the resolution.

House Floor Resolution No. 89-4688 was adopted.

HOUSE FLOOR RESOLUTION NO. 89-4685, by Representatives Cole, Patrick, Leonard, Vekich, O'Brien, Prentice, Wang, Jones, K. Wilson, Walker, Smith, Anderson, Appelwick, Ballard, Basich, Baugher, Beck, Belcher, Betrozoff, Bowman, Braddock, Brekke, Bristow, Brooks, Brough, Brumsickle, Cantwell, Chandler, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Ferguson, G. Fisher, R. Fisher, Fraser, Fuhrman, Gallagher, Grant, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Insee, Jacobsen, Jesernig, J. King, P. King, R. King, Kremen, Locke, May, McLean, R. Meyers, Miller, Morris, Moyer, H. Myers, Nealey, Nelson, Nutley, Padden, Peery, Phillips, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Schoon, Scott, Silver, D. Sommers, H. Sommers, Spanel, Sprenkle, Tate, Todd, Valle, Van Luven, Walk, S. Wilson, Wineberry, Winsley, Wolfe, Wood, Youngsman and Zellinsky

WHEREAS, Our nation and state were built by the labor of working people; and

WHEREAS, Millions of Americans and citizens of Washington have been injured or killed on the job; and

WHEREAS, The national American Federation of Labor-Congress of Industrial Organizations has designated April 28, 1989 as the first National Injured Worker Memorial Day in commemoration of the men and women who have sacrificed their lives and limbs in the course of their employment; and

WHEREAS, National Injured Worker Memorial Day is being officially celebrated in many states and localities; and

WHEREAS, The Washington State House of Representatives wishes to thank, remember and pay tribute to injured workers and their families and to encourage citizens of Washington to do the same; and

WHEREAS, The House of Representatives recognizes the need to promote workplace safety and encourage practices that will result in safe and healthy working environments for all employees;

NOW, THEREFORE, BE IT RESOLVED, By the Washington State House of Representatives, in legislative session assembled, That the House of Representatives support the designation of April 28 as Injured Worker Memorial Day in the state of Washington and urge all Washington citizens to observe and commemorate this day in tribute to injured workers and their families.

Ms. Cole moved adoption of the resolution. Representatives Cole and Patrick spoke in favor of the resolution.

On motion of Mr. Van Luven, the rules were suspended and the names of all members of the House of Representatives were added as sponsors of the resolution.

House Floor Resolution No. 89-4685 was adopted.

HOUSE FLOOR RESOLUTION NO. 89-4669, by Representatives Jacobsen, Betrozoff, Peery, Van Luven, Anderson, Appelwick, Ballard, Basich, Baugher, Beck, Belcher, Bowman, Braddock, Brekke, Bristow, Brooks, Brough, Brumsickle, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Ferguson, G. Fisher, R. Fisher, Fraser, Fuhrman, Gallagher, Grant, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Insee, Jesernig, Jones, J. King, P. King, R. King, Kremen, Leonard, Locke, May, McLean, R. Meyers, Miller, Morris, Moyer, H. Myers, Nealey, Nelson, Nutley, O'Brien, Padden, Patrick, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith, D. Sommers, H. Sommers, Spanel, Sprenkle, Tate, Todd, Valle, Vekich, Walk, Walker, Wang, K. Wilson, S. Wilson, Wineberry, Winsley, Wolfe, Wood, Youngsman and Zellinsky

WHEREAS, In 1981 the Washington State Legislature created the Washington Scholars Program to honor outstanding senior students from high schools in this state; and

WHEREAS, Three senior students are selected from each of the state's forty-nine Legislative Districts for their exceptional academic achievements, leadership abilities and contributions to their communities; and

WHEREAS, The students selected for special recognition as Washington Scholars in 1989 have distinguished themselves as student leaders and as enthusiastic

and energetic participators in diverse activities including music, drama, debate, art, sports, Junior Achievement and knowledge competitions; and

WHEREAS, These distinguished students have also contributed to the welfare of those less fortunate in their communities through volunteer efforts with organizations such as the Special Olympics, March of Dimes, Big Brothers, Big Sisters, community food drives and church groups; and

WHEREAS, The State of Washington benefits from the accomplishments of these caring and gifted individuals, not only in their roles as students, but also as citizens and future leaders of our communities and our state;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State House of Representatives honor and congratulate the Washington Scholars for their hard work, dedication and maturity in achieving this noteworthy accomplishment; and

BE IT FURTHER RESOLVED, That the families of these students be commended for their encouragement and support; and

BE IT FURTHER RESOLVED, That copies of this Resolution be immediately transmitted by the Chief Clerk of the House of Representatives to all of the Washington Scholars selected in 1989.

Mr. Jacobsen moved adoption of the resolution.

On motion of Mr. May, the rules were suspended and the names of all members of the House of Representatives were added as sponsors of the resolution.

Representatives Betrozoff, Holland, Peery, Schoon, Dorn and Leonard spoke in favor of the resolution.

House Floor Resolution No. 89-4669 was adopted.

MESSAGE FROM THE SENATE

April 19, 1989

Mr. Speaker:

The Senate has adopted the report of the Conference Committee on ENGROSSED HOUSE BILL NO. 1070, and has granted said committee the powers of Free Conference. The Report of the Conference Committee is herewith transmitted.

W. D. Naismith, Assistant Secretary.

REPORT OF CONFERENCE COMMITTEE

April 19, 1989

Mr. Speaker:

We of your Conference Committee to whom was referred ENGROSSED HOUSE BILL NO. 1070, revising procedures on criminal procedure, have had the same under consideration and we report that we are unable to agree, and we respectfully request the powers of Free Conference to amend the bill as follows:

Reject the Committee on Law & Justice amendment adopted April 6, 1989 (For committee amendment, see Journal, 100th Day, April 18, 1989.), and

Adopt the following amendment:

On page 1, beginning on line 5, strike all of section 1 and insert the following:

"Sec. 1. Section 2, chapter 42, Laws of 1955 as last amended by section 1, chapter 4, Laws of 1969 ex. sess. and RCW 9.95.062 are each amended to read as follows:

(1) Notwithstanding CrR 3.2 or RAP 7.2, an appeal by a defendant in a criminal action shall not stay the execution of the judgment of conviction, if the court determines by a preponderance of the evidence that:

(a) The defendant is likely to flee or to pose a danger to the safety of any other person or the community if the judgment is stayed; or

(b) The delay resulting from the stay will unduly diminish the deterrent effect of the punishment; or

(c) A stay of the judgment will cause unreasonable trauma to the victims of the crime or their families; or

(d) The defendant has not undertaken to the extent of the defendant's financial ability to pay the financial obligations under the judgment or has not posted an adequate performance bond to assure payment.

(2) In case the defendant has been convicted of a felony, and has been unable to ((furnish a bail bond)) obtain release pending the appeal by posting an appeal bond, cash, adequate security, release on personal recognizance, or any other conditions imposed by the court, the time ((he)) the defendant has been imprisoned pending the appeal shall be deducted from the

term for which ~~(he)~~ the defendant was ~~((therefore))~~ sentenced ~~((to the penitentiary))~~, if the judgment ~~((against him-be))~~ is affirmed."

Signed by Senators Pullen, Talmadge, Thorsness; Representatives Appelwick, Rector, Padden.

MOTION

On motion of Mr. Jesernig, the Report of the Conference Committee on Engrossed House Bill No. 1070 was adopted and the committee was granted the powers of Free Conference.

MESSAGE FROM THE SENATE

April 19, 1989

Mr. Speaker:

The Senate has adopted the report of the Conference Committee on ENGROSSED SUBSTITUTE HOUSE BILL NO. 2020, and has granted said committee the powers of Free Conference. The Report of the Conference Committee is herewith transmitted.

W. D. Naismith, Assistant Secretary.

REPORT OF CONFERENCE COMMITTEE

April 19, 1989

Mr. Speaker:

We of your Conference Committee to whom was referred ENGROSSED SUBSTITUTE HOUSE BILL NO. 2020, providing tuition and fee waivers for intercollegiate athletes to achieve gender equity, have had the same under consideration and we report that we are unable to agree, and we respectfully request the powers of Free Conference to amend the bill as follows:

Reject the Senate Committee on Ways & Means amendment which was adopted as amended on April 13, 1989 (For committee amendment, see Journal, 100th Day, April 18, 1989.), and

Adopt the following amendments:

Strike everything after the enacting clause and insert the following:

NEW SECTION, Sec. 1. The legislature finds that the ratio of women to men in intercollegiate athletics in Washington's higher education system is inequitable. It is the intent of the legislature, through additional tuition and fee waivers, to achieve gender equity in intercollegiate athletics.

Sec. 2. Section 1, chapter 262, Laws of 1979 ex. sess. as last amended by section 3, chapter 232, Laws of 1986 and RCW 28B.15.740 are each amended to read as follows:

(1) The boards of trustees or regents of each of the state's regional universities, The Evergreen State College, or state universities, and the various community colleges, consistent with regulations and procedures established by the state board for community college education, may waive, in whole or in part, tuition and services and activities fees subject to the limitations set forth in subsections (2) and (3).

(2) Except as provided in subsection (3) of this section, the total dollar amount of tuition and fee waivers awarded by any state university, regional university, or state college, shall not exceed four percent, and for the community colleges considered as a whole, such amount shall not exceed three percent of an amount determined by estimating the total collections from tuition and services and activities fees had no such waivers been made and deducting the portion of that total amount which is attributable to the difference between resident and nonresident fees: PROVIDED, That at least three-fourths of the dollars waived shall be for needy students who are eligible for resident tuition and fee rates pursuant to RCW 28B.15.012 through 28B.15.015: PROVIDED FURTHER, That the remainder of the dollars waived, not to exceed one-fourth of the total, may be applied to other students at the discretion of the board of trustees or regents, except on the basis of participation in intercollegiate athletic programs: PROVIDED FURTHER, That the waivers for undergraduate and graduate students of foreign nations under RCW 28B.15.556 are not subject to the limitation under this section.

(3) In addition to the tuition and fee waivers provided in subsection (2) of this section, a total dollar amount of tuition and fee waivers awarded by any state university, regional university, or state college, not to exceed one percent, as calculated in subsection (2) of this section, may be used for the purpose of achieving or maintaining gender equity in intercollegiate athletic programs. At any institution that has an underrepresented gender class in intercollegiate athletics, any such waivers shall be awarded:

(a) First, to members of the underrepresented gender class who participate in intercollegiate athletics, where such waivers result in saved or displaced money that can be used for athletic programs for the underrepresented gender class. Such saved or displaced money shall be used for programs for the underrepresented gender class; and

(b) Second, (i) to nonmembers of the underrepresented gender class who participate in intercollegiate athletics, where such waivers result in saved or displaced money that can be used for athletic programs for members of the underrepresented gender class. Such saved or displaced money shall be used for programs for the underrepresented gender class; or (ii) to members of the underrepresented gender class who participate in intercollegiate athletics, where such waivers do not result in any saved or displaced money that can be used for athletic programs for members of the underrepresented gender class.

NEW SECTION. Sec. 3. Institutions of higher education shall strive to accomplish the following goals:

(1) Provide the following benefits and services equitably to male and female athletes participating in intercollegiate athletic programs: Equipment and supplies; medical services; services and insurance; transportation and per diem allowances; opportunities to receive coaching and instruction; scholarships and other forms of financial aid; conditioning programs; laundry services; assignment of game officials; opportunities for competition, publicity, and awards; and scheduling of games and practice times, including use of courts, gyms, and pools. Each institution which provides showers, toilets, lockers, or training room facilities for athletic purposes shall provide access to comparable facilities for both males and females.

(2) Provide equitable intercollegiate athletic opportunities for male and female students including opportunities to participate and to receive the benefits of the services listed in subsection (1) of this section.

(3) Provide participants with female and male coaches and administrators to act as role models.

NEW SECTION. Sec. 4. (1) An institution of higher education may grant waivers for the purpose of achieving gender equity in intercollegiate athletic programs as authorized in section 2 of this act, for the 1990-91 academic year only if the institution's governing board has adopted a plan for complying with the provisions of section 3 of this act and submitted the plan to the higher education coordinating board.

(2) Beginning in the 1991-92 academic year, an institution of higher education shall not grant any waiver for the purpose of achieving gender equity in intercollegiate athletic programs as authorized in section 2 of this act unless the institution's plan has been approved by the higher education coordinating board.

(3) The plan shall include, but not be limited to:

(a) For any institution with an underrepresented gender class, provisions that ensure that by July 1, 1994, the institution shall provide athletic opportunities for the underrepresented gender class at a rate that meets or exceeds the rate at which that class participates in high school interscholastic athletics in Washington state not to exceed the point at which the underrepresented gender class is no longer underrepresented;

(b) Activities to be undertaken by the institution to increase participation rates of any underrepresented gender class in interscholastic and intercollegiate athletics. These activities may include, but are not limited to: Sponsoring equity conferences, coaches clinics and sports clinics; and taking a leadership role in working with athletic conferences to reduce barriers to participation by those gender classes in interscholastic and intercollegiate athletics;

(c) An identification of barriers to achieving and maintaining equitable intercollegiate athletic opportunities for men and women; and

(d) Measures to achieve institutional compliance with the provisions of section 3 of this act.

NEW SECTION. Sec. 5. (1) The higher education coordinating board shall report biennially, beginning December 1991, to the governor and the house of representatives and senate committees on higher education, on institutional efforts to comply with the requirements of sections 2 through 4 of this act. Each report shall include recommendations on measures to assist institutions with compliance. The first report shall also include a recommendation on whether to grant this waiver authority to community college governing boards.

(2) Before the board makes its report in December 1994, the board shall assess the extent of institutional compliance with the requirements of sections 2 through 4 of this act. The 1994 report shall include a recommendation on whether to continue this waiver authority.

NEW SECTION. Sec. 6. (1) As used in and for the limited purposes of sections 1 and 3 through 5 of this act and RCW 28B.15.740, 'underrepresented gender class' means female students or male students, where the ratio of participation of female or male students, respectively, in intercollegiate athletics is less than approximately the ratio of female to male students or male to female students, respectively, enrolled as undergraduates at an institution.

(2) As used in and for the limited purpose of subsection 4(b) of this act, an 'underrepresented gender class' in interscholastic athletics means female students or male students, where the ratio of participation of female or male students, respectively, in K-12 interscholastic athletics is less than approximately the ratio of female to male students or male to female students, respectively, enrolled in K-12 public schools in Washington.

NEW SECTION. Sec. 7. Nothing in this act shall be construed to excuse any institution from any more stringent requirement to achieve gender equity imposed by law, nor to permit any institution to decrease participation of any underrepresented gender class.

NEW SECTION. Sec. 8. Sections 1 and 3 through 6 of this act are each added to chapter 28B.15 RCW:

NEW SECTION. Sec. 9. This act shall expire on June 30, 1997.

NEW SECTION. Sec. 10. This act shall take effect July 1, 1990.

On page 1, line 2 of the title, after "equity;" strike the remainder of the title and insert "amending RCW 28B.15.740; adding new sections to chapter 28B.15 RCW; creating a new section; providing an effective date; and providing an expiration date."

Signed by Senators Saling, Stratton, Patterson; Representatives Jacobsen, Bristow, Miller.

MOTION

On motion of Mr. Jesernig, the Report of the Conference Committee on Engrossed Substitute House Bill No. 2020 was adopted and the committee was granted the powers of Free Conference.

REPORT OF CONFERENCE COMMITTEE

April 19, 1989

Mr. Speaker:

We of your Conference Committee to whom was referred SECOND SUBSTITUTE SENATE BILL NO. 5375, establishing a DNA identification system, have had the same under consideration and we report that we are unable to agree, and we respectfully request the powers of Free Conference to amend the bill as follows:

Reject the House Appropriations Committee striking amendment (For committee amendment, see Journal, 85th Day, April 3, 1989.); and

Adopt the following amendments:

Strike everything after the enacting clause and insert the following:

NEW SECTION. Sec. 1. The legislature finds that recent developments in molecular biology and genetics have important applications for forensic science. It has been scientifically established that there is a unique pattern to the chemical structure of the deoxyribonucleic acid (DNA) contained in each cell of the human body. The process for identifying this pattern is called 'DNA identification.'

The legislature further finds that the accuracy of identification provided by this method is superior to that of any presently existing technique and recognizes the importance of this scientific breakthrough in providing a reliable and accurate tool for the investigation and prosecution of sex offenses as defined in RCW 9.94A.030(26) and violent offenses as defined in RCW 9.94A.030(29).

NEW SECTION. Sec. 2. (1) To support criminal justice services in the local communities throughout this state, the state patrol in consultation with the University of Washington school of medicine shall develop a plan for and establish a DNA identification system. In implementing the plan, the state patrol shall purchase the appropriate equipment and supplies. The state patrol shall procure the most efficient equipment available.

(2) The DNA identification system as established shall be compatible with that utilized by the federal bureau of investigation.

(3) The state patrol and the University of Washington school of medicine shall report on the DNA identification system to the legislature no later than November 1, 1989. The report shall include a time line for implementing each stage, a local agency financial participation analysis, a system analysis, a full cost/purchase analysis, a vendor bid evaluation, and a space location analysis that includes a site determination. The state patrol shall coordinate the preparation of this report with the office of financial management.

NEW SECTION. Sec. 3. (1) An oversight committee shall recommend to the legislature by November 1, 1989, specific rules and procedures for the collection, analysis, storage, expungement, and use of DNA identification data. The rules and procedures shall be designed to protect the privacy interests of affected parties. The chief of the Washington state patrol or the chief's designee shall chair the committee which shall consist of forensic evidence, biomedical ethics, and civil liberties experts and eight legislators. The speaker of the house of representatives shall appoint four legislators from the judiciary committee and the president of the senate shall appoint four senators from the law and justice committee. The proposed rules and procedures shall be included in the November 1, 1989, report to the legislature.

(2) The Washington state patrol in cooperation with the University of Washington school of medicine shall also develop a program for the proper administration and collection of blood samples. This program shall include requirements that the blood samples be taken under sanitary conditions in a medically approved manner by a physician, registered nurse, or licensed phlebotomist.

NEW SECTION. Sec. 4. After July 1, 1990, every individual convicted in a Washington superior court of a felony defined as a sex offense under RCW 9.94A.030(26)(a) or a violent offense as defined in RCW 9.94A.030(29) shall have a blood sample drawn for purposes of DNA identification analysis before release from or transfer to a state correctional institution or county jail or detention facility. Any blood sample taken pursuant to sections 2 through 6 of this act shall be used solely for the purpose of providing DNA or other blood grouping tests for identification analysis and prosecution of a sex offense or a violent offense.

NEW SECTION. Sec. 5. The state patrol in consultation with the University of Washington school of medicine may:

(1) Provide DNA analysis services to law enforcement agencies throughout the state after July 1, 1990;

(2) Provide assistance to law enforcement officials and prosecutors in the preparation and utilization of DNA evidence for presentation in court; and

(3) Provide expert testimony in court on DNA evidentiary issues.

NEW SECTION. Sec. 6. (1) Except as provided in subsection (3) of this section, no local law enforcement agency may establish or operate a DNA identification system before July 1, 1990, and unless:

(a) The equipment of the local system is compatible with that of the state system under section 2 of this act;

(b) The local system is equipped to receive and answer inquiries from the Washington state patrol DNA identification system and transmit data to the Washington state patrol DNA identification system; and

(c) The procedure and rules for the collection, analysis, storage, expungement, and use of DNA identification data do not conflict with procedures and rules applicable to the state patrol DNA identification system.

(2) The Washington state patrol shall adopt rules to implement this section.

(3) Nothing in subsections (1) and (2) of this section shall prohibit a local law enforcement agency from performing DNA identification analysis in individual cases to assist law enforcement officials and prosecutors in the preparation and use of DNA evidence for presentation in court.

NEW SECTION. Sec. 7. Sections 1 through 6 of this act are each added to chapter 43.43 RCW.

NEW SECTION. Sec. 8. Any moneys received by the state from the federal bureau of justice assistance shall be used to conserve state funds if not inconsistent with the terms of the grant. To the extent that federal funds are available for the purposes of this act, state funds appropriated in this section shall lapse and revert to the general fund.

NEW SECTION. Sec. 9. The sum of six hundred ten thousand dollars, or as much thereof as may be necessary, is appropriated for the biennium ending June 30, 1991, from the general fund to the state patrol for the purposes of this act."

On page 1, line 1 of the title, after "identification," strike the remainder of the title and insert "adding new sections to chapter 43.43 RCW; creating a new section; and making an appropriation."

Signed by Senators Pullen, Talmadge; Representatives Appelwick, Inslee, Patrick.

MOTION

On motion of Mr. Jesernig, the Report of the Conference Committee on Second Substitute Senate Bill No. 5375 was adopted and the committee was granted the powers of Free Conference.

REPORT OF CONFERENCE COMMITTEE

April 17, 1989

Mr. Speaker:

We of your Conference Committee to whom was referred ENGROSSED SENATE BILL NO. 5833, amending the disposition and sentencing standards for juvenile offenders, have had the same under consideration and we report that we are unable to agree, and we respectfully request the powers of Free Conference to amend the bill as follows:

Adopt the House Judiciary Committee amendments (For committee amendments, see Journal, 78th Day, March 27, 1989.) with the following changes:

On page 22, after line 9 of the amendment, insert the following:

"Sec. 9. Section 61, chapter 291, Laws of 1977 ex. sess. as last amended by section 18, chapter 191, Laws of 1983 and RCW 13.40.070 are each amended to read as follows:

(1) Complaints referred to the juvenile court alleging the commission of an offense shall be referred directly to the prosecutor. The prosecutor, upon receipt of a complaint, shall screen the complaint to determine whether:

(a) The alleged facts bring the case within the jurisdiction of the court; and
 (b) On a basis of available evidence there is probable cause to believe that the juvenile did commit the offense.

(2) If the identical alleged acts constitute an offense under both the law of this state and an ordinance of any city or county of this state, state law shall govern the prosecutor's screening and charging decision for both filed and diverted cases.

(3) If the requirements of subsections (1) (a) and (b) of this section are met, the prosecutor shall either file an information in juvenile court or divert the case, as set forth in subsections (5), (6), and (7) of this section. If the prosecutor (~~neither files nor diverts the case, he~~) finds that the requirements of subsection (1) (a) and (b) of this section are not met, the prosecutor shall maintain a record, for one year, of such decision and the reasons therefor. In lieu of filing an information or diverting an offense a prosecutor may file a motion to modify community supervision where such offense constitutes a violation of community supervision.

(4) An information shall be a plain, concise, and definite written statement of the essential facts constituting the offense charged. It shall be signed by the prosecuting attorney and conform to chapter 10.37 RCW.

(5) Where a case is legally sufficient, the prosecutor shall file an information with the juvenile court if:

(a) An alleged offender is accused of a class A felony, a class B felony, an attempt to commit a class B felony, assault in the third degree, rape in the third degree, or any other offense listed in RCW 13.40.020(1) (b) or (c); or

(b) An alleged offender is accused of a felony and has a criminal history of at least one class A or class B felony, or two class C felonies, or at least two gross misdemeanors, or at least two misdemeanors and one additional misdemeanor or gross misdemeanor, or at least one class C felony and one misdemeanor or gross misdemeanor; or

(c) An alleged offender has been referred by a diversion unit for prosecution or desires prosecution instead of diversion; or

(d) An alleged offender has three or more diversions on the alleged offender's criminal history within eighteen months of the current alleged offense.

(6) Where a case is legally sufficient the prosecutor shall divert the case if the alleged offense is a misdemeanor or gross misdemeanor or violation and the alleged offense(s) in combination with the alleged offender's criminal history do not exceed (~~three~~) two offenses or violations and do not include any felonies: PROVIDED, That if the alleged offender is charged with a related offense that must or may be filed under subsections (5) and (7) of this section, a case under this subsection may also be filed.

(7) Where a case is legally sufficient and falls into neither subsection (5) nor (6) of this section, it may be filed or diverted. In deciding whether to file or divert an offense under this section the prosecutor shall be guided only by the length, seriousness, and recency of the alleged offender's criminal history and the circumstances surrounding the commission of the alleged offense.

(8) Whenever a juvenile is placed in custody or, where not placed in custody, referred to a diversionary interview, the parent or legal guardian of the juvenile shall be notified as soon as possible concerning the allegation made against the juvenile and the current status of the juvenile.

(9) The responsibilities of the prosecutor under subsections (1) through (8) of this section may be performed by a juvenile court probation counselor for any complaint referred to the court alleging the commission of an offense which would not be a felony if committed by an adult, if the prosecutor has given sufficient written notice to the juvenile court that the prosecutor will not review such complaints."

Renumber remaining section consecutively and correct any internal references accordingly

On page 22, line 19 of the title amendment, after "13.40.160," strike "and 13.40.280" and insert "13.40.280, and 13.40.070"

Signed by Senators Pullen, Talmadge; Representatives Appelwick, H. Myers, Tate.

MOTION

On motion of Mr. Jesernig, the Report of the Conference Committee on Engrossed Senate Bill No. 5833 was adopted and the committee was granted the powers of Free Conference.

RESOLUTION

HOUSE FLOOR RESOLUTION NO. 89-4687, by Representatives Heavey, Cantwell, May, Crane, Vekich, Patrick, Wood, Haugen, Valle, Beck, Sprenkle, Ferguson, Anderson, Appelwick, Ballard, Basich, Baugher, Belcher, Betzoff, Bowman, Braddock, Brekke, Bristow, Brooks, Brough, Brumsickle, Chandler, Cole, Cooper, Day, Dellwo, Dorn, Doty, Ebersole, G. Fisher, R. Fisher, Fraser, Fuhrman, Gallagher, Grant, Hankins, Hargrove, Hine, Holland, Horn, Insee, Jacobsen, Jesernig, Jones, J. King, P. King, R. King, Kremen, Leonard, Locke, McLean, R. Meyers, Miller, Morris, Moyer, H. Myers, Nealey, Nelson, Nutley, O'Brien, Padden, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith, D. Sommers, H. Sommers, Spanel, Tate, Todd, Van Luven, Walk, Walker, Wang, K. Wilson, S. Wilson, Wineberry, Winsley, Wolfe, Youngsman and Zellinsky

WHEREAS, The State of Washington enjoys a tremendous variety of geographical and cultural amenities which lend themselves to the development of a successful tourism base; and

WHEREAS, Tourism is an efficient and lucrative industry which brings significant economic benefits to the state and its residents; and

WHEREAS, The State of Washington has earned an excellent reputation for hosting major events, such as the NCAA Men's and Women's National Basketball Championships, the NBA Basketball All-Star game and the Major League Baseball All-Star game and, by such performance, has prompted consideration as a site for future such events; and

WHEREAS, The National Football League's Super Bowl Championship Game is the premier sporting event in the United States and one that provides its host region with nearly unprecedented exposure around the world; and

WHEREAS, The Super Bowl game is estimated to bring in an economic benefit in the range of one hundred seventy-five million dollars and, therefore, is of direct benefit to the people of the state; and

WHEREAS, The City of Seattle and representatives of Washington's public and private sector, in the spirit of cooperation, have formed a Seattle Super Bowl Host Committee which is most desirous of hosting the Super Bowl game in 1992; and

WHEREAS, The Seattle Super Bowl Host Committee's objective is to do whatever is necessary to ensure the National Football League of a most successful and enjoyable setting for its 1992 Super Bowl game;

NOW, THEREFORE, BE IT RESOLVED, That the State of Washington, recognizing the tremendous honor of being considered as a Super Bowl site and in support of the work and objectives of the Seattle Super Bowl Host Committee, extend to the National Football League a sincere invitation to enjoy Seattle and the many diverse attractions that exist in the great State of Washington as a site for the 1992 Super Bowl game.

Mr. Heavey moved adoption of the resolution. Representatives Heavey and Ferguson spoke in favor of the resolution.

On motion of Mr. Ferguson, the rules were suspended and the names of all members of the House of Representatives were added as sponsors of the resolution.

House Floor Resolution No. 89-4687 was adopted.

The Speaker (Mr. O'Brien presiding) declared the House to be at ease.

The Speaker (Mr. Heavey presiding) called the House to order.

The Speaker (Mr. Heavey presiding) declared the House to be at ease until 1:30 p.m.

AFTERNOON SESSION

The Speaker (Mr. O'Brien presiding) called the House to order at 1:40 p.m.

MESSAGES FROM THE SENATE

April 19, 1989

Mr. Speaker:

The Senate receded from its amendments to SUBSTITUTE HOUSE BILL NO. 1031, and passed the bill without said amendments, and the same is herewith transmitted.

Gordon A. Golob, Secretary.

April 21, 1989

Mr. Speaker:

The Senate receded from its position on SUBSTITUTE HOUSE BILL NO. 2024, and passed the bill without the Senate amendments, and the same is herewith transmitted.

W. D. Naismith, Assistant Secretary.

April 21, 1989

Mr. Speaker:

The Senate concurred in the House amendments to SENATE BILL NO. 5172, and passed the bill as amended by the House.

W. D. Naismith, Assistant Secretary.

April 21, 1989

Mr. Speaker:

The Senate concurred in the House amendments to SUBSTITUTE SENATE BILL NO. 5315, and passed the bill as amended by the House.

W. D. Naismith, Assistant Secretary.

April 21, 1989

Mr. Speaker:

The Senate grants the request of the House for a conference on SUBSTITUTE HOUSE BILL NO. 1457. The President has appointed the following members as conferees: Senators Pullen, Niemi and Nelson.

W. D. Naismith, Assistant Secretary.

April 21, 1989

Mr. Speaker:

The Senate grants the request of the House for a conference on ENGROSSED SUBSTITUTE HOUSE BILL NO. 1968. The President has appointed the following members as conferees: Senators Smith, Kreidler and Johnson.

W. D. Naismith, Assistant Secretary.

MESSAGE FROM THE GOVERNOR

April 20, 1989

To the Honorable, the House
of Representatives of the
State of Washington
Ladies and Gentlemen:

I have the honor to advise you that on April 20, 1989, Governor Gardner approved the following House Bills entitled:

HOUSE BILL NO. 1027: Relating to administration of the fisheries code;

HOUSE BILL NO. 1032: Relating to state general obligation bonds;

HOUSE BILL NO. 1033: Relating to approval of legislative budget committee vouchers;

SUBSTITUTE HOUSE BILL NO. 1067: Relating to technical changes in the state Health Insurance Coverage Access Act;

HOUSE BILL NO. 1220: Relating to contract projects by water and sewer districts;

HOUSE BILL NO. 1239: Relating to a pension plan exemption to the usury statutes;

SUBSTITUTE HOUSE BILL NO. 1252: Relating to registered nurses;

HOUSE BILL NO. 1573: Relating to the identification of levy reduction funds in the appropriations act;

HOUSE BILL NO. 1718: Relating to the Washington state patrol;

HOUSE BILL NO. 1885: Relating to technical clarifications of the judicial retirement system;

HOUSE BILL NO. 2045: Relating to the tax on special fuel.

Sincerely,
Terry Sebring, Counsel.

RESOLUTION

HOUSE FLOOR RESOLUTION NO. 89-4679, by Representatives Betrozoff, Heavey, Ballard, Hine, Anderson, Appelwick, Basich, Baugher, Beck, Belcher, Bowman, Braddock, Brekke, Bristow, Brooks, Brough, Brumsickle, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Ferguson, G. Fisher, R. Fisher, Fraser, Fuhrman, Gallagher, Grant, Hankins, Hargrove, Haugen, Holland, Horn, Insee, Jacobsen, Jesernig, Jones, J. King, P. King, R. King, Kremen, Leonard, Locke, May, McLean, R. Meyers, Miller, Morris, Moyer, H. Myers, Nealey, Nelson, Nutley, O'Brien, Padden, Patrick, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith, D. Sommers, H. Sommers, Spanel, Sprengle, Tate, Todd, Valle, Van Luven, Vekich, Walk, Walker, Wang, K. Wilson, S. Wilson, Wineberry, Winsley, Wolfe, Wood, Youngsman and Zellinsky

WHEREAS, The abuse of drugs and alcohol, especially among our youth, is a very significant public policy issue that is facing our state and nation; and

WHEREAS, The battle against drugs and alcohol abuse must be waged on every front by all of us through example, leadership and the sacrifice of our time and energy; and

WHEREAS, Olympic Gold Medalist Debbie Armstrong and Davis High School in Yakima have demonstrated these needed qualities through their program, the "Debbie Armstrong Youth Challenge: Say No! to Alcohol and Other Drugs"; and

WHEREAS, This extremely successful program invites Washington state public and private school students, grades six through twelve, to join in a signature drive to pledge to abstain from drugs and alcohol; and

WHEREAS, The Third Annual Debbie Armstrong Youth Challenge is sponsored by King 5 Television, New York Seltzer and Washington State Substance Abuse Coalition; and

WHEREAS, Last year, forty-four thousand six hundred eighty young people in one hundred fifty-two Washington schools pledged to abstain from harmful and illegal chemical substances which is twice the number of students who participated in the 1987 challenge; and

WHEREAS, This creative and exciting program is designed to give young people who have made the choice to abstain from drugs and alcohol an opportunity to be recognized by their peers and community and to reinforce their decisions to say no to drugs and alcohol; and

WHEREAS, Today the long-anticipated "Debbie Armstrong Youth Challenge Recognition Rally" will be held to honor the thirty-five thousand students in one hundred thirty-nine public and private schools who have taken the pledge in 1989;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State House of Representatives commend Debbie Armstrong, Davis High School, King 5 Television, Washington State Substance Abuse Coalition and New York Seltzer for dedicating their time and resources to make this Third Annual Debbie Armstrong Youth Challenge a great success; and

BE IT FURTHER RESOLVED, That the House of Representatives commend the thousands of students across Washington State who have taken this admirable and exemplary pledge to say no to drugs and alcohol; and

BE IT FURTHER RESOLVED, That copies of this Resolution be immediately transmitted by the Chief Clerk of the House of Representatives to Debbie Armstrong, King 5 Television, Washington State Substance Abuse Coalition, Davis High School of Yakima and New York Seltzer.

Mr. Betrozoff moved adoption of the resolution. Representatives Betrozoff and Heavey spoke in favor of the resolution.

On motion of Mr. Heavey, the rules were suspended and the names of all members of the House of Representatives were added as sponsors of the resolution.

House Floor Resolution No. 89-4679 was adopted.

SPEAKER'S PRIVILEGE

The Speaker (Mr. O'Brien presiding) recognized Miss Debbie Armstrong, who was seated in the place of honor in the rear of the House Chambers.

RESOLUTIONS

HOUSE FLOOR RESOLUTION NO. 89-4684, by Representatives K. Wilson and Sprenkle

WHEREAS, Snohomish High School won the Debbie Armstrong Youth Challenge Award sponsored by the Washington State Drug Abuse Coalition; and

WHEREAS, One hundred fifty-two schools in the state competed for the award; and

WHEREAS, Participating students signed pledges that they would not use drugs; and

WHEREAS, Forty-five thousand students in grades six through twelve participated in the program to say no to drugs and alcohol;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State House of Representatives recognize and honor Snohomish High School students for their achievement.

Ms. K. Wilson moved adoption of the resolution and spoke in favor of it.

House Floor Resolution No. 89-4684 was adopted.

HOUSE FLOOR RESOLUTION NO. 89-4689, by Representatives Ballard, Betrozoff and McLean

WHEREAS, As a part of Washington State's one-hundredth birthday celebration, the Winter Centennial Games were staged in Wenatchee, Lake Chelan and Leavenworth; and

WHEREAS, This exciting event attracted a total of 25,700 of the state's amateur athletes between the ages of thirteen and seventy-two and was televised in British Columbia and Alberta, Canada; parts of Montana, Idaho and Oregon; and all of Washington State; and

WHEREAS, The participants in this event exhibited great sportsmanship and exceptional athletic talent; and

WHEREAS, The venues and cities involved exemplified outstanding hospitality and the true centennial spirit; and

WHEREAS, All the volunteers, officials and organizational staff of the Washington State Games Foundation gave vigorously to the efforts of this celebration; and

WHEREAS, The Winter Centennial Games were well attended and were acclaimed by all to have been an overwhelming success; and

WHEREAS, The north central Washington area has merited praise and admiration from this body for a job well done;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State House of Representatives honor and extend its appreciation to the Washington Centennial Commission, the Washington State Games Foundation and to all who participated in these games and extend the wishes of the House to the City of Spokane for the same success for the 1989 Summer Centennial games; and

BE IT FURTHER RESOLVED, That copies of this Resolution be immediately transmitted by the Chief Clerk of the House of Representatives to the Washington Centennial Commission and the Washington State Games Foundation.

Mr. Ballard moved adoption of the resolution. Representatives Ballard, McLean and Betrozoff spoke in favor of the resolution.

House Floor Resolution No. 89-4689 was adopted.

MOTION

On motion of Ms. Cole, Representative Brække was excused.

SENATE AMENDMENTS TO HOUSE BILL

April 14, 1989

Mr. Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 1097 with the following amendments:

Strike everything after the enacting clause and insert the following:

*Sec. 1. Section 84.36.040, chapter 15, Laws of 1961 as last amended by section 1, chapter 31, Laws of 1987 and RCW 84.36.040 are each amended to read as follows:

(1) The real and personal property used by nonprofit ~~((t))~~ (a) day care centers as defined pursuant to RCW 74.15.020 ~~((as now or hereafter amended; (2)));~~ (b) free public libraries; ~~((3))~~ (c) orphanages and orphan asylums; ~~((4) homes for the aged; (5))~~ (d) homes for the sick or infirm; ~~((6))~~ (e) hospitals for the sick; and ~~((7))~~ (f) outpatient dialysis facilities, which are used for the purposes of such organizations shall be exempt from taxation: PROVIDED, That the benefit of the exemption inures to the user.

(2) To be exempt under this section, the property must be used exclusively for the purposes for which exemption is granted, except as provided in RCW 84.36.805.

NEW SECTION. Sec. 2. A new section is added to chapter 84.36 RCW, to be codified as RCW 84.36.041, to read as follows:

(1) All real and personal property used by a nonprofit home for the aging that is reasonably necessary for the purposes of the home is exempt from taxation if the benefit of the exemption inures to the home and:

(a) At least fifty percent of the occupied dwelling units in the home are occupied by eligible residents; or

(b) The home is subsidized under a federal department of housing and urban development program. The department of revenue shall provide by rule a definition of homes eligible for exemption under this subsection (b), consistent with the purposes of this section.

(2) A home for the aging is eligible for a partial exemption if the home does not meet the requirements of subsection (1) of this section because fewer than fifty percent of the occupied dwelling units are occupied by eligible residents. The amount of exemption shall be calculated by multiplying the assessed value of the property reasonably necessary for the purposes of the home by a fraction. The numerator of the fraction is the number of dwelling units occupied by eligible persons multiplied by two. The denominator of the fraction is the total number of occupied dwelling units. The fraction shall never exceed one.

(3) To be exempt under this section, the property must be used exclusively for the purposes for which the exemption is granted, except as provided in RCW 84.36.805.

(4) A home for the aging is exempt from taxation only if the organization operating the home is exempt from income tax under section 501(c) of the federal internal revenue code as existing on January 1, 1989, or such subsequent date as the director may provide by rule consistent with the purposes of this section.

(5) Each eligible resident of a home for the aging shall submit the form required under RCW 84.36.385 to the county assessor by July 1st of the assessment year. An eligible resident who has filed a form for a previous year need not file a new form until there is a change in status affecting the person's eligibility.

(6) In determining the true and fair value of a home for the aging for purposes of the partial exemption provided by subsection (2) of this section, the assessor shall apply the computation method provided by RCW 84.34.060 and shall consider only the use to which such property is applied during the years for which such partial exemptions are available and shall not consider potential uses of such property.

(7) A home for the aging that was exempt for taxes levied for collection in 1990 and is not fully exempt under this section is entitled to partial exemptions as follows:

(a) For taxes levied for collection in 1991, two-thirds of the assessed value that would otherwise be subject to tax under this section is exempt from taxation.

(b) For taxes levied for collection in 1992, one-third of the assessed value that would otherwise be subject to tax under this section is exempt from taxation.

(8) As used in this section:

(a) 'Eligible resident' means a person who would be eligible for an exemption under RCW 84.36.381 if the person owned a single-family dwelling. For the purposes of determining eligibility under this section, a 'cotenant' as used in RCW 84.36.383 means a person who resides with an eligible resident and who shares personal financial resources with the eligible resident.

(b) 'Home for the aging' means a residential housing facility that (i) provides a housing arrangement chosen voluntarily by the resident, the resident's guardian or conservator, or another responsible person; (ii) has only residents who are at least sixty-two years of age or who have needs for care generally compatible with persons who are at least sixty-two years

of age; and (iii) provides varying levels of care and supervision, as agreed to at the time of admission or as determined necessary at subsequent times of reappraisal.

Sec. 3. Section 6, chapter 40, Laws of 1973 2nd ex. sess. as amended by section 3, chapter 141, Laws of 1981 and RCW 84.36.800 are each amended to read as follows:

As used in RCW 84.36.020, 84.36.030, 84.36.037, 84.36.040, 84.36.041, 84.36.050, 84.36.060, (~~84.36.037~~) and 84.36.800 through 84.36.865:

(1) 'Church purposes' means the use of real and personal property owned by a nonprofit religious organization for religious worship or related administrative, educational, eleemosynary, and social activities. This definition is to be broadly construed;

(2) 'Convent' means a house or set of buildings occupied by a community of clergymen or nuns devoted to religious life under a superior;

(3) 'Hospital' means any portion of a hospital building, or other buildings in connection therewith, used as a residence for persons engaged or employed in the operation of a hospital, or operated as a portion of the hospital unit;

(4) 'Nonprofit' means an organization, association or corporation no part of the income of which is paid directly or indirectly to its members, stockholders, officers, directors or trustees except in the form of services rendered by the organization, association, or corporation in accordance with its purposes and bylaws and the salary or compensation paid to officers of such organization, association or corporation is for actual services rendered and compares to the salary or compensation of like positions within the public services of the state;

(5) 'Parsonage' means a residence occupied by a clergyman who is designated for a particular congregation and who holds regular services therefor.

Sec. 4. Section 7, chapter 40, Laws of 1973 2nd ex. sess. as last amended by section 1, chapter 468, Laws of 1987 and RCW 84.36.805 are each amended to read as follows:

In order to be exempt pursuant to RCW 84.36.030, 84.36.035, 84.36.037, 84.36.040, 84.36.041, 84.36.045, 84.36.047, 84.36.050, 84.36.060, 84.36.350, and 84.36.480, the nonprofit organizations, associations or corporations shall satisfy the following conditions:

(1) The property is used exclusively for the actual operation of the activity for which exemption is granted, unless otherwise provided, and does not exceed an amount reasonably necessary for that purpose, except:

(a) The loan or rental of the property does not subject the property to tax if:

(i) The rents and donations received for the use of the portion of the property are reasonable and do not exceed the maintenance and operation expenses attributable to the portion of the property loaned or rented; and

(ii) Except for the exemption under RCW 84.36.037, the property would be exempt from tax if owned by the organization to which it is loaned or rented;

(b) The use of the property for fund-raising activities does not subject the property to tax if the fund-raising activities are consistent with the purposes for which the exemption is granted;

(2) The property is irrevocably dedicated to the purpose for which exemption has been granted, and on the liquidation, dissolution, or abandonment by said organization, association, or corporation, said property will not inure directly or indirectly to the benefit of any shareholder or individual, except a nonprofit organization, association, or corporation which too would be entitled to property tax exemption: PROVIDED, That the property need not be irrevocably dedicated if it is leased or rented to those qualified for exemption pursuant to RCW 84.36.040 or 84.36.041 or those qualified for exemption as an association engaged in the production or performance of musical, dance, artistic, dramatic, or literary works pursuant to RCW 84.36.060, but only if under the terms of the lease or rental agreement the nonprofit organization, association, or corporation receives the benefit of the exemption;

(3) The facilities and services are available to all regardless of race, color, national origin or ancestry;

(4) The organization, association, or corporation is duly licensed or certified where such licensing or certification is required by law or regulation;

(5) Property sold to organizations, associations, or corporations with an option to be repurchased by the seller shall not qualify for exempt status;

(6) The director of the department of revenue shall have access to its books in order to determine whether such organization, association, or corporation is exempt from taxes within the intent of RCW 84.36.030, 84.36.035, 84.36.037, 84.36.040, 84.36.041, 84.36.045, 84.36.047, 84.36.050, 84.36.060, 84.36.350, and 84.36.480.

Sec. 5. Section 8, chapter 40, Laws of 1973 2nd ex. sess. as last amended by section 2, chapter 468, Laws of 1987 and RCW 84.36.810 are each amended to read as follows:

(1) Upon cessation of a use under which an exemption has been granted pursuant to RCW 84.36.030, 84.36.037, 84.36.040, 84.36.041, 84.36.050, and 84.36.060 (~~and 84.36.037~~), the county treasurer shall collect all taxes which would have been paid had the property not been exempt during the three years preceding, or the life of such exemption, if such be less, together with the interest at the same rate and computed in the same way as that upon delinquent property taxes: PROVIDED, That where the property has been granted an exemption for more than ten years, taxes and interest shall not be assessed under this section.

(2) Subsection (1) of this section applies only when ownership of the property is transferred or when fifty-one percent or more of the area of the property has lost its exempt status. The additional tax under subsection (1) of this section shall not be imposed if the cessation of use resulted solely from:

(a) Transfer to a nonprofit organization, association, or corporation for a use which also qualifies and is granted exemption under the provisions of chapter 84.36 RCW;

(b) A taking through the exercise of the power of eminent domain, or sale or transfer to an entity having the power of eminent domain in anticipation of the exercise of such power;

(c) Official action by an agency of the state of Washington or by the county or city within which the property is located which disallows the present use of such property;

(d) A natural disaster such as a flood, windstorm, earthquake, or other such calamity rather than by virtue of the act of the organization, association, or corporation changing the use of such property;

(e) Relocation of the activity and use of another location or site except for undeveloped properties of camp facilities exempted under RCW 84.36.030;

(f) Cancellation of a lease on property that had been exempt under RCW 84.36.040, 84.36.041, or 84.36.060;

(g) A change in the exempt portion of a home for the aging under RCW 84.36.041(2), as long as some portion of the home remains exempt;

(h) The conversion of a full exemption of a home for the aging to a partial exemption or taxable status under RCW 84.36.041(7).

Sec. 6. Section 2, chapter 182, Laws of 1974 ex. sess. as last amended by section 2, chapter 155, Laws of 1987 and RCW 84.36.383 are each amended to read as follows:

As used in RCW 84.36.381 through 84.36.389, except where the context clearly indicates a different meaning:

(1) The term 'residence' shall mean a single family dwelling unit whether such unit be separate or part of a multiunit dwelling, including the land on which such dwelling stands not to exceed one acre. The term shall also include a share ownership in a cooperative housing association, corporation, or partnership if the person claiming exemption can establish that his or her share represents the specific unit or portion of such structure in which he or she resides. The term shall also include a single family dwelling situated upon lands the fee of which is vested in the United States or any instrumentality thereof including an Indian tribe or in the state of Washington, and notwithstanding the provisions of RCW 84.04.080, 84.04.090 or 84.40-.250, such a residence shall be deemed real property.

(2) The term 'real property' shall also include a mobile home which has substantially lost its identity as a mobile unit by virtue of its being fixed in location upon land owned or leased by the owner of the mobile home and placed on a foundation (posts or blocks) with fixed pipe, connections with sewer, water, or other utilities: PROVIDED, That a mobile home located on land leased by the owner of the mobile home shall be subject, for tax billing, payment, and collection purposes, only to the personal property provisions of chapter 84.56 RCW and RCW 84.60.040.

(3) The term 'preceding calendar year' shall mean the calendar year preceding the year in which the claim for exemption is to be made.

(4) 'Department' shall mean the state department of revenue.

(5) 'Combined disposable income' means the disposable income of the person claiming the exemption, plus the disposable income of his or her spouse, and the disposable income of each cotenant occupying the residence for the preceding calendar year, less amounts paid by the person claiming the exemption or his or her spouse during the previous year for the treatment or care of either person in a nursing home.

(6) 'Disposable income' means adjusted gross income as defined in the federal internal revenue code, as amended prior to January 1, ~~((1980;))~~ 1989, or such subsequent date as the director may provide by rule consistent with the purpose of this section, plus all of the following items to the extent they are not included in or have been deducted from adjusted gross income:

(a) Capital gains;

(b) Amounts deducted for loss;

(c) Amounts deducted for depreciation;

(d) Pension and annuity receipts;

(e) Military pay and benefits other than attendant-care and medical-aid payments;

(f) Veterans benefits other than attendant-care and medical-aid payments;

(g) Federal social security act and railroad retirement benefits;

(h) Dividend receipts; and

(i) Interest received on state and municipal bonds.

(7) 'Cotenant' means a person who resides with the person claiming the exemption and who has an ownership interest in the residence.

NEW SECTION. Sec. 7. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 8. This act shall take effect April 1, 1990, and shall be effective for taxes levied for collection in 1991 and thereafter."

On page 1, line 1 of the title, after "aged;" strike the remainder of the title and insert "amending RCW 84.36.040, 84.36.800, 84.36.805, 84.36.810, and 84.36.383; adding a new section to chapter 84.36 RCW; and providing an effective date."

and the same is herewith transmitted.

W. D. Naismith, Assistant Secretary.

MOTION

Mr. Pruitt moved that the House do concur in the Senate amendments to Substitute House Bill No. 1097.

Representatives Pruitt and Holland spoke in favor of the motion, and it was carried.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

The Speaker (Mr. O'Brien presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1097 as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1097 as amended by the Senate, and the bill passed the House by the following vote: Yeas, 96; nays, 1; excused, 1.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Baugher, Beck, Belcher, Betrozoff, Bowman, Braddock, Brekke, Bristow, Brooks, Brough, Brumsickle, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Fraser, Fuhrman, Grant, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Inslee, Jacobsen, Jesernig, Jones, King P, King R, Kremen, Leonard, Locke, May, McLean, Meyers R, Miller, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Padden, Patrick, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith, Sommers H, Spanel, Sprengle, Tate, Todd, Valle, Van Luven, Vekich, Walk, Walker, Wang, Wilson K, Wilson S, Wineberry, Winsley, Wolfe, Wood, Youngsman, Zellinsky, and Mr. Speaker - 96.

Voting nay: Representative Sommers D - 1.

Excused: Representative Gallagher - 1.

Substitute House Bill No. 1097 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE SENATE

April 20, 1989

Mr. Speaker:

The Senate refuses to recede from its amendments to HOUSE BILL NO. 1354, insists on its position and asks the House to concur therein, and the same is herewith transmitted.

W. D. Naismith, Assistant Secretary.

MOTION

Ms. R. Fisher moved that the House refuse to concur in the Senate amendments to House Bill No. 1354 and ask the Senate for a conference thereon.

Representatives R. Fisher and McLean spoke in favor of the motion, and it was carried.

APPOINTMENT OF CONFEREES

The Speaker (Mr. O'Brien presiding) appointed Representatives Fraser, Anderson and McLean as conferees on House Bill No. 1354.

MESSAGE FROM THE SENATE

April 20, 1989

Mr. Speaker:

The Senate refuses to recede from its amendments to SUBSTITUTE HOUSE BILL NO. 1624, adheres to its position and asks the House to concur therein, and the same is herewith transmitted.

W. D. Naismith, Assistant Secretary.

MOTION

Ms. K. Wilson moved that the House insist on its position regarding the Senate amendments to Substitute House Bill No. 1624 and again ask the Senate to recede therefrom.

Ms. K. Wilson spoke in favor of the motion, and it was carried.

The Speaker assumed the Chair.

MESSAGE FROM THE SENATE

April 17, 1989

Mr. Speaker:

The Senate refuses to concur in the House amendments to ENGROSSED SENATE BILL NO. 5215, and asks the House to recede therefrom, and the same is herewith transmitted.

W. D. Naismith, Assistant Secretary.

MOTION

Mr. Jacobsen moved that the House insist on its position regarding the House amendments to Engrossed Senate Bill No. 5215 and once again ask the Senate to concur therein. The motion was carried.

SENATE AMENDMENTS TO HOUSE BILL

April 7, 1989

Mr. Speaker:

The Senate has passed HOUSE BILL NO. 2016 with the following amendments:

On page 1, after line 26, insert the following:

*Sec. 2. Section 2, chapter 226, Laws of 1975 1st ex. sess. and RCW 28A.85.020 are each amended to read as follows:

The superintendent of public instruction shall develop regulations and guidelines to eliminate sex discrimination as it applies to public school employment, counseling and guidance services to students, recreational and athletic activities for students, access to course offerings, and in textbooks and instructional materials used by students.

(1) Specifically with respect to public school employment, all schools shall be required to:

(a) Maintain credential requirements for all personnel without regard to sex;

(b) Make no differentiation in pay scale on the basis of sex;

(c) Assign school duties without regard to sex except where such assignment would involve duty in areas or situations, such as but not limited to a shower room, where persons might be disrobed.

(d) Provide the same opportunities for advancement to males and females; and

(e) Make no difference in conditions of employment including, but not limited to, hiring practices, leaves of absence, hours of employment, and assignment of, or pay for, instructional and noninstructional duties, on the basis of sex.

(2) Specifically with respect to counseling and guidance services for students, they shall be made available to all students equally. All certificated personnel shall be required to stress access to all career and vocational opportunities to students without regard to sex.

(3) Specifically with respect to recreational and athletic activities, they shall be offered to all students without regard to sex. Schools may provide separate teams for each sex in grades four through twelve if (a) it can clearly be shown, under the factual circumstances involved in the particular case, that the maintenance of separate teams for boys and girls truly constitutes the best method of providing both sexes, as a whole, with an equal opportunity to participate in the sports or games of their choice and (b) at the same time, a test of substantial equality between the two programs can be found to have been met.

(4) Schools which provide the following shall do so with no disparities based on sex: Equipment and supplies; medical care; services and insurance; transportation and per diem allowances; opportunities to receive coaching and instruction; laundry services; assignment of game officials; opportunities for competition, publicity and awards; scheduling of games and practice times including use of courts, gyms, and pools: PROVIDED, That such scheduling of games and practice times shall be determined by local administrative authorities after consideration of the public and student interest in attending and participating in various recreational and athletic activities. Each school which provides showers, toilets, or training room facilities for athletic purposes shall provide comparable facilities for both sexes. Such facilities may be provided either as separate facilities or shall be scheduled and used separately by each sex.

The superintendent of public instruction shall also be required to develop a student survey to distribute every three years to each local school district in the state to determine student interest for male/female participation in specific sports.

((4)) (5) Specifically with respect to course offerings, all classes shall be required to be available to all students without regard to sex: PROVIDED, That separation is permitted within any class during sessions on sex education or gym classes.

((5)) (6) Specifically with respect to textbooks and instructional materials, which shall also include, but not be limited to, reference books and audio-visual materials, they shall be required to adhere to the guidelines developed by the superintendent of public instruction to implement the intent of this chapter: PROVIDED, That this subsection shall not be construed to prohibit the introduction of material deemed appropriate by the instructor for educational purposes."

On page 1, line 1 of the title, after "athletics," insert "amending RCW 28A.85.020;" and the same is herewith transmitted.

W. D. Naismith, Assistant Secretary.

MOTION

Mr. Jacobsen moved that the House do concur in the Senate amendments to House Bill No. 2016.

POINT OF ORDER

Ms. Cole: I request a ruling on the scope and object of the Senate amendments.

ANNOUNCEMENT BY THE SPEAKER

The Speaker deferred further consideration of House Bill No. 2016.

MESSAGE FROM THE SENATE

April 21, 1989

Mr. Speaker:

The Senate has adopted the report of the Conference Committee on ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1793, and has granted said committee the powers of Free Conference. The Report of the Conference Committee is herewith transmitted.

W. D. Naismith, Assistant Secretary.

REPORT OF CONFERENCE COMMITTEE

April 20, 1989

Mr. Speaker:

We of your Conference Committee to whom was referred ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1793, creating the Omnibus Alcohol and Controlled Substance Act of 1989, have had the same under consideration and we report that we are unable to agree, and we respectfully request the powers of Free Conference to amend the bill as follows:

Reject the Senate Committee on Ways & Means amendment adopted as amended on March 29, 1989, (For committee amendment, see Journal, 94th Day, April 12, 1989.), and

Adopt the following amendments:

Strike everything after the enacting clause and insert the following:

"INDEX

Part I. Criminal Penalties

- A. Crimes and Penalties
- B. Juvenile Offenders Structured Residential Program
- C. Juvenile Driver's License Revocation

Part II. Prevention, Investigation, and Procedure

- A. One-Party Consent
- B. Monitoring of Inmate Telephone Calls
- C. Property Forfeiture
- D. Off-Limits Orders
- E. Drug Site Cleanup
- F. Keg Registration
- G. Special Narcotics Enforcement Unit
- H. State-wide Drug Prosecution Assistance Program
- I. Neighborhood Blight
- J. School Official Searches of Student Lockers

Part III. Social Programs and Education

- A. Involuntary Treatment
- B. Drug and Alcohol Abuse Prevention and Early Intervention in Schools

C. Community Mobilization
 Part IV. Appropriations
 Part V. Revenue Provisions
 Part VI. Miscellaneous

PART I
 CRIMINAL PENALTIES
 SUBPART A
 CRIMES AND PENALTIES

Sec. 101. Section 2, chapter 115, Laws of 1983 as last amended by section 1, chapter 218, Laws of 1988 and RCW 9.94A.310 are each amended to read as follows:

(1)
 TABLE 1
 Sentencing Grid

SERIOUSNESS SCORE	OFFENDER SCORE									
	0	1	2	3	4	5	6	7	8	9 or more
XIV	Life Sentence without Parole/Death Penalty									
XIII	23y4m 240- 320	24y4m 250- 333	25y4m 261- 347	26y4m 271- 361	27y4m 281- 374	28y4m 291- 388	30y4m 312- 416	32y10m 338- 450	36y 370- 493	40y 411- 548
XII	12y 123- 164	13y 134- 178	14y 144- 192	15y 154- 205	16y 165- 219	17y 175- 233	19y 195- 260	21y 216- 288	25y 257- 342	29y 298- 397
XI	6y 62- 82	6y9m 69- 92	7y6m 77- 102	8y3m 85- 113	9y 93- 123	9y9m 100- 133	12y6m 129- 171	13y6m 139- 185	15y6m 159- 212	17y6m 180- 240
X	5y 51- 68	5y6m 57- 75	6y 62- 82	6y6m 67- 89	7y 72- 96	7y6m 77- 102	9y6m 98- 130	10y6m 108- 144	12y6m 129- 171	14y6m 149- 198
IX	3y 31- 41	3y6m 36- 48	4y 41- 54	4y6m 46- 61	5y 51- 68	5y6m 57- 75	7y6m 77- 102	8y6m 87- 116	10y6m 108- 144	12y6m 129- 171
VIII	2y 21- 27	2y6m 26- 34	3y 31- 41	3y6m 36- 48	4y 41- 54	4y6m 46- 61	6y6m 67- 89	7y6m 77- 102	8y6m 87- 116	10y6m 108- 144
VII	18m 15- 20	2y 21- 27	2y6m 26- 34	3y 31- 41	3y6m 36- 48	4y 41- 54	5y6m 57- 75	6y6m 67- 89	7y6m 77- 102	8y6m 87- 116
VI	13m 12+- 14	18m 15- 20	2y 21- 27	2y6m 26- 34	3y 31- 41	3y6m 36- 48	4y6m 46- 61	5y6m 57- 75	6y6m 67- 89	7y6m 77- 102
V	9m 6- 12	13m 12+- 14	15m 13- 17	18m 15- 20	2y2m 22- 29	3y2m 33- 43	4y 41- 54	5y 51- 68	6y 62- 82	7y 72- 96
IV	6m 3- 9	9m 6- 12	13m 12+- 14	15m 13- 17	18m 15- 20	2y2m 22- 29	3y2m 33- 43	4y2m 43- 57	5y2m 53- 70	6y2m 63- 84
III	2m 1- 3	5m 3- 8	8m 4- 12	11m 9- 12	14m 12+- 16	20m 17- 22	2y2m 22- 29	3y2m 33- 43	4y2m 43- 57	5y 51- 68
II		4m 0-90 Days 6	6m 3- 9	8m 4- 12	13m 12+- 14	16m 14- 18	20m 17- 22	2y2m 22- 29	3y2m 33- 43	4y2m 43- 57
I			3m	4m	5m	8m	13m	16m	20m	2y2m

SERIOUSNESS
SCORE

OFFENDER SCORE

0	1	2	3	4	5	6	7	8	9 or more
0-60	0-90	2-	2-	3-	4-	12+-	14-	17-	22-
Days	Days	5	6	8	12	14	18	22	29

NOTE: Numbers in the first horizontal row of each seriousness category represent sentencing midpoints in years(y) and months(m). Numbers in the second and third rows represent presumptive sentencing ranges in months, or in days if so designated. 12+ equals one year and one day.

(2) For persons convicted of the anticipatory offenses of criminal attempt, solicitation, or conspiracy under chapter 9A.28 RCW, the presumptive sentence is determined by locating the sentencing grid sentence range defined by the appropriate offender score and the seriousness level of the completed crime, and multiplying the range by 75 percent.

(3) The following additional times shall be added to the presumptive sentence if the offender or an accomplice was armed with a deadly weapon as defined in this chapter and the offender is being sentenced for one of the crimes listed in this subsection. If the offender or an accomplice was armed with a deadly weapon and the offender is being sentenced for an anticipatory offense under chapter 9A.28 RCW to commit one of the crimes listed in this subsection, the following times shall be added to the presumptive range determined under subsection (2) of this section:

(a) 24 months for Rape 1 (RCW 9A.44.040), Robbery 1 (RCW 9A.56.200), or Kidnapping 1 (RCW 9A.40.020)

(b) 18 months for Burglary 1 (RCW 9A.52.020)

(c) 12 months for Assault 2 (RCW 9A.36.020 or 9A.36.021), Escape 1 (RCW 9A.76.110), Kidnapping 2 (RCW 9A.40.030), Burglary 2 of a building other than a dwelling (RCW 9A.52.030), Theft of Livestock 1 or 2 (RCW 9A.56.080), or any drug offense.

(4) An additional twenty-four months shall be added to the presumptive sentence for any ranked offense involving a violation of chapter 69.50 RCW if the offense was also a violation of section 112 of this 1989 act.

Sec. 102. Section 2, chapter 62, Laws of 1988, section 12, chapter 145, Laws of 1988, section 2, chapter 218, Laws of 1988 and RCW 9.94A.320 are each reenacted and amended to read as follows:

TABLE 2
CRIMES INCLUDED WITHIN EACH SERIOUSNESS LEVEL

XIV	Aggravated Murder 1 (RCW 10.95.020)
XIII	Murder 1 (RCW 9A.32.030) Homicide by abuse (RCW 9A.32.055)
XII	Murder 2 (RCW 9A.32.050)
XI	Assault 1 (RCW 9A.36.011)
X	Kidnapping 1 (RCW 9A.40.020) Rape 1 (RCW 9A.44.040) Rape of a Child 1 (RCW 9A.44.073) Damaging building, etc., by explosion with threat to human being (RCW 70.74.280(1)) Over 18 and deliver heroin or narcotic from Schedule I or II to someone under 18 ((and 3 years junior)) (RCW 69.50.406) Leading Organized Crime (RCW 9A.82.060(1)(a))
IX	Robbery 1 (RCW 9A.56.200) Manslaughter 1 (RCW 9A.32.060) Explosive devices prohibited (RCW 70.74.180) Endangering life and property by explosives with threat to human being (RCW 70.74.270) Over 18 and deliver narcotic from Schedule III, IV, or V or a nonnarcotic from Schedule I-V to someone under 18 and 3 years junior (RCW 69.50.406) Sexual Exploitation, Under 16 (RCW 9.68A.040(2)(a)) Inciting Criminal Profiteering (RCW 9A.82.060(1)(b))
VIII	Arson 1 (RCW 9A.48.020) Rape 2 (RCW 9A.44.050) Rape of a Child 2 (RCW 9A.44.076) Child Molestation 1 (RCW 9A.44.083) Promoting Prostitution 1 (RCW 9A.88.070) Selling heroin for profit (RCW 69.50.410) <u>Manufacture, deliver, or possess with intent to deliver heroin or cocaine (RCW 69.50.401(a)(1)(i))</u>

- Manufacture, deliver, or possess with intent to deliver methamphetamine (RCW 69.50.401(a)(1)(ii))
- VII Burglary 1 (RCW 9A.52.020)
 Vehicular Homicide (RCW 46.61.520)
 Introducing Contraband 1 (RCW 9A.76.140)
 Indecent Liberties (with forcible compulsion) (RCW 9A.44.100(1)(a))
 Sexual Exploitation, Under 18 (RCW 9.68A.040(2)(b))
 Dealing in depictions of minor engaged in sexually explicit conduct (RCW 9.68A.050)
 Sending, bringing into state depictions of minor engaged in sexually explicit conduct (RCW 9.68A.060)
- VI Bribery (RCW 9A.68.010)
 Manslaughter 2 (RCW 9A.32.070)
 Child Molestation 2 (RCW 9A.44.086)
 Intimidating a Juror/Witness (RCW 9A.72.110, 9A.72.130)
 Damaging building, etc., by explosion with no threat to human being (RCW 70.74.280(2))
 Endangering life and property by explosives with no threat to human being (RCW 70.74.270)
 Indecent Liberties (without forcible compulsion) (RCW 9A.44.100(1)(b))
 Incest 1 (RCW 9A.64.020(1))
 Selling for profit (controlled or counterfeit) any controlled substance (except heroin) (RCW 69.50.410)
 Manufacture, deliver, or possess with intent to deliver (~~heroin or~~) narcotics from Schedule I or II (except heroin or cocaine) (RCW 69.50.401(a)(1)(i))
- V Intimidating a Judge (RCW 9A.72.160)
 Criminal Mistreatment 1 (RCW 9A.42.020)
 Rape 3 (RCW 9A.44.060)
 Kidnapping 2 (RCW 9A.40.030)
 Extortion 1 (RCW 9A.56.120)
 Incest 2 (RCW 9A.64.020(2))
 Perjury 1 (RCW 9A.72.020)
 Extortionate Extension of Credit (RCW 9A.82.020)
 Advancing money or property for extortionate extension of credit (RCW 9A.82.030)
 Extortionate Means to Collect Extensions of Credit (RCW 9A.82.040)
 Rendering Criminal Assistance 1 (RCW 9A.76.070)
- IV Theft of Livestock 1 (RCW 9A.56.080)
 Robbery 2 (RCW 9A.56.210)
 Assault 2 (RCW 9A.36.021)
 Escape 1 (RCW 9A.76.110)
 Arson 2 (RCW 9A.48.030)
 Rape of a Child 3 (RCW 9A.44.079)
 Bribing a Witness/Bribe Received by Witness (RCW 9A.72.090, 9A.72.100)
 Malicious Harassment (RCW 9A.36.080)
 Willful Failure to Return from Furlough (RCW 72.66.060)
 Hit and Run -- Injury Accident (RCW 46.52.020(4))
 Vehicular Assault (RCW 46.61.522)
 Manufacture, deliver, or possess with intent to deliver narcotics from Schedule III, IV, or V or nonnarcotics from Schedule I-V (except marijuana or methamphetamines) (RCW 69.50.401(a)(1)(ii) through (iv))
 Influencing Outcome of Sporting Event (RCW 9A.82.070)
 Use of Proceeds of Criminal Profiteering (RCW 9A.82.080 (1) and (2))
 Knowingly Trafficking in Stolen Property (RCW 9A.82.050(2))
- III Criminal mistreatment 2 (RCW 9A.42.030)
 Sexual Misconduct with a Minor 1 (RCW 9A.44.093)
 Child Molestation 3 (RCW 9A.44.089)
 Extortion 2 (RCW 9A.56.130)
 Unlawful Imprisonment (RCW 9A.40.040)
 Assault 3 (RCW 9A.36.031)
 Unlawful possession of firearm or pistol by felon (RCW 9.41.040)
 Harassment (RCW 9A.46.020)
 Promoting Prostitution 2 (RCW 9A.88.080)
 Willful Failure to Return from Work Release (RCW 72.65.070)
 Introducing Contraband 2 (RCW 9A.76.150)
 Communication with a Minor for Immoral Purposes (RCW 9.68A.090)
 Patronizing a Juvenile Prostitute (RCW 9.68A.100)
 Escape 2 (RCW 9A.76.120)
 Perjury 2 (RCW 9A.72.030)

- Intimidating a Public Servant (RCW 9A.76.180)
- Tampering with a Witness (RCW 9A.72.120)
- Manufacture, deliver, or possess with intent to deliver marijuana (RCW 69.50.401(a)(1)(ii))
- Recklessly Trafficking in Stolen Property (RCW 9A.82.050(1))
- Theft of livestock 1 (RCW 9A.56.080)
- II Malicious Mischief 1 (RCW 9A.48.070)
- Possession of Stolen Property 1 (RCW 9A.56.150)
- Theft 1 (RCW 9A.56.030)
- Burglary 2 (RCW 9A.52.030)
- Possession of controlled substance that is either heroin or narcotics from Schedule I or II (RCW 69.50.401(d))
- Possession of phencyclidine (PCP) (RCW 69.50.401(d))
- Create, deliver, or possess a counterfeit controlled substance (RCW 69.50.401(b))
- Computer Trespass 1 (RCW 9A.52.110)
- Reckless Endangerment 1 (RCW 9A.36.— (section 109 of this 1989 act))
- I Theft 2 (RCW 9A.56.040)
- Possession of Stolen Property 2 (RCW 9A.56.160)
- Forgery (RCW 9A.60.020)
- Taking Motor Vehicle Without Permission (RCW 9A.56.070)
- Vehicle Prowl 1 (RCW 9A.52.095)
- Attempting to Elude a Pursuing Police Vehicle (RCW 46.61.024)
- Malicious Mischief 2 (RCW 9A.48.080)
- Reckless Burning 1 (RCW 9A.48.040)
- Unlawful Issuance of Checks or Drafts (RCW 9A.56.060)
- Unlawful Use of Food Stamps (RCW 9.91.140 (2) and (3))
- False Verification for Welfare (RCW 74.08.055)
- Forged Prescription (RCW 69.41.020)
- Forged Prescription for a Controlled Substance (RCW 69.50.403)
- Possess Controlled Substance that is a Narcotic from Schedule III, IV, or V or Non-narcotic from Schedule I-V (except phencyclidine) (RCW 69.50.401(d))

Sec. 103. Section 7, chapter 115, Laws of 1983 as last amended by section 12, chapter 153, Laws of 1988 and by section 3, chapter 157, Laws of 1988 and RCW 9.94A.360 are each reenacted and amended to read as follows:

The offender score is measured on the horizontal axis of the sentencing grid. The offender score rules are as follows:

The offender score is the sum of points accrued under this section rounded down to the nearest whole number.

(1) A prior conviction is a conviction which exists before the date of sentencing for the offense for which the offender score is being computed. Convictions entered or sentenced on the same date as the conviction for which the offender score is being computed shall be deemed 'other current offenses' within the meaning of RCW 9.94A.400.

(2) Except as provided in subsection (4) of this section, class A prior felony convictions shall always be included in the offender score. Class B prior felony convictions shall not be included in the offender score, if since the last date of release from confinement (including full-time residential treatment) pursuant to a felony conviction, if any, or entry of judgment and sentence, the offender had spent ten consecutive years in the community without being convicted of any felonies. Class C prior felony convictions shall not be included in the offender score if, since the last date of release from confinement (including full-time residential treatment) pursuant to a felony conviction, if any, or entry of judgment and sentence, the offender had spent five consecutive years in the community without being convicted of any felonies. Serious traffic convictions shall not be included in the offender score if, since the last date of release from confinement (including full-time residential treatment) pursuant to a felony conviction, if any, or entry of judgment and sentence, the offender spent five years in the community without being convicted of any serious traffic or felony traffic offenses. This subsection applies to both adult and juvenile prior convictions.

(3) Out-of-state convictions for offenses shall be classified according to the comparable offense definitions and sentences provided by Washington law.

(4) Include class A juvenile felonies only if the offender was 15 or older at the time the juvenile offense was committed. Include class B and C juvenile felony convictions only if the offender was 15 or older at the time the juvenile offense was committed and the offender was less than 23 at the time the offense for which he or she is being sentenced was committed.

(5) Score prior convictions for felony anticipatory offenses (attempts, criminal solicitations, and criminal conspiracies) the same as if they were convictions for completed offenses.

(6) In the case of multiple prior convictions, for the purpose of computing the offender score, count all convictions separately, except:

(a) Prior adult offenses which were found, under RCW 9.94A.400(1)(a), to encompass the same criminal conduct, shall be counted as one offense, the offense that yields the highest

offender score. The current sentencing court shall determine with respect to other prior adult offenses for which sentences were served concurrently whether those offenses shall be counted as one offense or as separate offenses, and if the court finds that they shall be counted as one offense, then the offense that yields the highest offender score shall be used.

(b) Juvenile prior convictions entered or sentenced on the same date shall count as one offense, the offense that yields the highest offender score; and

(c) In the case of multiple prior convictions for offenses committed before July 1, 1986, for the purpose of computing the offender score, count all adult convictions served concurrently as one offense, and count all juvenile convictions entered on the same date as one offense. Use the conviction for the offense that yields the highest offender score.

(7) If the present conviction is one of the anticipatory offenses of criminal attempt, solicitation, or conspiracy, count each prior conviction as if the present conviction were for a completed offense.

(8) If the present conviction is for a nonviolent offense and not covered by subsection (12) or (13) of this section, count one point for each adult prior felony conviction and one point for each juvenile prior violent felony conviction and 1/2 point for each juvenile prior nonviolent felony conviction.

(9) If the present conviction is for a violent offense and not covered in subsection (10), (11), (12), or (13) of this section, count two points for each prior adult and juvenile violent felony conviction, one point for each prior adult nonviolent felony conviction, and 1/2 point for each prior juvenile nonviolent felony conviction.

(10) If the present conviction is for Murder 1 or 2, Assault 1, Kidnaping 1, Homicide by Abuse, or Rape 1, count three points for prior adult and juvenile convictions for crimes in these categories, two points for each prior adult and juvenile violent conviction (not already counted), one point for each prior adult nonviolent felony conviction, and 1/2 point for each prior juvenile nonviolent felony conviction.

(11) If the present conviction is for Burglary 1, count prior convictions as in subsection (9) of this section; however count two points for each prior adult Burglary 2 conviction, and one point for each prior juvenile Burglary 2 conviction.

(12) If the present conviction is for a felony traffic offense count two points for each adult or juvenile prior conviction for Vehicular Homicide or Vehicular Assault; for each felony offense or serious traffic offense, count one point for each adult and 1/2 point for each juvenile prior conviction.

(13) If the present conviction is for a drug offense count ~~((two))~~ three points for each adult prior felony drug offense conviction and ~~((one))~~ two points for each juvenile drug offense. All other adult and juvenile felonies are scored as in subsection (9) of this section if the current drug offense is violent, or as in subsection (8) of this section if the current drug offense is nonviolent.

(14) If the present conviction is for Willful Failure to Return from Furlough, RCW 72.66.060, or Willful Failure to Return from Work Release, RCW 72.65.070, count only prior escape convictions in the offender score. Count adult prior escape convictions as one point and juvenile prior escape convictions as 1/2 point.

(15) If the present conviction is for Escape 1, RCW 9A.76.110, or Escape 2, RCW 9A.76.120, count adult prior convictions as one point and juvenile prior convictions as 1/2 point.

(16) If the present conviction is for Burglary 2, count priors as in subsection (8) of this section; however, count two points for each adult and juvenile prior Burglary 1 conviction, two points for each adult prior Burglary 2 conviction, and one point for each juvenile prior Burglary 2 conviction.

(17) If the present conviction is for an offense committed while the offender was under community placement, add one point.

Sec. 104, Section 69.50.401, chapter 308, Laws of 1971 ex. sess. as last amended by section 4, chapter 458, Laws of 1987 and RCW 69.50.401 are each amended to read as follows:

(a) Except as authorized by this chapter, it is unlawful for any person to manufacture, deliver, or possess with intent to manufacture or deliver, a controlled substance.

(1) Any person who violates this subsection with respect to:

(i) a controlled substance classified in Schedule I or II which is a narcotic drug, is guilty of a crime and upon conviction may be imprisoned for not more than ten years, or (A) fined not more than twenty-five thousand dollars if the crime involved less than two kilograms of the drug, or both such imprisonment and fine; or (B) if the crime involved two or more kilograms of the drug, then fined not more than one hundred thousand dollars for the first two kilograms and not more than fifty dollars for each gram in excess of two kilograms, or both such imprisonment and fine;

(ii) any other controlled substance classified in Schedule I, II, or III, is guilty of a crime and upon conviction may be imprisoned for not more than five years, fined not more than ten thousand dollars, or both;

(iii) a substance classified in Schedule IV, is guilty of a crime and upon conviction may be imprisoned for not more than five years, fined not more than ten thousand dollars, or both;

(iv) a substance classified in Schedule V, is guilty of a crime and upon conviction may be imprisoned for not more than five years, fined not more than ten thousand dollars, or both.

(b) Except as authorized by this chapter, it is unlawful for any person to create, deliver, or possess a counterfeit substance.

(1) Any person who violates this subsection with respect to:

(i) a counterfeit substance classified in Schedule I or II which is a narcotic drug, is guilty of a crime and upon conviction may be imprisoned for not more than ten years, fined not more than twenty-five thousand dollars, or both;

(ii) any other counterfeit substance classified in Schedule I, II, or III, is guilty of a crime and upon conviction may be imprisoned for not more than five years, fined not more than ten thousand dollars, or both;

(iii) a counterfeit substance classified in Schedule IV, is guilty of a crime and upon conviction may be imprisoned for not more than five years, fined not more than ten thousand dollars, or both;

(iv) a counterfeit substance classified in Schedule V, is guilty of a crime and upon conviction may be imprisoned for not more than five years, fined not more than ten thousand dollars, or both.

(c) It is unlawful, except as authorized in this chapter and chapter 69.41 RCW, for any person to offer, arrange, or negotiate for the sale, gift, delivery, dispensing, distribution, or administration of a controlled substance to any person and then sell, give, deliver, dispense, distribute, or administer to that person any other liquid, substance, or material in lieu of such controlled substance. Any person who violates this subsection is guilty of a crime and upon conviction may be imprisoned for not more than five years, fined not more than ten thousand dollars, or both.

(d) It is unlawful for any person to possess a controlled substance unless the substance was obtained directly from, or pursuant to, a valid prescription or order of a practitioner while acting in the course of his professional practice, or except as otherwise authorized by this chapter. Any person who violates this subsection is guilty of a crime, and upon conviction may be imprisoned for not more than five years, fined not more than ten thousand dollars, or both, except as provided for in subsection (e) of this section.

(e) Except as provided for in subsection (a)(1)(ii) of this section any person found guilty of possession of forty grams or less of marihuana shall be guilty of a misdemeanor.

(f) It is unlawful to compensate, threaten, solicit, or in any other manner involve a person under the age of eighteen years in a transaction unlawfully to manufacture, sell, or deliver a controlled substance. A violation of this subsection shall be punished as a class C felony punishable in accordance with RCW 9A.20.021.

This section shall not apply to offenses defined and punishable under the provisions of RCW 69.50.410.

NEW SECTION, Sec. 105. A new section is added to chapter 69.50 RCW to read as follows:

A person who is convicted of a misdemeanor violation of any provision of this chapter shall be punished by imprisonment for not less than twenty-four consecutive hours, and by a fine of not less than two hundred fifty dollars. On a second or subsequent conviction, the fine shall not be less than five hundred dollars. These fines shall be in addition to any other fine or penalty imposed. Unless the court finds that the imposition of the minimum imprisonment will pose a substantial risk to the defendant's physical or mental well-being or that local jail facilities are in an overcrowded condition, the minimum term of imprisonment shall not be suspended or deferred. If the court finds such risk or overcrowding exists, it shall sentence the defendant to a minimum of forty hours of community service. If a minimum term of imprisonment is suspended or deferred, the court shall state in writing the reason for granting the suspension or deferral and the facts upon which the suspension or deferral is based. Unless the court finds the person to be indigent, the minimum fine shall not be suspended or deferred.

NEW SECTION, Sec. 106. A new section is added to chapter 69.50 RCW to read as follows:

(1) Every person convicted of a felony violation of RCW 69.50.401, 69.50.402, 69.50.403, 69.50.406, 69.50.407, 69.50.410, or 69.50.415 shall be fined one thousand dollars in addition to any other fine or penalty imposed. Unless the court finds the person to be indigent, this additional fine shall not be suspended or deferred by the court.

(2) On a second or subsequent conviction for violation of any of the laws listed in subsection (1) of this section, the person shall be fined two thousand dollars in addition to any other fine or penalty imposed. Unless the court finds the person to be indigent, this additional fine shall not be suspended or deferred by the court.

NEW SECTION, Sec. 107. A new section is added to chapter 69.50 RCW to read as follows:

It is unlawful for any person to deliver, or possess with intent to deliver, hypodermic syringes, needles, or other objects used, intended for use, or designed for use in parenterally injecting controlled substances into the human body, knowing or under circumstances where the person reasonably should know that such syringes, needles, or other objects will be used or are intended to be used to unlawfully introduce a controlled substance into the human body. Any person who violates this section is guilty of a misdemeanor. The department of social and health services shall conduct a study of needle exchange programs that are operating in other

states and countries. The study shall examine the documented effectiveness of such programs, the estimated number of drug addicts participating in such programs, the estimated number of drug addicts who have participated in a testing, counseling, and education program as a result of the needle exchange program, the extent to which participation in a drug treatment program is a voluntary or mandated component of the needle exchange programs, the number of participants who have tested HIV positive, who administers such needle exchange programs, and the costs to administer and operate the program. The department of social and health services shall report back to the legislature by December 1, 1989.

NEW SECTION. Sec. 108. The legislature finds that increased trafficking in illegal drugs has increased the likelihood of 'drive-by shootings.' It is the intent of the legislature in sections 102, 109, and 110 of this act to categorize such reckless and criminal activity into a separate crime and to provide for an appropriate punishment.

NEW SECTION. Sec. 109. A new section is added to chapter 9A.36 RCW to read as follows:

(1) A person is guilty of reckless endangerment in the first degree when he or she recklessly discharges a firearm in a manner which creates a substantial risk of death or serious physical injury to another person and the discharge is either from a motor vehicle or from the immediate area of a motor vehicle that was used to transport the shooter or the firearm to the scene of the discharge.

(2) A person who unlawfully discharges a firearm from a moving motor vehicle may be inferred to have engaged in reckless conduct, unless the discharge is shown by evidence satisfactory to the trier of fact to have been made without such recklessness.

(3) Reckless endangerment in the first degree is a class C felony.

Sec. 110. Section 9A.36.050, chapter 260, Laws of 1975 1st ex. sess. and RCW 9A.36.050 are each amended to read as follows:

(1) A person is guilty of reckless endangerment in the second degree when he recklessly engages in conduct not amounting to reckless endangerment in the first degree but which creates a substantial risk of death or serious physical injury to another person.

(2) Reckless endangerment in the second degree is a gross misdemeanor.

Sec. 111. Section 10, chapter 270, Laws of 1984 as amended by section 11, chapter 455, Laws of 1985 and RCW 9A.82.100 are each amended to read as follows:

(1) (a) A person who sustains injury to his or her person, business, or property by an act of criminal profiteering that is part of a pattern of criminal profiteering activity or by a violation of RCW 9A.82.060 or 9A.82.080 may file an action in superior court for the recovery of damages and the costs of the suit, including reasonable investigative and attorney's fees.

(b) The attorney general or county prosecuting attorney may file an action: (i) On behalf of those persons injured or, respectively, on behalf of the state or county if the entity has sustained damages, or (ii) to prevent, restrain, or remedy a pattern of criminal profiteering activity or a violation of RCW 9A.82.060 or 9A.82.080.

(c) An action for damages filed by or on behalf of an injured person, the state, or the county shall be for the recovery of damages and the costs of the suit, including reasonable investigative and attorney's fees.

(d) In an action filed to prevent, restrain, or remedy a pattern of criminal profiteering activity or a violation of RCW 9A.82.060 or 9A.82.080, the court, upon proof of the violation, may impose a civil penalty not exceeding two hundred fifty thousand dollars, in addition to awarding the cost of the suit, including reasonable investigative and attorney's fees.

(2) The superior court has jurisdiction to prevent, restrain, and remedy a pattern of criminal profiteering or a violation of RCW 9A.82.060 or 9A.82.080 after making provision for the rights of all innocent persons affected by the violation and after hearing or trial, as appropriate, by issuing appropriate orders.

(3) Prior to a determination of liability, orders issued under subsection (2) of this section may include, but are not limited to, entering restraining orders or prohibitions or taking such other actions, including the acceptance of satisfactory performance bonds, in connection with any property or other interest subject to damages, forfeiture, or other restraints pursuant to this section as the court deems proper. The orders may also include attachment, receivership, or injunctive relief in regard to personal or real property pursuant to Title 7 RCW. In shaping the reach or scope of receivership, attachment, or injunctive relief, the superior court shall provide for the protection of bona fide interests in property, including community property, of persons who were not involved in the violation of this chapter, except to the extent that such interests or property were acquired or used in such a way as to be subject to forfeiture under RCW 9A.82.100(4)(f).

(4) Following a determination of liability, orders may include, but are not limited to:

(a) Ordering any person to divest himself or herself of any interest, direct or indirect, in any enterprise.

(b) Imposing reasonable restrictions on the future activities or investments of any person, including prohibiting any person from engaging in the same type of endeavor as the enterprise engaged in, the activities of which affect the laws of this state, to the extent the Constitution of the United States and this state permit.

(c) Ordering dissolution or reorganization of any enterprise.

(d) Ordering the payment of actual damages sustained to those persons injured by a violation of RCW 9A.82.060 or 9A.82.080 or an act of criminal profiteering that is part of a pattern of criminal profiteering, and in the court's discretion, increasing the payment to an amount not exceeding three times the actual damages sustained.

(e) Ordering the payment of all costs and expenses of the prosecution and investigation of a pattern of criminal profiteering activity or a violation of RCW 9A.82.060 or 9A.82.080, civil and criminal, incurred by the state or county, including any costs of defense provided at public expense, as appropriate to the state general fund or the antiprofitteering revolving fund of the county.

(f) Ordering forfeiture first as restitution to any person damaged by an act of criminal profiteering that is part of a pattern of criminal profiteering then to the state general fund or antiprofitteering revolving fund of the county, as appropriate, to the extent not already ordered to be paid in other damages, of the following:

(i) Any property or other interest acquired or maintained in violation of RCW 9A.82.060 or 9A.82.080 to the extent of the investment of funds, and any appreciation or income attributable to the investment, from a violation of RCW 9A.82.060 or 9A.82.080.

(ii) Any property, contractual right, or claim against property used to influence any enterprise that a person has established, operated, controlled, conducted, or participated in the conduct of, in violation of RCW 9A.82.060 or 9A.82.080.

(iii) All proceeds traceable to or derived from an offense included in the pattern of criminal profiteering activity and all moneys, negotiable instruments, securities, and other things of value significantly used or intended to be used significantly to facilitate commission of the offense.

(g) Ordering payment to the state general fund or antiprofitteering revolving fund of the county, as appropriate, of an amount equal to the gain a person has acquired or maintained through an offense included in the definition of criminal profiteering.

(5) In addition to or in lieu of an action under this section, the attorney general or county prosecuting attorney may file an action for forfeiture to the state general fund or antiprofitteering revolving fund of the county, as appropriate, to the extent not already ordered paid pursuant to this section, of the following:

(a) Any interest acquired or maintained by a person in violation of RCW 9A.82.060 or 9A.82.080 to the extent of the investment of funds obtained from a violation of RCW 9A.82.060 or 9A.82.080 and any appreciation or income attributable to the investment.

(b) Any property, contractual right, or claim against property used to influence any enterprise that a person has established, operated, controlled, conducted, or participated in the conduct of, in violation of RCW 9A.82.060 or 9A.82.080.

(c) All proceeds traceable to or derived from an offense included in the pattern of criminal profiteering activity and all moneys, negotiable instruments, securities, and other things of value significantly used or intended to be used significantly to facilitate the commission of the offense.

(6) A defendant convicted in any criminal proceeding is precluded in any civil proceeding from denying the essential allegations of the criminal offense proven in the criminal trial in which the defendant was convicted. For the purposes of this subsection, a conviction shall be deemed to have occurred upon a verdict, finding, or plea of guilty, notwithstanding the fact that appellate review of the conviction and sentence has been or may be sought. If a subsequent reversal of the conviction occurs, any judgment that was based upon that conviction may be reopened upon motion of the defendant.

(7) The initiation of civil proceedings under this section shall be commenced within three years after discovery of the pattern of criminal profiteering activity or after the pattern should reasonably have been discovered.

(8) The attorney general or county prosecuting attorney may, in a civil action brought pursuant to this section, file with the clerk of the superior court a certificate stating that the case is of special public importance. A copy of that certificate shall be furnished immediately by the clerk to the presiding chief judge of the superior court in which the action is pending and, upon receipt of the copy, the judge shall immediately designate a judge to hear and determine the action. The judge so designated shall promptly assign the action for hearing, participate in the hearings and determination, and cause the action to be expedited.

(9) The standard of proof in actions brought pursuant to this section is the preponderance of the evidence test.

(10) A person other than the attorney general or county prosecuting attorney who files an action under this section shall serve notice and one copy of the pleading on the attorney general within thirty days after the action is filed with the superior court. The notice shall identify the action, the person, and the person's attorney. Service of the notice does not limit or otherwise affect the right of the state to maintain an action under this section or intervene in a pending action nor does it authorize the person to name the state or the attorney general as a party to the action.

(11) Except in cases filed by a county prosecuting attorney, the attorney general may, upon timely application, intervene in any civil action or proceeding brought under this section

if the attorney general certifies that in the attorney general's opinion the action is of special public importance. Upon intervention, the attorney general may assert any available claim and is entitled to the same relief as if the attorney general had instituted a separate action.

(12) In addition to the attorney general's right to intervene as a party in any action under this section, the attorney general may appear as amicus curiae in any proceeding in which a claim under this section has been asserted or in which a court is interpreting RCW 9A.82.010, 9A.82.080, 9A.82.090, 9A.82.110, or 9A.82.120, or this section.

(13) A private civil action under this section does not limit any other civil or criminal action under this chapter or any other provision. Private civil remedies provided under this section are supplemental and not mutually exclusive.

(14) Upon motion by the defendant, the court may authorize the sale or transfer of assets subject to an order or lien authorized by this chapter for the purpose of paying actual attorney's fees and costs of defense. The motion shall specify the assets for which sale or transfer is sought and shall be accompanied by the defendant's sworn statement that the defendant has no other assets available for such purposes. No order authorizing such sale or transfer may be entered unless the court finds that the assets involved are not subject to possible forfeiture under RCW 9A.82.100(4)(f). Prior to disposition of the motion, the court shall notify the state of the assets sought to be sold or transferred and shall hear argument on the issue of whether the assets are subject to forfeiture under RCW 9A.82.100(4)(f). Such a motion may be made from time to time and shall be heard by the court on an expedited basis.

(15) In an action brought under subsection (1) (a) and (b)(i) of this section, either party has the right to a jury trial.

NEW SECTION. Sec. 112. A new section is added to chapter 69.50 RCW to read as follows:

(a) Any person who violates RCW 69.50.401(a) by manufacturing, selling, delivering, or possessing with the intent to manufacture, sell, or deliver a controlled substance listed under that subsection to a person in a school or on a school bus or within one thousand feet of a school bus route stop designated by the school district or within one thousand feet of the perimeter of the school grounds is punishable by a fine of up to twice the fine otherwise authorized by this chapter, but not including twice the fine authorized by RCW 69.50.406, or by imprisonment of up to twice the imprisonment otherwise authorized by this chapter, but not including twice the imprisonment authorized by RCW 69.50.406, or by both such fine and imprisonment.

(b) It is not a defense to a prosecution for a violation of this section that the person was unaware that the prohibited conduct took place while in a school or school bus or within one thousand feet of the school or school bus route stop.

(c) It is not a defense to a prosecution for a violation of this section or any other prosecution under this chapter that persons under the age of eighteen were not present in the school, the school bus, or at the school bus route stop at the time of the offense or that school was not in session.

(d) It is an affirmative defense to a prosecution for a violation of this section that the prohibited conduct took place entirely within a private residence, that no person under eighteen years of age or younger was present in such private residence at any time during the commission of the offense, and that the prohibited conduct did not involve delivering, manufacturing, selling, or possessing with the intent to manufacture, sell, or deliver any controlled substance in RCW 69.50.401(a) for profit. The affirmative defense established in this section shall be proved by the defendant by a preponderance of the evidence. This section shall not be construed to establish an affirmative defense with respect to a prosecution for an offense defined in any other section of this chapter.

(e) In a prosecution under this section, a map produced or reproduced by any municipal, school district, or county engineer for the purpose of depicting the location and boundaries of the area on or within one thousand feet of any property used for a school or school bus route stop, or a true copy of such a map, shall under proper authentication, be admissible and shall constitute prima facie evidence of the location and boundaries of those areas if the governing body of the municipality, school district, or county has adopted a resolution or ordinance approving the map as the official location and record of the location and boundaries of the area on or within one thousand feet of the school or school bus route stop. Any map approved under this section or a true copy of the map shall be filed with the clerk of the municipality or county, and shall be maintained as an official record of the municipality or county. This section shall not be construed as precluding the prosecution from introducing or relying upon any other evidence or testimony to establish any element of the offense. This section shall not be construed as precluding the use or admissibility of any map or diagram other than the one which has been approved by the governing body of a municipality, school district, or county if the map or diagram is otherwise admissible under court rule.

(f) As used in this section the following terms have the meanings indicated unless the context clearly requires otherwise:

(1) 'School' has the meaning under RCW 28A.01.055 or 28A.01.060. The term 'school' also includes a private school approved under RCW 28A.02.201;

(2) 'School bus' means a school bus as defined by the superintendent of public instruction by rule which is owned and operated by any school district and all school buses which are privately owned and operated under contract or otherwise with any school district in the state for the transportation of students. The term does not include buses operated by common carriers in the urban transportation of students such as transportation of students through a municipal transportation system; and

(3) 'School bus route stop' means a school bus stop as designated on maps submitted by school districts to the office of the superintendent of public instruction.

Sec. 113. Section 210, chapter 518, Laws of 1987 and RCW 28A.120.040 are each amended to read as follows:

The superintendent of public instruction, through the state clearinghouse for education information, shall collect and disseminate to all school districts and other interested parties information about effective substance abuse programs and the penalties for manufacturing, selling, delivering, or possessing controlled substances on or within one thousand feet of a school or school bus route stop under section 112 of this 1989 act and distributing a controlled substance to a person under the age of eighteen under RCW 69.50.406.

NEW SECTION. Sec. 114. Sections 101 through 111 of this act apply to crimes committed on or after July 1, 1989.

SUBPART B

JUVENILE OFFENDERS STRUCTURED RESIDENTIAL PROGRAM

NEW SECTION. Sec. 115. A new section is added to chapter 13.40 RCW to read as follows:

(1) It is the intent of the legislature to establish a program that will benefit both the community and juvenile offenders by promoting the offenders' personal development and self-discipline, thereby making them more effective participants in society.

(2) Within available funds, the department of social and health services shall develop a juvenile offenders structured residential program for selected juvenile offenders. The program shall provide intensive training and rehabilitative programs for juvenile offenders. The department shall adopt rules for the operation, access, and successful completion of such programs.

(3) In order to serve significant portions of the sixty percent of juvenile justice clients in need of treatment for substance abuse, the department of social and health services shall, within available funds, provide enhancements to the eighteen county detention facilities in the state. The enhancement shall be used to develop an intensive, inpatient treatment component within the structure of county detention programs, to be modeled after the exodus program currently operated by the department's division of juvenile rehabilitation.

(4) In order to serve youth returning from institutional treatment programs who seek help for substance abuse, the department of social and health services shall, within available funds, enhance substance abuse services and coordination for each of six service regions to ensure effective use of existing and new services created by this act, including direct service and consultation.

(5) No juvenile who suffers from any mental or physical problem which could endanger his or her health or drastically affect his or her performance in the program shall be admitted to or retained in the program.

(6) The department shall complete a study of the effectiveness of programs of the type created in this section by December 31, 1992.

(7) This section shall expire on July 1, 1993.

SUBPART C

JUVENILE DRIVER'S LICENSE REVOCATION

Sec. 116. Section 2, chapter 148, Laws of 1988 and RCW 13.40.265 are each amended to read as follows:

(1) (a) If a juvenile (~~under eighteen years of age, but~~) thirteen years of age or ((over)) older is found by juvenile court to have committed an offense that is a violation of chapter 66.44, 69.41, 69.50, or 69.52 RCW, the court shall notify the department of licensing within twenty-four hours after entry of the judgment.

(b) Except as otherwise provided in (c) of this subsection, (~~a court~~) upon petition of a juvenile who has been found by the court to have committed an offense that is a violation of chapter 66.44, 69.41, 69.50, or 69.52 RCW, the court may at any time the court deems appropriate notify the department of licensing that the juvenile's driving privileges should be reinstated.

(c) (~~The court shall not notify the department that the juvenile's driving privileges should be reinstated for a period of ninety days after the entry of the judgment if it is the first order issued with respect to the juvenile under RCW 46.20.265, or for a period of one year after the issuance of the order if it is the second or subsequent such order issued with respect to the juvenile~~) If the offense is the juvenile's first violation of chapter 66.44, 69.41, 69.50, or 69.52 RCW, the juvenile may not petition the court for reinstatement of the juvenile's privilege to drive revoked pursuant to RCW 46.20.265 until ninety days after the date the juvenile turns sixteen or ninety days after the judgment was entered, whichever is later. If the offense is the juvenile's second or subsequent violation of chapter 66.44, 69.41, 69.50, or 69.52 RCW, the juvenile may not petition the court for reinstatement of the juvenile's privilege to drive revoked pursuant to

RCW 46.20.265 until the date the juvenile turns seventeen or one year after the date judgment was entered, whichever is later.

(2) (a) If a juvenile enters into a diversion agreement with a diversion unit pursuant to RCW 13.40.080 concerning an offense that is a violation of chapter 66.44, 69.41, 69.50, or 69.52 RCW, the diversion unit shall notify the department of licensing within twenty-four hours after the diversion agreement is signed.

(b) If a diversion unit has notified the department pursuant to (a) of this subsection, the diversion unit shall notify the department of licensing when the juvenile has completed the agreement.

Sec. 117. Section 7, chapter 148, Laws of 1988 and RCW 46.20.265 are each amended to read as follows:

(1) In addition to any other authority to revoke driving privileges under this chapter, the department shall revoke all driving privileges of a juvenile when the department receives notice from a court pursuant to RCW 13.40.265, 66.44.365, 69.41.065, 69.50.420, or 69.52.070 or from a diversion unit pursuant to RCW 13.40.265. The revocation shall be imposed without hearing.

(2) The driving privileges of the juvenile revoked under subsection (1) of this section shall be revoked in the following manner:

(a) Upon receipt of the first notice, the department shall impose a revocation for one year, or until the juvenile reaches seventeen years of age, whichever is longer.

(b) Upon receipt of a second or subsequent notice, the department shall impose a revocation for ~~((one))~~ two years or until the juvenile reaches eighteen years of age, whichever is longer.

(3) If the department receives notice from a court that the juvenile's privilege to drive should be reinstated, the department shall immediately reinstate any driving privileges that have been revoked under this section.

(4) ~~(a)~~ If the department receives notice pursuant to RCW 13.40.265(2)(b) from a diversion unit that a juvenile has completed a diversion agreement for which the juvenile's driving privileges were revoked, the department shall reinstate any driving privileges revoked under this section as provided in (b) of this subsection. ~~((The department shall not reinstate driving privileges earlier than ninety days after the date the juvenile entered into a diversion agreement for the first violation of chapter 66.44, 69.41, 69.50, or 69.52 RCW and not earlier than one year after the date the juvenile entered into a diversion agreement for a second or subsequent violation of chapter 66.44, 69.41, 69.50, or 69.52 RCW.))~~

(b) If the diversion agreement was for the juvenile's first violation of chapter 66.44, 69.41, 69.50, or 69.52 RCW, the department shall not reinstate the juvenile's privilege to drive until the later of ninety days after the date the juvenile turns sixteen or ninety days after the juvenile entered into a diversion agreement for the offense. If the diversion agreement was for the juvenile's second or subsequent violation of chapter 66.44, 69.41, 69.50, or 69.52 RCW, the department shall not reinstate the juvenile's privilege to drive until the later of the date the juvenile turns seventeen or one year after the juvenile entered into the second or subsequent diversion agreement.

Sec. 118. Section 3, chapter 148, Laws of 1988 and RCW 66.44.365 are each amended to read as follows:

(1) If a juvenile ~~((under eighteen years of age, but thirteen or over.))~~ thirteen years of age or older and under the age of eighteen is found by a court to have committed any offense that is a violation of this chapter, the court shall notify the department of licensing within twenty-four hours after entry of the judgment.

(2) Except as otherwise provided in subsection (3) of this section, ~~((the court.))~~ upon petition of a juvenile ~~((who has been found by the court to have committed an offense that is a violation of this chapter.))~~ whose privilege to drive has been revoked pursuant to RCW 46.20.265, the court may notify the department of licensing that the juvenile's privilege to drive should be reinstated.

(3) ~~((The court shall not notify the department that the juvenile's driving privileges should be reinstated for a period of ninety days after the entry of the judgment if it is the first revocation with respect to the juvenile under this section or RCW 46.20.265, or for a period of one year after the issuance of the order if it is the second or subsequent such revocation issued with respect to the juvenile.))~~ If the conviction is for the juvenile's first violation of this chapter or chapter 69.41, 69.50, or 69.52 RCW, a juvenile may not petition the court for reinstatement of the juvenile's privilege to drive revoked pursuant to RCW 46.20.265 until the later of ninety days after the date the juvenile turns sixteen or ninety days after the judgment was entered. If the conviction was for the juvenile's second or subsequent violation of this chapter or chapter 69.41, 69.50, or 69.52 RCW, the juvenile may not petition the court for reinstatement of the juvenile's privilege to drive revoked pursuant to RCW 46.20.265 until the later of the date the juvenile turns seventeen or one year after the date judgment was entered.

Sec. 119. Section 4, chapter 148, Laws of 1988 and RCW 69.41.065 are each amended to read as follows:

(1) If a juvenile (~~under eighteen years of age, but thirteen or over;~~) thirteen years of age or older and under the age of twenty-one is found by a court to have committed any offense that is a violation of this chapter, the court shall notify the department of licensing within twenty-four hours after entry of the judgment.

(2) Except as otherwise provided in subsection (3) of this section, (~~the court;~~) upon petition of a juvenile (~~who has been found by the court to have committed an offense that is a violation of this chapter;~~) whose privilege to drive has been revoked pursuant to RCW 46.20.265, the court may notify the department of licensing that the juvenile's privilege to drive should be reinstated.

(3) (~~The court shall not notify the department that the juvenile's driving privileges should be reinstated for a period of ninety days after the entry of the judgment if it is the first revocation with respect to the juvenile under this section or RCW 46.20.265, or for a period of one year after the issuance of the order if it is the second or subsequent such revocation issued with respect to the juvenile~~) If the conviction is for the juvenile's first violation of this chapter or chapter 66.44, 69.50, or 69.52 RCW, the juvenile may not petition the court for reinstatement of the juvenile's privilege to drive revoked pursuant to RCW 46.20.265 until the later of ninety days after the date the juvenile turns sixteen or ninety days after the judgment was entered. If the conviction was for the juvenile's second or subsequent violation of this chapter or chapter 66.44, 69.50, or 69.52 RCW, the juvenile may not petition the court for reinstatement of the juvenile's privilege to drive revoked pursuant to RCW 46.20.265 until the later of the date the juvenile turns seventeen or one year after the date judgment was entered.

Sec. 120. Section 5, chapter 148, Laws of 1988 and RCW 69.50.420 are each amended to read as follows:

(1) If a juvenile (~~under eighteen years of age, but thirteen or over;~~) thirteen years of age or older and under the age of twenty-one is found by a court to have committed any offense that is a violation of this chapter, the court shall notify the department of licensing within twenty-four hours after entry of the judgment.

(2) Except as otherwise provided in subsection (3) of this section, (~~the court;~~) upon petition of a juvenile (~~who has been found by the court to have committed an offense that is a violation of this chapter;~~) whose privilege to drive has been revoked pursuant to RCW 46.20.265, the court may at any time the court deems appropriate notify the department of licensing to reinstate the juvenile's privilege to drive.

(3) (~~The court shall not notify the department that the juvenile's privilege to drive should be reinstated for a period of ninety days after the entry of the judgment if it is the first revocation issued with respect to the juvenile under this section or RCW 46.20.265, or for a period of one year after the entry of the judgment if it is the second or subsequent such revocation issued with respect to the juvenile~~) If the conviction is for the juvenile's first violation of this chapter or chapter 66.44, 69.41, or 69.52 RCW, the juvenile may not petition the court for reinstatement of the juvenile's privilege to drive revoked pursuant to RCW 46.20.265 until the later of ninety days after the date the juvenile turns sixteen or ninety days after the judgment was entered. If the conviction was for the juvenile's second or subsequent violation of this chapter or chapter 66.44, 69.41, or 69.52 RCW, the juvenile may not petition the court for reinstatement of the juvenile's privilege to drive revoked pursuant to RCW 46.20.265 until the later of the date the juvenile turns seventeen or one year after the date judgment was entered.

Sec. 121. Section 6, chapter 148, Laws of 1988 and RCW 69.52.070 are each amended to read as follows:

(1) If a juvenile (~~under eighteen years of age, but thirteen or over;~~) thirteen years of age or older and under the age of twenty-one is found by a court to have committed any offense that is a violation of this chapter, the court shall notify the department of licensing within twenty-four hours after entry of the judgment.

(2) Except as otherwise provided in subsection (3) of this section, (~~the court;~~) upon petition of a juvenile (~~who has been found by the court to have committed an offense that is a violation of this chapter;~~) whose privilege to drive has been revoked pursuant to RCW 46.20.265, the court may at any time the court deems appropriate notify the department of licensing to reinstate the juvenile's privilege to drive.

(3) (~~The court shall not notify the department that the juvenile's privilege to drive should be reinstated for a period of ninety days after the entry of the judgment if it is the first revocation issued with respect to the juvenile under this section or RCW 46.20.265, or for a period of one year after the entry of the judgment if it is the second or subsequent such revocation issued with respect to the juvenile~~) If the conviction is for the juvenile's first violation of this chapter or chapter 66.44, 69.41, or 69.50 RCW, the juvenile may not petition the court for reinstatement of the juvenile's privilege to drive revoked pursuant to RCW 46.20.265 until the later of ninety days after the date the juvenile turns sixteen or ninety days after the judgment was entered. If the conviction was for the juvenile's second or subsequent violation of this chapter or chapter 66.44, 69.41, or 69.50 RCW, the juvenile may not petition the court for reinstatement of the juvenile's privilege to drive revoked pursuant to RCW 46.20.265 until the later of the date the juvenile turns seventeen or one year after the date judgment was entered.

PART II
PREVENTION, INVESTIGATION, AND PROCEDURE
SUBPART A
ONE-PARTY CONSENT

NEW SECTION. Sec. 201. A new section is added to chapter 9.73 RCW to read as follows:

The legislature finds that the unlawful manufacturing, selling, and distributing of controlled substances is becoming increasingly prevalent and violent. Attempts by law enforcement officers to prevent the manufacture, sale, and distribution of drugs is resulting in numerous life-threatening situations since drug dealers are using sophisticated weapons and modern technological devices to deter the efforts of law enforcement officials to enforce the controlled substance statutes. Dealers of unlawful drugs are employing a wide variety of violent methods to realize the enormous profits of the drug trade.

Therefore, the legislature finds that conversations regarding illegal drug operations should be intercepted, transmitted, and recorded in certain circumstances without prior judicial approval in order to protect the life and safety of law enforcement personnel and to enhance prosecution of drug offenses, and that that interception and transmission can be done without violating the constitutional guarantees of privacy.

NEW SECTION. Sec. 202. A new section is added to chapter 9.73 RCW to read as follows:

(1) If a police commander or officer above the rank of first line supervisor has reasonable suspicion that the safety of the consenting party is in danger, law enforcement personnel may, for the sole purpose of protecting the safety of the consenting party, intercept, transmit, or record a private conversation or communication concerning the unlawful manufacture, delivery, sale, or possession with intent to manufacture, deliver, or sell, controlled substances as defined in chapter 69.50 RCW, or legend drugs as defined in chapter 69.41 RCW, or imitation controlled substances as defined in chapter 69.52 RCW.

(2) Before any interception, transmission, or recording of a private conversation or communication pursuant to this section, the police commander or officer making the determination required by subsection (1) of this section shall complete a written authorization which shall include (a) the date and time the authorization is given; (b) the persons, including the consenting party, expected to participate in the conversation or communication, to the extent known; (c) the expected date, location, and approximate time of the conversation or communication; and (d) the reasons for believing the consenting party's safety will be in danger.

(3) A monthly report shall be filed by the law enforcement agency with the administrator for the courts indicating the number of authorizations made under this section, the date and time of each authorization, and whether an interception, transmission, or recording was made with respect to each authorization.

(4) Any information obtained pursuant to this section is inadmissible in any civil or criminal case in all courts of general or limited jurisdiction in this state, except:

(a) With the permission of the person whose communication or conversation was intercepted, transmitted, or recorded without his or her knowledge;

(b) In a civil action for personal injury or wrongful death arising out of the same incident, where the cause of action is based upon an act of physical violence against the consenting party; or

(c) In a criminal prosecution, arising out of the same incident for a serious violent offense as defined in RCW 9.94A.030 in which a party who consented to the interception, transmission, or recording was a victim of the offense.

(5) Nothing in this section bars the admission of testimony of a participant in the communication or conversation unaided by information obtained pursuant to this section.

(6) The authorizing agency shall immediately destroy any written, transcribed, or recorded information obtained from an interception, transmission, or recording authorized under this section unless the agency determines there has been a personal injury or death or a serious violent offense which may give rise to a civil action or criminal prosecution in which the information may be admissible under subsection (4) (b) or (c) of this section.

(7) Nothing in this section authorizes the interception, recording, or transmission of a telephonic communication or conversation.

NEW SECTION. Sec. 203. A new section is added to chapter 9.73 RCW to read as follows:

In each superior court judicial district in class AA and A counties there shall be available twenty-four hours a day at least one superior court or district court judge or magistrate designated to receive telephonic requests for authorizations that may be issued pursuant to this chapter. The presiding judge of each such superior court in conjunction with the district court judges in that superior court judicial district shall establish a coordinated schedule of rotation for all of the superior and district court judges and magistrates in the superior court judicial district for purposes of ensuring the availability of at least one judge or magistrate at all times. During the period that each judge or magistrate is designated, he or she shall be equipped with an electronic paging device when not present at his or her usual telephone. It shall be the designated judge's or magistrate's responsibility to ensure that all attempts to reach him or her

for purposes of requesting authorization pursuant to this chapter are forwarded to the electronic page number when the judge or magistrate leaves the place where he or she would normally receive such calls.

NEW SECTION. Sec. 204. A new section is added to chapter 9.73 RCW to read as follows:

(1) As part of a bona fide criminal investigation, the chief law enforcement officer of a law enforcement agency or his or her designee above the rank of first line supervisor may authorize the interception, transmission, or recording of a conversation or communication by officers under the following circumstances:

(a) At least one party to the conversation or communication has consented to the interception, transmission, or recording;

(b) Probable cause exists to believe that the conversation or communication involves the unlawful manufacture, delivery, sale, or possession with intent to manufacture, deliver, or sell, controlled substances as defined in chapter 69.50 RCW, or legend drugs as defined in chapter 69.41 RCW, or imitation controlled substances as defined in chapter 69.52 RCW; and

(c) A written report has been completed as required by subsection (2) of this section.

(2) The agency's chief officer or designee authorizing an interception, transmission, or recording under subsection (1) of this section, shall prepare and sign a written report at the time of authorization indicating:

(a) The circumstances that meet the requirements of subsection (1) of this section;

(b) The names of the authorizing and consenting parties, except that in those cases where the consenting party is a confidential informant, the name of the confidential informant need not be divulged;

(c) The names of the officers authorized to intercept, transmit, and record the conversation or communication;

(d) The identity of the particular person or persons, if known, who may have committed or may commit the offense;

(e) The details of the particular offense or offenses that may have been or may be committed and the expected date, location, and approximate time of the conversation or communication; and

(f) Whether there was an attempt to obtain authorization pursuant to RCW 9.73.090(2) and, if there was such an attempt, the outcome of the attempt.

(3) An authorization under this section is valid in all jurisdictions within Washington state and for the interception of communications from additional persons if the persons are brought into the conversation or transaction by the nonconsenting party or if the nonconsenting party or such additional persons cause or invite the consenting party to enter another jurisdiction.

(4) The recording of any conversation or communication under this section shall be done in such a manner that protects the recording from editing or other alterations.

(5) An authorization made under this section is valid for no more than twenty-four hours from the time it is signed by the authorizing officer, and each authorization shall independently meet all of the requirements of this section. The authorizing officer shall sign the written report required under subsection (2) of this section, certifying the exact date and time of his or her signature. An authorization under this section may be extended not more than twice for an additional consecutive twenty-four hour period based upon the same probable cause regarding the same suspected transaction. Each such extension shall be signed by the authorizing officer.

(6) Within fifteen days after the signing of an authorization that results in any interception, transmission, or recording of a conversation or communication pursuant to this section, the law enforcement agency which made the interception, transmission, or recording shall submit a report including the original authorization under subsection (2) of this section to a judge of a court having jurisdiction which report shall identify (a) the persons, including the consenting party, who participated in the conversation, and (b) the date, location, and approximate time of the conversation.

In those cases where the consenting party is a confidential informant, the name of the confidential informant need not be divulged.

A monthly report shall be filed by the law enforcement agency with the administrator for the courts indicating the number of authorizations granted, the date and time of each authorization, interceptions made, arrests resulting from an interception, and subsequent invalidations.

(7)(a) Within two judicial days of receipt of a report under subsection (6) of this section, the court shall make an ex parte review of the authorization, but not of the evidence, and shall make a determination whether the requirements of subsection (1) of this section were met. If the court determines that any of the requirements of subsection (1) of this section were not met, the court shall order that any recording and any copies or transcriptions of the conversation or communication be destroyed. Destruction of recordings, copies, or transcriptions shall be stayed pending any appeal of a finding that the requirements of subsection (1) of this section were not met.

(b) Absent a continuation under (c) of this subsection, six months following a determination under (a) of this subsection that probable cause did not exist, the court shall cause a notice to

be mailed to the last known address of any nonconsenting party to the conversation or communication that was the subject of the authorization. The notice shall indicate the date, time, and place of any interception, transmission, or recording made pursuant to the authorization. The notice shall also identify the agency that sought the authorization and shall indicate that a review under (a) of this subsection resulted in a determination that the authorization was made in violation of this section.

(c) An authorizing agency may obtain six-month extensions to the notice requirement of (b) of this subsection in cases of active, ongoing criminal investigations that might be jeopardized by sending the notice.

(8) In any subsequent judicial proceeding, evidence obtained through the interception or recording of a conversation or communication pursuant to this section shall be admissible only if:

(a) The court finds that the requirements of subsection (1) of this section were met and the evidence is used in prosecuting an offense listed in subsection (1)(b) of this section; or

(b) The evidence is admitted with the permission of the person whose communication or conversation was intercepted, transmitted, or recorded; or

(c) The evidence is admitted in a prosecution for a 'serious violent offense' as defined in RCW 9.94A.030 in which a party who consented to the interception, transmission, or recording was a victim of the offense; or

(d) The evidence is admitted in a civil suit for personal injury or wrongful death arising out of the same incident, in which a party who consented to the interception, transmission, or recording was a victim of a serious violent offense as defined in RCW 9.94A.030.

Nothing in this subsection bars the admission of testimony of a party or eyewitness to the intercepted, transmitted, or recorded conversation or communication when that testimony is unaided by information obtained solely by violation of RCW 9.73.030.

(9) Any determination of invalidity of an authorization under this section shall be reported by the court to the office of the administrator for the courts.

(10) Any person who intentionally intercepts, transmits, or records or who intentionally authorizes the interception, transmission, or recording of a conversation or communication in violation of this section, is guilty of a class C felony punishable according to chapter 9A.20 RCW.

(11) An authorizing agency is liable for twenty-five thousand dollars in exemplary damages, in addition to any other damages authorized by this chapter or by other law, to a person whose conversation or communication was intercepted, transmitted, or recorded pursuant to an authorization under this section if:

(a) In a review under subsection (7) of this section, or in a suppression of evidence proceeding, it has been determined that the authorization was made without the probable cause required by subsection (1)(b) of this section; and

(b) The authorization was also made without a reasonable suspicion that the conversation or communication would involve the unlawful acts identified in subsection (1)(b) of this section.

Sec. 205, Section 1, chapter 48, Laws of 1970 ex. sess. as last amended by section 2, chapter 38, Laws of 1986 and RCW 9.73.090 are each amended to read as follows:

(1) The provisions of RCW 9.73.030 through 9.73.080 shall not apply to police, fire, emergency medical service, emergency communication center, and poison center personnel in the following instances:

(a) Recording incoming telephone calls to police and fire stations, licensed emergency medical service providers, emergency communication centers, and poison centers;

(b) Video and/or sound recordings may be made of arrested persons by police officers responsible for making arrests or holding persons in custody before their first appearance in court. Such video and/or sound recordings shall conform strictly to the following:

(i) The arrested person shall be informed that such recording is being made and the statement so informing him shall be included in the recording;

(ii) The recording shall commence with an indication of the time of the beginning thereof and terminate with an indication of the time thereof;

(iii) At the commencement of the recording the arrested person shall be fully informed of his constitutional rights, and such statements informing him shall be included in the recording;

(iv) The recordings shall only be used for valid police or court activities.

(2) It shall not be unlawful for a law enforcement officer acting in the performance of the officer's official duties to intercept, record, or disclose an oral communication or conversation where the officer is a party to the communication or conversation or one of the parties to the communication or conversation has given prior consent to the interception, recording, or disclosure: PROVIDED, That prior to the interception, transmission, or recording the officer shall obtain written or telephonic authorization from a judge or magistrate, who shall approve the interception, recording, or disclosure of communications or conversations with a nonconsenting party for a reasonable and specified period of time, if there is probable cause to believe that the nonconsenting party has committed, is engaged in, or is about to commit a felony: PROVIDED HOWEVER, That if such authorization is given by telephone the authorization and officer's statement justifying such authorization must be electronically recorded by the judge or

magistrate on a recording device in the custody of the judge or magistrate at the time transmitted and the recording shall be retained in the court records and reduced to writing as soon as possible thereafter.

Any recording or interception of a communication or conversation incident to a lawfully recorded or intercepted communication or conversation pursuant to this subsection shall be lawful and may be divulged.

All recordings of communications or conversations made pursuant to this subsection shall be retained for as long as any crime may be charged based on the events or communications or conversations recorded.

(3) Communications or conversations authorized to be intercepted, recorded, or disclosed by this section shall not be inadmissible under RCW 9.73.050.

(4) Authorizations issued under subsection (2) of this section shall be effective for not more than seven days, after which period the issuing authority may (~~upon application of the officer who secured the original authorization~~) renew or continue the authorization for ~~((and))~~ additional periods not to exceed seven days.

(5) If the judge or magistrate determines that there is probable cause to believe that the communication or conversation concerns the unlawful manufacture, delivery, sale, or possession with intent to manufacture, deliver, or sell, controlled substances as defined in chapter 69.50 RCW, or legend drugs as defined in chapter 69.41 RCW, or imitation controlled substances as defined in chapter 69.52 RCW, the judge or magistrate may authorize the interception, transmission, recording, or disclosure of communications or conversations under subsection (2) of this section even though the true name of the nonconsenting party, or the particular time and place for the interception, transmission, recording, or disclosure, is not known at the time of the request, if the authorization describes the nonconsenting party and subject matter of the communication or conversation with reasonable certainty under the circumstances. Any such communication or conversation may be intercepted, transmitted, recorded, or disclosed as authorized notwithstanding a change in the time or location of the communication or conversation after the authorization has been obtained or the presence of or participation in the communication or conversation by any additional party not named in the authorization.

Authorizations issued under this subsection shall be effective for not more than fourteen days, after which period the issuing authority may renew or continue the authorization for an additional period not to exceed fourteen days.

NEW SECTION. Sec. 206. A new section is added to chapter 9.73 RCW to read as follows:

(1) The attorney general shall have concurrent authority and power with the prosecuting attorneys to investigate violations of sections 201 through 204 of this act or RCW 9.73.090 and initiate and conduct prosecutions of any violations upon request of any of the following:

(a) The person who was the nonconsenting party to the intercepted, transmitted, or recorded conversation or communication; or

(b) The county prosecuting attorney of the jurisdiction in which the offense has occurred.

(2) The request shall be communicated in writing to the attorney general.

Sec. 207. Section 5, chapter 363, Laws of 1977 ex. sess. and RCW 9.73.120 are each amended to read as follows:

(1) Within thirty days after the expiration of an authorization or an extension or renewal thereof issued pursuant to RCW 9.73.090(2) as now or hereafter amended, the issuing or denying judge shall make a report to the administrator for the courts stating that:

(a) An authorization, extension or renewal was applied for;

(b) The kind of authorization applied for;

(c) The authorization was granted as applied for, was modified, or was denied;

(d) The period of recording authorized by the authorization and the number and duration of any extensions or renewals of the authorization;

(e) The offense specified in the authorization or extension or renewal of authorization;

(f) The identity of the person authorizing the application and of the investigative or law enforcement officer and agency for whom it was made; ~~((and))~~

(g) Whether an arrest resulted from the communication which was the subject of the authorization; and

(h) The character of the facilities from which or the place where the communications were to be recorded.

(2) In addition to reports required to be made by applicants pursuant to federal law, all judges of the superior court authorized to issue authority pursuant to this chapter shall make annual reports on the operation of this chapter to the administrator for the courts. The reports by the judges shall contain (a) the number of applications made; (b) the number of authorizations issued; (c) the respective periods of such authorizations; (d) the number and duration of any renewals thereof; (e) the crimes in connection with which the conversations were sought; (f) the names of the applicants; and (g) such other and further particulars as the administrator for the courts may require.

The chief justice of the supreme court shall annually report to the governor and the legislature on such aspects of the operation of this chapter as he deems appropriate including any

recommendations he may care to make as to legislative changes or improvements to effectuate the purposes of this chapter and to assure and protect individual rights.

NEW SECTION. Sec. 208. A new section is added to chapter 9.73 RCW to read as follows:

The administrator for the courts shall not later than January 2, 1991, report to the house of representatives judiciary committee and the senate law and justice committee on the number of authorizations made under sections 202 and 204 of this act and RCW 9.73.090, categorized according to whether the authorization was judicial or nonjudicial. The report shall also show the number of authorizations denied, the number of arrests resulting from the authorizations, the offenses charged, and the number of convictions resulting from the arrests. The administrator for the courts shall use the reports submitted pursuant to sections 202 and 204 of this act and RCW 9.73.090 together with inquiries to the appropriate law enforcement agencies and courts to prepare the report.

Sec. 209. Section 6, chapter 93, Laws of 1967 ex. sess and RCW 9.73.080 are each amended to read as follows:

Except as otherwise provided in this chapter, any person who ((shall)) violates RCW 9.73-.030 ((shall be)) is guilty of a gross misdemeanor.

SUBPART B

MONITORING OF INMATE TELEPHONE CALLS

NEW SECTION. Sec. 210. A new section is added to chapter 9.73 RCW to read as follows:

(1) RCW 9.73.030 through 9.73.080 shall not apply to employees of the department of corrections in the following instances: Intercepting, recording, or divulging any telephone calls from an inmate or resident of a state correctional facility. For the purposes of this section, 'state correctional facility' means a facility that is under the control and authority of the department of corrections, and used for the incarceration, treatment, or rehabilitation of convicted felons.

(2) All personal calls made by inmates shall be collect calls only. The calls will be 'operator announcement' type calls. The operator shall notify the receiver of the call that the call is coming from a prison inmate, and that it will be recorded and may be monitored.

(3) The department of corrections shall adhere to the following procedures and restrictions when intercepting, recording, or divulging any telephone calls from an inmate or resident of a state correctional facility as provided for by this section:

(a) Before the implementation of this section, all inmates or residents of a state correctional facility shall be notified in writing that, as of the effective date of this section, their telephone conversations may be intercepted, recorded, and/or divulged.

(b) Unless otherwise provided for in this section, after intercepting or recording a telephone conversation, only the superintendent and his or her designee shall have access to that recording.

(c) The contents of an intercepted and recorded telephone conversation shall be divulged only as is necessary to safeguard the orderly operation of the correctional facility, in response to a court order, or in the prosecution or investigation of any crime.

(d) All telephone conversations that are recorded under this section, unless being used in the ongoing investigation or prosecution of a crime, or as is necessary to assure the orderly operation of the correctional facility, shall be destroyed one year after the intercepting and recording.

(4) So as to safeguard the sanctity of the attorney-client privilege, the department of corrections shall not intercept, record, or divulge any conversation between an inmate or resident and an attorney. The department shall develop policies and procedures to implement this section.

SUBPART C

PROPERTY FORFEITURE

NEW SECTION. Sec. 211. The legislature finds that: Drug offenses and crimes resulting from illegal drug use are destructive to society; the nature of drug trafficking results in many property crimes and crimes of violence; state and local governmental agencies incur immense expenses in the investigation, prosecution, adjudication, incarceration, and treatment of drug-related offenders and the compensation of their victims; drug-related offenses are difficult to eradicate because of the profits derived from the criminal activities, which can be invested in legitimate assets and later used for further criminal activities; and the forfeiture of real assets where a substantial nexus exists between the commercial production or sale of the substances and the real property will provide a significant deterrent to crime by removing the profit incentive of drug trafficking, and will provide a revenue source that will partially defray the large costs incurred by government as a result of these crimes. The legislature recognizes that seizure of real property is a very powerful tool and should not be applied in cases in which a manifest injustice would occur as a result of forfeiture of an innocent spouse's community property interest.

Sec. 212. Section 15, chapter 2, Laws of 1983 as last amended by section 2, chapter 282, Laws of 1988 and RCW 69.50.505 are each amended to read as follows:

(a) The following are subject to seizure and forfeiture and no property right exists in them:

(1) All controlled substances which have been manufactured, distributed, dispensed, ((or)) acquired, or possessed in violation of this chapter or chapter 69.41 or 69.52 RCW:

(2) All raw materials, products, and equipment of any kind which are used, or intended for use, in manufacturing, compounding, processing, delivering, importing, or exporting any controlled substance in violation of this chapter or chapter 69.41 or 69.52 RCW;

(3) All property which is used, or intended for use, as a container for property described in paragraphs (1) or (2);

(4) All conveyances, including aircraft, vehicles, or vessels, which are used, or intended for use, in any manner to facilitate the sale of property described in paragraphs (1) or (2), ((but)) except that:

(i) No conveyance used by any person as a common carrier in the transaction of business as a common carrier is subject to forfeiture under this section unless it appears that the owner or other person in charge of the conveyance is a consenting party or privy to a violation of this chapter or chapter 69.41 or 69.52 RCW;

(ii) No conveyance is subject to forfeiture under this section by reason of any act or omission established by the owner thereof to have been committed or omitted without ((his)) the owner's knowledge or consent;

(iii) A forfeiture of a conveyance encumbered by a bona fide security interest is subject to the interest of the secured party if the secured party neither had knowledge of nor consented to the act or omission; and

(iv) When the owner of a conveyance has been arrested under this chapter or chapter 69.41 or 69.52 RCW the conveyance in which the person is arrested may not be subject to forfeiture unless it is seized or process is issued for its seizure within ten days of the owner's arrest;

(5) All books, records, and research products and materials, including formulas, microfilm, tapes, and data which are used, or intended for use, in violation of this chapter or chapter 69.41 or 69.52 RCW;

(6) All drug paraphernalia; ((and))

(7) All moneys, negotiable instruments, securities, or other tangible or intangible property of value furnished or intended to be furnished by any person in exchange for a controlled substance in violation of this chapter or chapter 69.41 or 69.52 RCW, all tangible or intangible personal property, proceeds, or assets acquired in whole or in part with proceeds traceable to ((such)) an exchange or series of exchanges in violation of this chapter or chapter 69.41 or 69.52 RCW, and all moneys, negotiable instruments, and securities used or intended to be used to facilitate any violation of this chapter or chapter 69.41 or 69.52 RCW: PROVIDED, That a forfeiture of money, negotiable instruments, securities, or other tangible or intangible property encumbered by a bona fide security interest is subject to the interest of the secured party if, at the time the security interest was created, the secured party neither had knowledge of nor consented to the act or omission: PROVIDED FURTHER, That no personal property may be forfeited under this paragraph, to the extent of the interest of an owner, by reason of any act or omission which that owner establishes was committed or omitted without the owner's knowledge or consent; and

(8) All real property, including any right, title, and interest in the whole of any lot or tract of land, and any appurtenances or improvements which are being used with the knowledge of the owner for the manufacturing, compounding, processing, delivery, importing, or exporting of any controlled substance, or which have been acquired in whole or in part with proceeds traceable to an exchange or series of exchanges in violation of this chapter or chapter 69.41 or 69.52 RCW, if such activity is not less than a class C felony and a substantial nexus exists between the commercial production or sale of the controlled substance and the real property: PROVIDED, That:

(i) No property may be forfeited pursuant to this subsection, to the extent of the interest of an owner, by reason of any act or omission committed or omitted without the owner's knowledge or consent;

(ii) The bona fide gift of a controlled substance, legend drug, or imitation controlled substance shall not result in the forfeiture of real property;

(iii) The possession of marijuana shall not result in the forfeiture of real property unless the marijuana is possessed for commercial purposes, the amount possessed is five or more plants or one pound or more of marijuana, and a substantial nexus exists between the possession of marijuana and the real property. In such a case, the intent of the offender shall be determined by the preponderance of the evidence, including the offender's prior criminal history, the amount of marijuana possessed by the offender, the sophistication of the activity or equipment used by the offender, and other evidence which demonstrates the offender's intent to engage in commercial activity;

(iv) The unlawful sale of marijuana or a legend drug shall not result in the forfeiture of real property unless the sale was forty grams or more in the case of marijuana or one hundred dollars or more in the case of a legend drug, and a substantial nexus exists between the unlawful sale and the real property; and

(v) A forfeiture of real property encumbered by a bona fide security interest is subject to the interest of the secured party if the secured party, at the time the security interest was created, neither had knowledge of nor consented to the act or omission.

(b) Real or personal property subject to forfeiture under this chapter may be seized by any board inspector or law enforcement officer of this state upon process issued by any superior court having jurisdiction over the property. Seizure of real property shall include the filing of a lis pendens by the seizing agency. Real property seized under this section shall not be transferred or otherwise conveyed until ninety days after seizure or until a judgment of forfeiture is entered, whichever is later: PROVIDED, That real property seized under this section may be transferred or conveyed to any person or entity who acquires title by foreclosure or deed in lieu of foreclosure of a security interest. Seizure of personal property without process may be made if:

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

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

(3) A board inspector or law enforcement officer has probable cause to believe that the property is directly or indirectly dangerous to health or safety; or

(4) The board inspector or law enforcement officer has probable cause to believe that the property was used or is intended to be used in violation of this chapter.

(c) In the event of seizure pursuant to subsection (b), proceedings for forfeiture shall be deemed commenced by the seizure. The law enforcement agency under whose authority the seizure was made shall cause notice to be served within fifteen days following the seizure on the owner of the property seized and the person in charge thereof and any person having any known right or interest therein, including any community property interest, of the seizure and intended forfeiture of the seized property. Service of notice of seizure of real property shall be made according to the rules of civil procedure. However, the state may not obtain a default judgment with respect to real property against a party who is served by substituted service absent an affidavit stating that a good faith effort has been made to ascertain if the defaulted party is incarcerated within the state, and that there is no present basis to believe that the party is incarcerated within the state. The notice of seizure in other cases may be served by any method authorized by law or court rule including but not limited to service by certified mail with return receipt requested. Service by mail shall be deemed complete upon mailing within the fifteen day period following the seizure.

(d) If no person notifies the seizing law enforcement agency in writing of the person's claim of ownership or right to possession of items specified in subsection (a)(4) ((or)), (a)(7), or (a)(8) of this section within forty-five days of the seizure in the case of personal property and ninety days in the case of real property, the item seized shall be deemed forfeited. The community property interest in real property of a person whose spouse committed a violation giving rise to seizure of the real property may not be forfeited if the person did not participate in the violation.

(e) If any person notifies the seizing law enforcement agency in writing of the person's claim of ownership or right to possession of items specified in subsection (a)(2), (a)(3), (a)(4) ((or)), (a)(5), (a)(6), (a)(7), or (a)(8) of this section within forty-five days of the seizure in the case of personal property and ninety days in the case of real property, the person or persons shall be afforded a reasonable opportunity to be heard as to the claim or right. The hearing shall be before the chief law enforcement officer of the seizing agency or the chief law enforcement officer's designee, except where the seizing agency is a state agency as defined in RCW 34.12.020(4), the hearing shall be before the chief law enforcement officer of the seizing agency or an administrative law judge appointed under chapter 34.12 RCW, except that any person asserting a claim or right may remove the matter to a court of competent jurisdiction if the aggregate value of the article or articles involved is more than five hundred dollars. The court to which the matter is to be removed shall be the district court when such aggregate value is ten thousand dollars or less of personal property. A hearing before the seizing agency and any appeal therefrom shall be under Title 34 RCW. In a court hearing between two or more claimants to the article or articles involved, the prevailing party shall be entitled to a judgment for costs and reasonable attorney's fees. In cases involving personal property, the burden of producing evidence shall be upon the person claiming to be the lawful owner or the person claiming to have the lawful right to possession of ((items specified in subsection (a)(4) or (a)(7) of this section)) the property. In cases involving real property, the burden of producing evidence shall be upon the law enforcement agency. The burden of proof that the seized property is subject to forfeiture shall be upon the law enforcement agency. The seizing law enforcement agency shall promptly return the article or articles to the claimant upon a determination by the administrative law judge or court that the claimant is the present lawful owner or is lawfully entitled to possession thereof of items specified in subsection (a)(2), (a)(3), (a)(4) ((or)), (a)(5), (a)(6), (a)(7), or (a)(8) of this section.

(f) When property is forfeited under this chapter the board or seizing law enforcement agency may:

(1) Retain it for official use or upon application by any law enforcement agency of this state release such property to such agency for the exclusive use of enforcing the provisions of this chapter;

(2) (i) Sell that which is not required to be destroyed by law and which is not harmful to the public. The proceeds and all moneys forfeited under this title shall be used for payment of all proper expenses of the investigation leading to the seizure, including any money delivered to the subject of the investigation by the law enforcement agency, and of the proceedings for forfeiture and sale, including expenses of seizure, maintenance of custody, advertising, actual costs of the prosecuting or city attorney, and court costs. Money remaining after the payment of all expenses shall be distributed as follows:

(A) ((Seventy-five)) Twenty-five percent of the money derived from the forfeiture of real property and seventy-five percent of the money derived from the forfeiture of personal property shall be deposited in the general fund of the state, county, and/or city of the seizing law enforcement agency and shall be used exclusively for the expansion or improvement of law enforcement services. These services may include the creation of reward funds for the purpose of rewarding informants who supply information leading to the arrest, prosecution and conviction of persons who violate laws relating to controlled substances. Such moneys shall not supplant preexisting funding sources; ((and))

(B) Twenty-five percent of money derived from the forfeiture of real property and twenty-five percent of money derived from the forfeiture of personal property shall be remitted to the state treasurer for deposit in the public safety and education account established in RCW 43.08.250;

(C) Until July 1, 1995, fifty percent of money derived from the forfeiture of real property shall be remitted to the state treasurer for deposit in the drug enforcement and education account under section 401 of this 1989 act, on and after July 1, 1995, the fifty percent of the money shall be remitted in the same manner as the twenty-five percent of the money remitted under (2)(i)(A) of this subsection; and

(D) If an investigation involves a seizure of moneys and proceeds having an aggregate value of less than five thousand dollars, the moneys and proceeds may be deposited in total in the general fund of the governmental unit of the seizing law enforcement agency and shall be appropriated exclusively for the expansion of narcotics enforcement services. Such moneys shall not supplant preexisting funding sources.

(i) Money deposited according to this section must be deposited within ninety days of the date of final disposition of either the administrative seizure or the judicial seizure;

(3) Request the appropriate sheriff or director of public safety to take custody of the property and remove it for disposition in accordance with law; or

(4) Forward it to the drug enforcement administration for disposition.

(g) Controlled substances listed in Schedule I, II, III, IV, and V that are possessed, transferred, sold, or offered for sale in violation of this chapter are contraband and shall be seized and summarily forfeited to the state. Controlled substances listed in Schedule I, II, III, IV, and V, which are seized or come into the possession of the board, the owners of which are unknown, are contraband and shall be summarily forfeited to the board.

(h) Species of plants from which controlled substances in Schedules I and II may be derived which have been planted or cultivated in violation of this chapter, or of which the owners or cultivators are unknown, or which are wild growths, may be seized and summarily forfeited to the board.

(i) The failure, upon demand by a board inspector or law enforcement officer, of the person in occupancy or in control of land or premises upon which the species of plants are growing or being stored to produce an appropriate registration or proof that he is the holder thereof constitutes authority for the seizure and forfeiture of the plants.

(j) Upon the entry of an order of forfeiture of real property, the court shall forward a copy of the order to the assessor of the county in which the property is located. Orders for the forfeiture of real property shall be entered by the superior court, subject to court rules. Such an order shall be filed by the seizing agency in the county auditor's records in the county in which the real property is located.

SUBPART D OFF-LIMITS ORDERS

NEW SECTION, Sec. 213. The legislature finds that drug abuse is escalating at an alarming rate. New protections need to be established to address this drug crisis which is threatening every stratum of our society. Prohibiting known drug traffickers from frequenting areas for continuous drug activity is one means of addressing this pervasive problem.

NEW SECTION, Sec. 214. Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter:

(1) 'Applicant' means any person who owns, occupies, or has a substantial interest in property, or who is a neighbor to property which is adversely affected by drug trafficking, including:

(a) A 'family or household member' as defined by RCW 10.99.020(1), who has a possessory interest in a residence as an owner or tenant, at least as great as a known drug trafficker's interest;

(b) An owner or lessor;

(c) An owner, tenant, or resident who lives or works in a designated PADT area; or

(d) A city or prosecuting attorney for any jurisdiction in this state where drug trafficking is occurring.

(2) 'Drug' or 'drugs' means a controlled substance as defined in chapter 69.50 RCW or an 'imitation controlled substance' as defined in RCW 69.52.020.

(3) 'Known drug trafficker' means any person who has been convicted of a drug offense in this state, another state, or federal court who subsequently has been arrested for a drug offense in this state. For purposes of this definition, 'drug offense' means a felony violation of chapter 69.50 or 69.52 RCW or equivalent law in another jurisdiction that involves the manufacture, distribution, or possession with intent to manufacture or distribute, of a controlled substance or imitation controlled substance.

(4) 'Off-limits orders' means an order issued by a superior or district court in the state of Washington that enjoins known drug traffickers from entering or remaining in a designated PADT area.

(5) 'Protected against drug trafficking area' or 'PADT area' means any specifically described area, public or private, contained in an off-limits order. The perimeters of a PADT area shall be defined using street names and numbers and shall include all real property contained therein, where drug sales, possession of drugs, pedestrian or vehicular traffic attendant to drug activity, or other activity associated with drug offenses confirms a pattern associated with drug trafficking. The area may include the full width of streets, alleys and sidewalks on the perimeter, common areas, planting strips, parks and parking areas within the area described using the streets as boundaries.

NEW SECTION. Sec. 215. A court may enter an off-limits order enjoining a known drug trafficker who has been associated with drug trafficking in an area that the court finds to be a PADT area, from entering or remaining in a designated PADT area for up to one year. This relief may be ordered pursuant to applications for injunctive relief or as part of a criminal proceeding as follows:

(1) In a civil action, including an action brought under this chapter;

(2) In a nuisance abatement action pursuant to chapter 7.43 RCW;

(3) In an eviction action to exclude known drug traffickers or tenants who were evicted for allowing drug trafficking to occur on the premises which were the subject of the eviction action;

(4) As a condition of pretrial release of a known drug trafficker awaiting trial on drug charges. The order shall be in effect until the time of sentencing or dismissal of the criminal charges; or

(5) As a condition of sentencing of any known drug trafficker convicted of a drug offense. The order may include all periods of community placement or community supervision.

NEW SECTION. Sec. 216. Upon the filing of an application for an off-limits order under section 215 (1), (2), or (3) of this act, the court shall set a hearing fourteen days from the filing of the application, or as soon thereafter as the hearing can be scheduled. If the respondent has not already been served with a summons, the application shall be served on the respondent not less than five court days before the hearing. If timely service cannot be made, the court may set a new hearing date.

NEW SECTION. Sec. 217. Upon filing an application for an off-limits order under this chapter, an applicant may obtain an ex parte temporary off-limits order, with or without notice, only upon a showing that serious or irreparable harm will result to the applicant if the temporary off-limits order is not granted. An ex parte temporary off-limits order shall be effective for a fixed period not to exceed fourteen days, but the court may reissue the order upon a showing of good cause. A hearing on a one-year off-limits order, as provided in this chapter, shall be set for fourteen days from the issuance of the temporary order. The respondent shall be personally served with a copy of the temporary off-limits order along with a copy of the application and notice of the date set for the full hearing. At the hearing, if the court finds that respondent is a known drug trafficker who has engaged in drug trafficking in a particular area, and that the area is associated with a pattern of drug activities, the court shall issue a one-year off-limits order prohibiting the respondent from having any contact with the PADT area. At any time within three months before the expiration of the order, the applicant may apply for a renewal of the order by filing a new petition under this chapter.

NEW SECTION. Sec. 218. In granting a temporary off-limits order or a one-year off-limits order, the court shall have discretion to grant additional relief as the court considers proper to achieve the purposes of this chapter. The PADT area defined in any off-limits order must be reasonably related to the area or areas impacted by the unlawful drug activity as described by the applicant in any civil action under section 215 (1), (2), or (3) of this act. The court in its discretion may allow a respondent, who is the subject of any order issued under section 214 of this act as part of a civil or criminal proceeding, to enter an off-limits area or areas for health or employment reasons, subject to conditions prescribed by the court. Upon request, a certified copy of the order shall be provided to the applicant by the clerk of the court.

NEW SECTION. Sec. 219. A temporary off-limits order or a one-year off-limits order may not issue under this chapter except upon the giving of a bond or security by the applicant. The court shall set the bond or security in the amount the court deems proper, but not less than one

thousand dollars, for the payment of costs and damages that may be incurred by any party who is found to have been wrongfully restrained or enjoined. A bond or security shall not be required of the state of Washington, municipal corporations, or political subdivisions of the state of Washington.

NEW SECTION. Sec. 220. Nothing in this chapter shall preclude a party from appearing in person or by counsel.

NEW SECTION. Sec. 221. A copy of an off-limits order granted under this chapter shall be forwarded by the court to the local law enforcement agency with jurisdiction over the PADT area specified in the order on or before the next judicial day following issuance of the order. Upon receipt of the order, the law enforcement agency shall promptly enter it into an appropriate law enforcement information system.

NEW SECTION. Sec. 222. Any person who willfully disobeys an off-limits order issued under this chapter shall be subject to criminal penalties as provided in this chapter and may also be found in contempt of court and subject to penalties under chapter 7.20 RCW.

NEW SECTION. Sec. 223. (1) Any person who willfully disobeys an off-limits order issued under this chapter shall be guilty of a gross misdemeanor.

(2) Any person who willfully disobeys an off-limits order in violation of the terms of the order and who also either:

- (a) Enters or remains in a PADT area that is within one thousand feet of any school; or
- (b) Is convicted of a second or subsequent violation of this chapter, is guilty of a class C felony.

NEW SECTION. Sec. 224. The superior courts shall have jurisdiction of all civil actions and all felony criminal proceedings brought under this chapter. Courts of limited jurisdiction shall have jurisdiction of all misdemeanor and gross misdemeanor criminal actions brought under this chapter.

NEW SECTION. Sec. 225. For the purposes of this chapter, an action may be brought in any county in which any element of the alleged drug trafficking activities occurred.

NEW SECTION. Sec. 226. Upon application, notice to all parties, and a hearing, the court may modify the terms of an off-limits order. When an order is terminated, modified, or amended before its expiration date, the clerk of the court shall forward, on or before the next judicial day, a true copy of the amended order to the law enforcement agency specified in the order. Upon receipt of an order, the law enforcement agency shall promptly enter it into an appropriate law enforcement information system.

NEW SECTION. Sec. 227. Sections 213 through 226 of this act shall constitute a new chapter in Title 10 RCW.

SUBPART E DRUG SITE CLEANUP

NEW SECTION. Sec. 228. A new section is added to chapter 69.50 RCW to read as follows:

Law enforcement agencies who during the official investigation or enforcement of any illegal drug manufacturing facility come in contact with or are aware of any substances suspected of being hazardous as defined in section 2(5), chapter 2, Laws of 1989 (Initiative Measure No. 97), shall notify the department of ecology for the purpose of securing a contractor to identify, clean-up, store, and dispose of suspected hazardous substances, except for those random and representative samples obtained for evidentiary purposes. The department of ecology shall make every effort to recover costs from the parties responsible for the suspected hazardous substance. All recoveries shall be deposited in the account or fund from which contractor payments are made.

The department of ecology may adopt rules to carry out its responsibilities under this section. The department of ecology shall consult with law enforcement agencies prior to adopting any rule or policy relating to this section.

SUBPART F KEG REGISTRATION

NEW SECTION. Sec. 229. Only licensees holding a class A or B license in combination with a class E license may sell malt liquor in kegs or other containers capable of holding four gallons or more of liquid. Any person who sells or offers for sale the contents of kegs or other containers containing four gallons or more of malt liquor, or leases kegs or other containers that will hold four gallons of malt liquor, to consumers who are not licensed under chapter 66.24 RCW shall do the following for any transaction involving the container:

- (1) Require the purchaser of the malt liquor to sign a declaration and receipt for the keg or other container or beverage in substantially the form provided in section 231 of this act;
- (2) Require the purchaser to provide one piece of identification pursuant to RCW 66.16.040;
- (3) Require the purchaser to sign a sworn statement, under penalty of perjury, that:
 - (a) The purchaser is of legal age to purchase, possess, or use malt liquor;
 - (b) The purchaser will not allow any person under the age of twenty-one years to consume the beverage except as provided by RCW 66.44.270;
 - (c) The purchaser will not remove, obliterate, or allow to be removed or obliterated, the identification required under section 231 of this act to be affixed to the container;

(4) Require the purchaser to state the particular address where the malt liquor will be consumed, or the particular address where the keg or other container will be physically located; and

(5) Require the purchaser to maintain a copy of the declaration and receipt next to or adjacent to the keg or other container, in no event a distance greater than five feet, and visible without a physical barrier from the keg, during the time that the keg or other container is in the purchaser's possession or control.

NEW SECTION. Sec. 230. Any person who purchases the contents of kegs or other containers containing four gallons or more of malt liquor, or purchases or leases the container shall:

(1) Sign a declaration and receipt for the keg or other container or beverage in substantially the form provided in section 231 of this act;

(2) Provide one piece of identification pursuant to RCW 66.16.040;

(3) Be of legal age to purchase, possess, or use malt liquor;

(4) Not allow any person under the age of twenty-one to consume the beverage except as provided by RCW 66.44.270;

(5) Not remove, obliterate, or allow to be removed or obliterated, the identification required under rules adopted by the board;

(6) Not move, keep, or store the keg or its contents, except for transporting to and from the distributor, at any place other than that particular address declared on the receipt and declaration; and

(7) Maintain a copy of the declaration and receipt next to or adjacent to the keg or other container, in no event a distance greater than five feet, and visible without a physical barrier from the keg, during the time that the keg or other container is in the purchaser's possession or control.

NEW SECTION. Sec. 231. The board shall adopt rules requiring retail licensees to affix appropriate identification on all containers of four gallons or more of malt liquor for the purpose of tracing the purchasers of such containers. The rules may provide for identification to be done on a state-wide basis or on the basis of smaller geographical areas.

The board shall develop and make available forms for the declaration and receipt required by section 229 of this act.

It is unlawful for any person to sell or offer for sale kegs or other containers containing four gallons or more of malt liquor to consumers who are not licensed under chapter 66.24 RCW if the kegs or containers are not identified in compliance with rules adopted by the board.

NEW SECTION. Sec. 232. (1) Except as provided in subsection (2) of this section, the violation of any provisions of sections 229 through 231 of this act is punishable by a fine of not more than five hundred dollars.

(2) Except as provided in RCW 66.44.270, a person who intentionally furnishes a keg or other container containing four or more gallons of malt liquor to a minor is liable, on conviction, for a first offense for a penalty of not more than five hundred dollars, or for imprisonment for not more than two months, or both; for a second offense for a penalty of not more than five hundred dollars or imprisonment for not more than six months, or both; and for a third or subsequent offense for a penalty of not more than five hundred dollars or imprisonment for more than one year, or both.

NEW SECTION. Sec. 233. (1) The state of Washington fully occupies and preempts the entire field of keg registration. Cities, towns, and counties or other municipalities may enact only those laws and ordinances relating to keg registration that are consistent with this chapter. Such local ordinances shall have the same or lesser penalties as provided for by state law. Local laws and ordinances that are inconsistent with, more restrictive than, or exceed the requirements of state law shall not be enacted and are preempted and repealed, regardless of the nature of the code, charter, or home rule status of the city, town, county, or municipality.

(2) A club holding a class H liquor license may sell club liquor to the following persons:

(a) Club members and the immediate family of the club members, as authorized by the club;

(b) Guests;

(c) Visitors;

(d) Persons other than club members who have privileges due to reciprocity between affiliated clubs;

(e) Persons specifically invited to attend a private party sponsored and paid for by a club member; and

(f) Persons attending a private luncheon or banquet sponsored by a club member, whether or not paid for by the club member. At least one-eighth of the persons attending shall be club members and the immediate family of the club members, as authorized by the club, or persons with club privileges due to reciprocity between affiliated clubs or the immediate family of persons with club privileges due to reciprocity between affiliated clubs, as authorized by the club.

NEW SECTION. Sec. 234. Sections 229 through 233 of this act are each added to chapter 66.28 RCW.

SUBPART G
SPECIAL NARCOTICS ENFORCEMENT UNIT

NEW SECTION, Sec. 235. A new section is added to chapter 9A.82 RCW to read as follows:

A special narcotics enforcement unit is established within the Washington state patrol drug control assistance unit. The unit shall be coordinated between the Washington state patrol, the attorney general, and the Washington association of sheriffs and police chiefs. The initial unit shall consist of attorneys, investigators, and the necessary accountants and support staff. It is the responsibility of the unit to: (1) Conduct criminal narcotic profiteering investigations and assist with prosecutions, (2) train local undercover narcotic agents, and (3) coordinate federal, state, and local interjurisdictional narcotic investigations.

SUBPART H

STATE-WIDE DRUG PROSECUTION ASSISTANCE PROGRAM

NEW SECTION, Sec. 236. A new section is added to chapter 36.27 RCW to read as follows:

The legislature recognizes that, due to the magnitude or volume of offenses in a given area of the state, there is a recurring need for supplemental assistance in the prosecuting of drug and drug-related offenses that can be directed to the area of the state with the greatest need for short-term assistance. A state-wide drug prosecution assistance program is created within the department of community development to assist county prosecuting attorneys in the prosecution of drug and drug-related offenses.

NEW SECTION, Sec. 237. A new section is added to chapter 36.27 RCW to read as follows:

There is established a state-wide advisory committee comprised of the attorney general, the chief of the Washington state patrol, both United States attorneys whose offices are located in Washington state, and three county prosecuting attorneys appointed by the Washington association of prosecuting attorneys, who will also act as supervising attorneys. The state-wide advisory committee shall select one of the supervising attorneys to act as project director of the drug prosecution assistance program.

NEW SECTION, Sec. 238. A new section is added to chapter 36.27 RCW to read as follows:

The project director of the drug prosecution assistance program shall employ up to five attorneys to act as special deputy prosecuting attorneys. A county or counties may request the assistance of one or more of the special deputy prosecuting attorneys. The project director after consultation with the advisory committee shall determine the assignment of the special deputy prosecutors. Within funds appropriated for this purpose, the project director may also employ necessary support staff and purchase necessary supplies and equipment.

The advisory committee shall regularly review the assignment of the special deputy prosecuting attorneys to ensure that the program's impact on the drug abuse problem is maximized.

During the time a special deputy prosecuting attorney is assigned to a county, the special deputy is under the direct supervision of the county prosecuting attorney for that county. The advisory committee may reassign a special deputy at any time: PROVIDED, That adequate notice must be given to the county prosecuting attorney if the special deputy is involved in a case scheduled for trial.

SUBPART I
NEIGHBORHOOD BLIGHT

NEW SECTION, Sec. 239. Every county, city, and town may acquire by condemnation, in accordance with the notice requirements and other procedures for condemnation provided in Title 8 RCW, any property, dwelling, building, or structure which constitutes a blight on the surrounding neighborhood. A 'blight on the surrounding neighborhood' is any property, dwelling, building, or structure that has not been lawfully occupied for a period of one year or more, constitutes a threat to the public health, safety, or welfare as determined by the county health department in the applicable county and which: (1) Does not comply with local fire, building, housing, zoning, or other health and safety codes; (2) contains an accumulation of debris, litter, or other material that is conducive to ill health or endangers life or property as determined by the county health department in the applicable county; or (3) is or has been associated with illegal drug activity or other crimes during the previous twelve months. Prior to such condemnation, the local governing body shall adopt a resolution declaring that the acquisition of the real property described therein is necessary to eliminate neighborhood blight. Condemnation of property, dwellings, buildings, and structures for the purposes described in this chapter is declared to be for a public use.

NEW SECTION, Sec. 240. Counties, cities, and towns may sell, lease, or otherwise transfer real property acquired pursuant to this chapter for residential, recreational, commercial, industrial, or other uses or for public use, subject to such covenants, conditions, and restrictions, including covenants running with the land, as the county, city, or town deems to be necessary or desirable to rehabilitate and preserve the dwelling, building, or structure in a habitable condition. The purchasers or lessees and their successors and assigns shall be obligated to comply with such other requirements as the county, city, or town may determine to be in the public interest, including the obligation to begin, within a reasonable time, any improvements on such property required to make the dwelling, building, or structure habitable. Such real

property or interest shall be sold, leased, or otherwise transferred, at not less than its fair market value. In determining the fair market value of real property for uses in accordance with this section, a municipality shall take into account and give consideration to, the restrictions upon and the covenants, conditions, and obligations assumed by the purchaser or lessee.

NEW SECTION. Sec. 241. A county, city, or town may dispose of real property acquired pursuant to this section to private persons only under such reasonable, competitive procedures as it shall prescribe. The county, city, or town may accept such proposals as it deems to be in the public interest and in furtherance of the purposes of this chapter. Thereafter, the county, city, or town may execute and deliver contracts, deeds, leases, and other instruments of transfer.

NEW SECTION. Sec. 242. Every county, city, or town may, in addition to any other authority granted by this chapter: (1) Enter upon any building or property found to constitute a blight on the surrounding neighborhood in order to make surveys and appraisals, and to obtain an order for this purpose from a court of competent jurisdiction in the event entry is denied or resisted; and (2) borrow money, apply for, and accept, advances, loans, grants, contributions, and any other form of financial assistance from the federal government, the state, a county, or other public body, or from any sources, public or private, for the purposes of this chapter, and enter into and carry out contracts in connection herewith.

NEW SECTION. Sec. 243. Sections 239 through 242 of this act shall constitute a new chapter in Title 35 RCW.

SUBPART J

SCHOOL OFFICIAL SEARCHES OF STUDENT LOCKERS

NEW SECTION. Sec. 244. A new section is added to chapter 28A.67 RCW to read as follows:

The legislature finds that illegal drug activity and weapons in schools threaten the safety and welfare of school children and pose a severe threat to the state educational system. School officials need authority to maintain order and discipline in schools and to protect students from exposure to illegal drugs, weapons, and contraband. Searches of school-issued lockers and the contents of those lockers is a reasonable and necessary tool to protect the interests of the students of the state as a whole.

NEW SECTION. Sec. 245. A new section is added to chapter 28A.67 RCW to read as follows:

No right nor expectation of privacy exists for any student as to the use of any locker issued or assigned to a student by a school and the locker shall be subject to search for illegal drugs, weapons, and contraband as provided in sections 244 through 247 of this act.

NEW SECTION. Sec. 246. A new section is added to chapter 28A.67 RCW to read as follows:

(1) A school principal, vice principal, or principal's designee may search a student, the student's possessions, and the student's locker, if the principal, vice principal, or principal's designee has reasonable grounds to suspect that the search will yield evidence of the student's violation of the law or school rules.

(2) Except as provided in subsection (3) of this section, the scope of the search is proper if the search is conducted as follows:

(a) The methods used are reasonably related to the objectives of the search; and

(b) Is not excessively intrusive in light of the age and sex of the student and the nature of the suspected infraction.

(3) A principal or vice principal or anyone acting under their direction may not subject a student to a strip search or body cavity search as those terms are defined in RCW 10.79.070.

NEW SECTION. Sec. 247. A new section is added to chapter 28A.67 RCW to read as follows:

(1) In addition to the provisions in section 246 of this act, the school principal, vice principal, or principal's designee may search all student lockers at any time without prior notice and without a reasonable suspicion that the search will yield evidence of any particular student's violation of the law or school rule.

(2) If the school principal, vice principal, or principal's designee, as a result of the search, develops a reasonable suspicion that a certain container or containers in any student locker contain evidence of a student's violation of the law or school rule, the principal, vice principal, or principal's designee may search the container or containers according to the provisions of section 246(2) of this act.

PART III

SOCIAL PROGRAMS AND EDUCATION

SUBPART A

INVOLUNTARY TREATMENT

Sec. 301. Section 294, page 187, Laws of 1854 as last amended by section 1501, chapter 212, Laws of 1987, section 11, chapter 439, Laws of 1987, and by section 1, chapter ____ (SSB 5034), Laws of 1989 and RCW 5.60.060 are each reenacted and amended to read as follows:

(1) A husband shall not be examined for or against his wife, without the consent of the wife, nor a wife for or against her husband without the consent of the husband; nor can either during marriage or afterward, be without the consent of the other, examined as to any communication made by one to the other during marriage. But this exception shall not apply to a civil action or proceeding by one against the other, nor to a criminal action or proceeding for a crime committed by one against the other, nor to a criminal action or proceeding against a

spouse if the marriage occurred subsequent to the filing of formal charges against the defendant, nor to a criminal action or proceeding for a crime committed by said husband or wife against any child of whom said husband or wife is the parent or guardian, nor to a proceeding under chapter 70.96A or 71.05 RCW: PROVIDED, That the spouse of a person sought to be detained under chapter 70.96A or 71.05 RCW may not be compelled to testify and shall be so informed by the court prior to being called as a witness.

(2) An attorney or counselor shall not, without the consent of his or her client, be examined as to any communication made by the client to him or her, or his or her advice given thereon in the course of professional employment.

(3) A member of the clergy or a priest shall not, without the consent of a person making the confession, be examined as to any confession made to him or her in his or her professional character, in the course of discipline enjoined by the church to which he or she belongs.

(4) Subject to the limitations under RCW 70.96A.140 or 71.05.250, a physician or surgeon or osteopathic physician or surgeon shall not, without the consent of his or her patient, be examined in a civil action as to any information acquired in attending such patient, which was necessary to enable him or her to prescribe or act for the patient, except as follows:

(a) In any judicial proceedings regarding a child's injury, neglect, or sexual abuse or the cause thereof; and

(b) Ninety days after filing an action for personal injuries or wrongful death, the claimant shall be deemed to waive the physician-patient privilege. Waiver of the physician-patient privilege for any one physician or condition constitutes a waiver of the privilege as to all physicians or conditions, subject to such limitations as a court may impose pursuant to court rules.

(5) A public officer shall not be examined as a witness as to communications made to him or her in official confidence, when the public interest would suffer by the disclosure.

Sec. 302. Section 2, chapter 447, Laws of 1985 as amended by section 1, chapter 212, Laws of 1986 and RCW 5.62.020 are each amended to read as follows:

No registered nurse providing primary care or practicing under protocols, whether or not the physical presence or direct supervision of a physician is required, may be examined in a civil or criminal action as to any information acquired in attending a patient in the registered nurse's professional capacity, if the information was necessary to enable the registered nurse to act in that capacity for the patient, unless:

(1) The patient consents to disclosure or, in the event of death or disability of the patient, his or her personal representative, heir, beneficiary, or devisee consents to disclosure; or

(2) The information relates to the contemplation or execution of a crime in the future, or relates to the neglect or the sexual or physical abuse of a child, or of a vulnerable adult as defined in RCW 74.34.020, or to a person subject to proceedings under chapter 70.96A, 71.05, or 71.34 RCW.

Sec. 303. Section 11, chapter 305, Laws of 1955 as last amended by section 12, chapter 439, Laws of 1987 and RCW 18.83.110 are each amended to read as follows:

Confidential communications between a client and a psychologist shall be privileged against compulsory disclosure to the same extent and subject to the same conditions as confidential communications between attorney and client, but this exception is subject to the limitations under RCW 70.96A.140 and 71.05.250.

Sec. 304. Section 1, chapter 122, Laws of 1972 ex. sess. and RCW 70.96A.010 are each amended to read as follows:

It is the policy of this state that alcoholics and intoxicated persons may not be subjected to criminal prosecution solely because of their consumption of alcoholic beverages but rather should, within available funds, be afforded a continuum of treatment in order that they may lead normal lives as productive members of society. Within available funds, treatment should also be provided for drug addicts.

Sec. 305. Section 2, chapter 122, Laws of 1972 ex. sess. and RCW 70.96A.020 are each amended to read as follows:

For the purposes of this chapter the following words and phrases shall have the following meanings unless the context clearly requires otherwise:

(1) 'Alcoholic' means a person who (~~habitually lacks self-control as to the use of alcoholic beverages, or uses alcoholic beverages to the extent that his health is substantially impaired or endangered or his social or economic function is substantially disrupted~~) suffers from the disease of alcoholism, characterized by a physiological dependency on alcoholic beverages, loss of control over the amount and circumstances of use, symptoms of tolerance, physiological and/or psychological withdrawal if use is reduced or discontinued, and impairment of health or disruption of social or economic functioning;

(2) 'Drug addict' means a person who uses drugs other than alcohol in a chronic, compulsive, or uncontrollable manner, to the extent that it is seriously interfering with the individual's health, economic, or social functioning. Drug addiction is characterized by a compulsive desire for one or more drugs, loss of control when exposed to one or more drugs, and continued use in spite of adverse consequences;

(3) 'Approved treatment facility' means a treatment agency operating under the direction and control of the department of social and health services or providing treatment under this

chapter through a contract with the department under RCW 70.96A.080(6) and meeting the standards prescribed in RCW 70.96A.090(1) and approved under RCW 70.96A.090(3) or meeting the standards prescribed in and approved under RCW 69.54.030:

~~((3))~~ (4) 'Secretary' means the secretary of the department of social and health services;

~~((4))~~ (5) 'Department' means the department of social and health services;

~~((5))~~ ~~'Director' means the director of the division of alcoholism;~~

(6) 'Emergency service patrol' means a patrol established under RCW 70.96A.170;

(7) 'Incapacitated by alcohol or other drugs' means that a person, as a result of the use of alcohol or other drugs, has his or her judgment so impaired that he or she is incapable of realizing and making a rational decision with respect to ~~(his)~~ the need for treatment or care and constitutes a danger to himself or herself, to any other person, or to property;

(8) 'Gravely disabled by alcohol or other drugs' means that a person, as a result of the use of alcohol or other drugs: (a) is in danger of serious physical harm resulting from a failure to provide for his or her essential human needs of health or safety; or (b) manifests severe deterioration in routine functioning evidenced by a repeated and escalating loss of cognition or volitional control over his or her actions and is not receiving care as essential for his or her health or safety;

(9) 'Incompetent person' means a person who has been adjudged incompetent by the superior court;

~~((9))~~ (10) 'Intoxicated person' means a person whose mental or physical functioning is substantially impaired as a result of the use of alcohol or other drugs;

~~((10))~~ (11) 'Treatment' means the broad range of emergency, outpatient, intermediate, and inpatient and emergency services and care, including diagnostic evaluation, medical, psychiatric, psychological, and social service care, vocational rehabilitation and career counseling, which may be extended to alcoholics, drug addicts, persons incapacitated by alcohol or other drugs, and intoxicated persons;

(12) 'Peace officer' means a law enforcement official of a public agency or governmental unit, and includes persons specifically given peace officer powers by any state law, local ordinance, or judicial order of appointment;

(13) 'Licensed physician' means a person licensed to practice medicine or osteopathy in the state of Washington.

Sec. 306. Section 12, chapter 122, Laws of 1972 ex. sess. as last amended by section 13, chapter 439, Laws of 1987 and RCW 70.96A.120 are each amended to read as follows:

(1) An intoxicated person may come voluntarily to an approved treatment facility for treatment. A person who appears to be intoxicated in a public place and to be in need of help, if he or she consents to the proffered help, may be assisted to his or her home, an approved treatment facility or other health facility.

(2) Except for a person who may be apprehended for possible violation of laws not relating to alcoholism, drug addiction, or intoxication and except for a person who may be apprehended for possible violation of laws relating to driving or being in physical control of a vehicle while intoxicated and except for a person who may wish to avail himself or herself of the provisions of RCW 46.20.308, a person who appears to be incapacitated or gravely disabled by alcohol or other drugs and who is in a public place or who has threatened, attempted, or inflicted physical harm on himself, herself, or another, shall be taken into protective custody by ~~(the police or the emergency service patrol)~~ a peace officer or staff designated by the county and as soon as practicable, but in no event beyond eight hours brought to an approved treatment facility for treatment. If no approved treatment facility is readily available he or she shall be taken to an emergency medical service customarily used for incapacitated persons. The ~~(police or the emergency service patrol)~~ peace officer or staff designated by the county, in detaining the person and in taking him or her to an approved treatment facility, is taking him or her into protective custody and shall make every reasonable effort to protect his or her health and safety. In taking the person into protective custody, the detaining peace officer or (member of an emergency patrol) staff designated by the county may take reasonable steps including reasonable force if necessary to protect himself or herself or effect the custody. A taking into protective custody under this section is not an arrest. No entry or other record shall be made to indicate that the person has been arrested or charged with a crime.

(3) A person who comes voluntarily or is brought to an approved treatment facility shall be examined by a qualified person. He or she may then be admitted as a patient or referred to another health facility, which provides emergency medical treatment, where it appears that such treatment may be necessary. The referring approved treatment facility shall arrange for his or her transportation.

(4) A person who is found to be incapacitated or gravely disabled by alcohol or other drugs at the time of his or her admission or to have become incapacitated or gravely disabled at any time after his or her admission, may not be detained at the facility for more than seventy-two hours after admission as a patient, unless a petition is filed under RCW 70.96A.140, as now or hereafter amended: PROVIDED, That the treatment personnel at ~~(the)~~ an approved treatment facility are authorized to use such reasonable physical restraint as may be necessary

to retain an incapacitated or gravely disabled person (~~incapacitated by alcohol at such facility~~) for up to seventy-two hours from the time of admission. The seventy-two hour periods specified in this section shall be computed by excluding Saturdays, Sundays, and holidays. A person may consent to remain in the facility as long as the physician in charge believes appropriate.

(5) A person who is not admitted to an approved treatment facility, is not referred to another health facility, and has no funds, may be taken to his or her home, if any. If he or she has no home, the approved treatment facility shall (~~assist~~) provide him or her (in obtaining shelter) with information and assistance to access available community shelter resources.

(6) If a patient is admitted to an approved treatment facility, his or her family or next of kin shall be notified as promptly as possible by the treatment facility. If an adult patient who is not incapacitated requests that there be no notification, his or her request shall be respected.

(7) The (~~police, members of the emergency service~~) peace officer, staff designated by the county, or treatment facility personnel, who (in good faith) act in compliance with this chapter and are performing in the course of their official duty (and) are not criminally or civilly liable therefor.

(8) If the person in charge of the approved treatment facility determines (~~it is for the patient's benefit~~) that appropriate treatment is available, the patient shall be encouraged to agree to further diagnosis and appropriate voluntary treatment.

Sec. 307. Section 14, chapter 122, Laws of 1972 ex. sess. as last amended by section 14, chapter 439, Laws of 1987 and RCW 70.96A.140 are each amended to read as follows:

(1) When the person in charge of a treatment facility, or his or her designee, receives information alleging that a person is incapacitated as a result of alcoholism, the person in charge, or his or her designee, after investigation and evaluation of the specific facts alleged and of the reliability and credibility of the information, may file a petition for commitment of such person with the superior court or district court. If the person in charge, or his or her designee, finds that the initial needs of such person would be better served by placement within the mental health system, the person shall be referred to an evaluation and treatment facility as defined in RCW 71.05.020. If placement in an alcohol treatment facility is available and deemed appropriate, the petition shall allege that: The person is an alcoholic who is incapacitated by alcohol, or that the person has twice before in the preceding twelve months been admitted for (~~the voluntary~~) detoxification or treatment for alcoholism pursuant to RCW 70.96A.110 and is in need of a more sustained treatment program, or that the person is an alcoholic who has threatened, attempted, or inflicted physical harm on another and is likely to inflict physical harm on another unless committed. A refusal to undergo treatment, by itself, does not constitute evidence of lack of judgment as to the need for treatment. The petition shall be accompanied by a certificate of a licensed physician who has examined the person within (two) five days before submission of the petition, unless the person whose commitment is sought has refused to submit to a medical examination, in which case the fact of refusal shall be alleged in the petition. The certificate shall set forth the licensed physician's findings in support of the allegations of the petition. A physician employed by the petitioning facility or the department is (not) eligible to be the certifying physician.

(2) Upon filing the petition, the court shall fix a date for a hearing no less than (~~three~~) two and no more than seven days after the date the petition was filed unless the person petitioned against is presently being detained (~~by the~~) in a facility, pursuant to RCW 70.96A.120 or 71.05.210, as now or hereafter amended, in which case the hearing shall be held within seventy-two hours of the filing of the petition: PROVIDED, HOWEVER, That the above specified seventy-two hours shall be computed by excluding Saturdays, Sundays, and holidays: PROVIDED FURTHER, That, the court may, upon motion of the person whose commitment is sought, or upon motion of petitioner with written permission of the person whose commitment is sought, or his or her counsel and, upon good cause shown, extend the date for the hearing. A copy of the petition and of the notice of the hearing, including the date fixed by the court, shall be served by the treatment facility on the person whose commitment is sought, his or her next of kin, a parent or his or her legal guardian if he or she is a minor, and any other person the court believes advisable. A copy of the petition and certificate shall be delivered to each person notified.

(3) At the hearing the court shall hear all relevant testimony, including, if possible, the testimony, which may be telephonic, of at least one licensed physician who has examined the person whose commitment is sought. Communications otherwise deemed privileged under the laws of this state are deemed to be waived in proceedings under this chapter when a court of competent jurisdiction in its discretion determines that the waiver is necessary to protect either the detained person or the public. The waiver of a privilege under this section is limited to records or testimony relevant to evaluation of the detained person for purposes of a proceeding under this chapter. Upon motion by the detained person, or on its own motion, the court shall examine a record or testimony sought by a petitioner to determine whether it is within the scope of the waiver.

The record maker shall not be required to testify in order to introduce medical, nursing, or psychological records of detained persons so long as the requirements of RCW 5.45.020 are met, except that portions of the record that contain opinions as to whether the detained person

is an alcoholic must be deleted from the records unless the person offering the opinions is available for cross-examination. The person shall be present unless the court believes that his or her presence is likely to be injurious to him or her; in this event the court may deem it appropriate to appoint a guardian ad litem to represent him or her throughout the proceeding. If deemed advisable, the court may examine the person out of courtroom. If the person has refused to be examined by a licensed physician, he or she shall be given an opportunity to be examined by a court appointed licensed physician. If he or she refuses and there is sufficient evidence to believe that the allegations of the petition are true, or if the court believes that more medical evidence is necessary, the court may make a temporary order committing him or her to the department for a period of not more than five days for purposes of a diagnostic examination.

(4) If after hearing all relevant evidence, including the results of any diagnostic examination, the court finds that grounds for involuntary commitment have been established by clear, cogent, and convincing proof, it shall make an order of commitment to an approved treatment facility. It shall not order commitment of a person unless it determines that an approved treatment facility is available and able to provide adequate and appropriate treatment for him or her (~~and the treatment is likely to be beneficial~~).

(5) A person committed under this section shall remain in the facility for treatment for a period of ~~(thirty)~~ sixty days unless sooner discharged. At the end of the ~~(thirty)~~ sixty-day period, he or she shall be discharged automatically unless the facility, before expiration of the period, files a petition for his or her recommitment upon the grounds set forth in subsection (1) of this section for a further period of ninety days unless sooner discharged. If a person has been committed because he or she is an alcoholic likely to inflict physical harm on another, the facility shall apply for recommitment if after examination it is determined that the likelihood still exists.

~~(6) ((A person recommitted under subsection (5) of this section who has not been discharged by the facility before the end of the ninety-day period shall be discharged at the expiration of that period unless the facility, before expiration of the period, obtains a court order on the grounds set forth in subsection (1) of this section for recommitment for a further period not to exceed ninety days. If a person has been committed because he or she is an alcoholic likely to inflict physical harm on another, the facility shall apply for recommitment if after examination it is determined that the likelihood still exists. Only two recommitment orders under subsections (5) and (6) of this section are permitted.~~

~~(7))~~ Upon the filing of a petition for recommitment under subsection~~(s)~~ (5) ~~((or (6))~~) of this section, the court shall fix a date for hearing no less than ~~(three)~~ two and no more than seven days after the date the petition was filed: PROVIDED, That, the court may, upon motion of the person whose commitment is sought and upon good cause shown, extend the date for the hearing. A copy of the petition and of the notice of hearing, including the date fixed by the court, shall be served by the treatment facility on the person whose commitment is sought, his or her next of kin, the original petitioner under subsection (1) of this section if different from the petitioner for recommitment, one of his or her parents or his or her legal guardian if he or she is a minor, and his or her attorney and any other person the court believes advisable. At the hearing the court shall proceed as provided in subsection (3) of this section.

~~((8))~~ (7) The approved treatment facility shall provide for adequate and appropriate treatment of a person committed to its custody. A person committed under this section may be transferred from one approved public treatment facility to another if transfer is medically advisable.

~~((9))~~ (8) A person committed to the custody of a facility for treatment shall be discharged at any time before the end of the period for which he or she has been committed and he or she shall be discharged by order of the court if either of the following conditions are met:

(a) In case of an alcoholic committed on the grounds of likelihood of infliction of physical harm upon himself, herself, or another, ~~((that he or she is no longer an alcoholic or))~~ the likelihood no longer exists; or further treatment will not be likely to bring about significant improvement in the person's condition, or treatment is no longer adequate or appropriate.

(b) In case of an alcoholic committed on the grounds of the need of treatment and incapacity, that the incapacity no longer exists.

~~((10))~~ (9) The court shall inform the person whose commitment or recommitment is sought of his or her right to contest the application, be represented by counsel at every stage of any proceedings relating to his or her commitment and recommitment, and have counsel appointed by the court or provided by the court, if he or she wants the assistance of counsel and is unable to obtain counsel. If the court believes that the person needs the assistance of counsel, the court shall require, by appointment if necessary, counsel for him or her regardless of his or her wishes. The person shall, if he or she is financially able, bear the costs of such legal service; otherwise such legal service shall be at public expense. The person whose commitment or recommitment is sought shall be informed of his or her right to be examined by a licensed physician of his or her choice. If the person is unable to obtain a licensed physician and requests examination by a physician, the court shall employ a licensed physician.

((+)) (10) A person committed under this chapter may at any time seek to be discharged from commitment by writ of habeas corpus in a court of competent jurisdiction.

((+)) (11) The venue for proceedings under this section is the county in which person to be committed resides or is present.

(12) When in the opinion of the professional person in charge of the facility providing involuntary treatment under this chapter, the committed patient can be appropriately served by less restrictive treatment before expiration of the period of commitment, then the less restrictive care may be required as a condition for early release for a period which, when added to the initial treatment period, does not exceed the period of commitment. If the facility designated to provide the less restrictive treatment is other than the facility providing the initial involuntary treatment, the facility so designated must agree in writing to assume such responsibility. A copy of the conditions for early release shall be given to the patient, the designated county alcoholism specialist, and the court of original commitment. The facility designated to provide less restrictive care may modify the conditions for continued release when the modifications are in the best interests of the patient. If the facility providing less restrictive care and the designated county alcoholism specialist determine that a conditionally released patient is failing to adhere to the terms and conditions of his or her release, or that substantial deterioration in the patient's functioning has occurred, then the designated county alcoholism specialist shall notify the court of original commitment and request a hearing to be held no less than two and no more than seven days after the date of the request to determine whether or not the person should be returned to more restrictive care. The designated alcoholism specialist shall file a petition with the court stating the facts substantiating the need for the hearing along with the treatment recommendations. The patient shall have the same rights with respect to notice, hearing, and counsel as for the original involuntary treatment proceedings. The issues to be determined at the hearing are whether the conditionally released patient did or did not adhere to the terms and conditions of his or her release to less restrictive care or that substantial deterioration of the patient's functioning has occurred and whether the conditions of release should be modified or the person should be returned to a more restrictive facility. The hearing may be waived by the patient and his or her counsel and his or her guardian or conservator, if any, but may not be waived unless all such persons agree to the waiver. Upon waiver, the person may be returned for involuntary treatment or continued on conditional release on the same or modified conditions.

Sec. 308. Section 15, chapter 85, Laws of 1959 and RCW 70.96.150 are each amended to read as follows:

The department shall not refuse admission for diagnosis, evaluation, guidance or treatment to any applicant because it is determined that the applicant is financially unable to contribute fully or in part to the cost of any services or facilities available under the program on alcoholism.

The department may limit admissions of such applicants or modify its programs in order to ensure that expenditures for services or programs do not exceed amounts appropriated by the legislature and are allocated by the department for such services or programs. The department may establish admission priorities in the event that the number of eligible applicants exceeds the limits set by the department.

NEW SECTION, Sec. 309. A new section is added to chapter 70.96A RCW to read as follows:

The department is authorized to allocate appropriated funds in the manner that it determines best meets the purposes of this chapter. Nothing in this chapter shall be construed to entitle any individual to services authorized in this chapter, or to require the department or its contractors to reallocate funds in order to ensure that services are available to any eligible person upon demand.

SUBPART B

DRUG AND ALCOHOL ABUSE PREVENTION AND EARLY INTERVENTION IN SCHOOLS

NEW SECTION, Sec. 310. (1) The legislature finds that the provision of drug and alcohol counseling and related prevention and intervention services in schools will enhance the classroom environment for students and teachers, and better enable students to realize their academic and personal potentials.

(2) The legislature finds that it is essential that resources be made available to school districts to provide early drug and alcohol prevention and intervention services to students and their families; to assist in referrals to treatment providers; and to strengthen the transition back to school for students who have had problems of drug and alcohol abuse.

(3) New and existing substance abuse awareness programs funded pursuant to RCW 28A.120.030 through 28A.120.050 do not fall within the definition of basic education for purposes of Article IX of the state Constitution and the state's funding duty thereunder.

(4) The legislature intends to provide grants for drug and alcohol abuse prevention and intervention in schools, targeted to those schools with the highest concentrations of students at risk.

NEW SECTION, Sec. 311. (1) Grants provided under section 312 of this act may be used solely for services provided by a substance abuse intervention specialist or for dedicated staff time for counseling and intervention services provided by any school district certificated

employee who has been trained by and has access to consultation with a substance abuse intervention specialist. Services shall be directed at assisting students in kindergarten through twelfth grade in overcoming problems of drug and alcohol abuse, and in preventing abuse and addiction to such substances, including nicotine. The grants shall require local matching funds so that the grant amounts support a maximum of eighty percent of the costs of the services funded. The services of a substance abuse intervention specialist may be obtained by means of a contract with a state or community services agency or a drug treatment center. Services provided by a substance abuse intervention specialist may include:

- (a) Individual and family counseling, including preventive counseling;
- (b) Assessment and referral for treatment;
- (c) Referral to peer support groups;
- (d) Aftercare;
- (e) Development and supervision of student mentor programs;
- (f) Staff training, including training in the identification of high-risk children and effective interaction with those children in the classroom; and
- (g) Development and coordination of school drug and alcohol core teams, involving staff, students, parents, and community members.

(2) For the purposes of this section, 'substance abuse intervention specialist' means any one of the following, except that diagnosis and assessment, counseling and aftercare specifically identified with treatment of chemical dependency shall be performed only by personnel who meet the same qualifications as are required of a qualified chemical dependency counselor employed by an alcoholism or drug treatment program approved by the department of social and health services.

(a) An educational staff associate employed by a school district or educational service district who holds certification as a school counselor, school psychologist, school nurse, or school social worker under state board of education rules adopted pursuant to RCW 28A.04.120;

(b) An individual who meets the definition of a qualified drug or alcohol counselor established by the bureau of alcohol and substance abuse;

(c) A counselor, social worker, or other qualified professional employed by the department of social and health services;

(d) A psychologist licensed under chapter 18.83 RCW; or

(e) A children's mental health specialist as defined in RCW 71.34.020.

NEW SECTION. Sec. 312. (1) The superintendent of public instruction shall select school districts and cooperatives of school districts to receive grants for drug and alcohol abuse prevention and intervention programs for students in kindergarten through twelfth grade, from funds appropriated by the legislature for this purpose. The minimum annual grant amount per district or cooperative of districts shall be twenty thousand dollars. Factors to be used in selecting proposals for funding and in determining grant awards shall be developed in consultation with the substance abuse advisory committee appointed under RCW 28A.120.038, with the intent of targeting funding to districts with high-risk populations. These factors may include:

(a) Characteristics of the school attendance areas to be served, such as the number of students from low-income families, truancy rates, juvenile justice referrals, and social services caseloads;

(b) The total number of students who would have access to services; and

(c) Participation of community groups and law enforcement agencies in drug and alcohol abuse prevention and intervention activities.

(2) The application procedures for grants under this section shall be consistent with the application procedures for other grants for substance abuse awareness programs under RCW 28A.120.032, including provisions for comprehensive planning, establishment of a school and community substance abuse advisory committee, and documentation of the district's needs assessment. Planning and application for grants under this section may be integrated with the development of other substance abuse awareness programs by school districts, and other grants under RCW 28A.120.030 through 28A.120.036 shall not require a separate application. School districts shall, to the maximum extent feasible, coordinate the use of grants provided under this section with other funding available for substance abuse awareness programs. School districts should allocate resources giving emphasis to drug and alcohol abuse intervention services for students in grades five through nine. Grants may be used to provide services for students who are enrolled in approved private schools.

(3) School districts receiving grants under this section shall be required to establish a means of accessing formal assessment services for determining treatment needs of students with drug and alcohol problems. The grant applications submitted by districts shall identify the districts' plan for meeting this requirement.

(4) School districts receiving grants under this section shall be required to perform biennial evaluations of their drug and alcohol abuse prevention and intervention programs, and to report on the results of these evaluations to the superintendent of public instruction.

(5) The superintendent of public instruction may adopt rules to implement sections 311 through 313 of this act.

NEW SECTION. Sec. 313. (1) School districts are encouraged to promote parent and community involvement in drug and alcohol abuse prevention and intervention programs, through parent visits under RCW 28A.58.053 and through any school involvement program established by the district under RCW 28A.58.640 through 28A.58.648.

(2) Districts are further encouraged to review drug and alcohol prevention and intervention programs as part of the self-study procedures required under RCW 28A.58.085 and as part of any annual goal-setting process the district may have established under RCW 28A.58.094.

NEW SECTION. Sec. 314. Sections 311 through 313 of this act are each added to chapter 28A.120 RCW.

SUBPART C COMMUNITY MOBILIZATION

NEW SECTION. Sec. 315. The legislature recognizes that state-wide efforts aimed at reducing the incidence of substance abuse must be increased. The legislature further recognizes that the most effective strategy for reducing the impact of alcohol and other drug abuse is through the collaborative efforts of educators, law enforcement, local government officials, local treatment providers, and concerned community and citizens' groups.

The legislature intends to support the development and activities of community mobilization strategies against substance abuse through the following efforts:

(1) Provide funding support for prevention, treatment, and enforcement activities identified by communities that have brought together education, treatment, local government, law enforcement, and other key elements of the community;

(2) Provide technical assistance and support to help communities develop and carry out effective activities; and

(3) Provide communities with opportunities to share suggestions for state program operations and budget priorities.

NEW SECTION. Sec. 316. There is established in the office of the governor a grant program to provide incentive for and support for communities to develop targeted and coordinated strategies to reduce the incidence and impact of substance abuse.

Activities which may be funded through this grant program include those which:

(1) Prevent substance abuse through educational and self-esteem efforts, development of positive alternatives, intervention with high-risk groups, and other prevention strategies;

(2) Support effective treatment by increasing access to and availability of treatment opportunities, particularly for underserved or highly impacted populations, developing after-care and support mechanisms, and other strategies to increase the availability and effectiveness of treatment;

(3) Provide meaningful consequences for participation in illegal activity and promote safe and healthy communities through support of law enforcement strategies;

(4) Create or build on efforts by existing community programs, coordinate their efforts, and develop cooperative efforts or other initiatives to make most effective use of resources to carry out the community's strategy against substance abuse; and

(5) Other activities which demonstrate both feasibility and a rationale for how the activity will achieve measurable results in the strategy against substance abuse.

NEW SECTION. Sec. 317. Applications for funding under this chapter must:

(1) Demonstrate that the community has developed and is committed to carrying out a coordinated strategy of prevention, treatment, and law enforcement activities; and

(2) Contain evidence of active participation of the community and specific commitments to implementing the community-wide agenda by leadership from at least education, law enforcement, local government, tribal government, and treatment entities in the community, and the opportunity for meaningful involvement from others such as neighborhood and citizen groups, businesses, human service, health and job training organizations, and other key elements of the community, particularly those whose responsibilities in law enforcement, treatment, prevention, or other community efforts provide direct, ongoing contact with substance abusers.

NEW SECTION. Sec. 318. This grant program will be available to communities of any geographic size but will encourage and reward communities which develop coordinated or complementary strategies within geographic areas such as county areas or groups of county areas which correspond to units of government with significant responsibilities in the area of substance abuse, existing coalitions, or other entities important to the success of a community's strategy against substance abuse.

NEW SECTION. Sec. 319. At a minimum, grant applications must include the following:

(1) Definition of geographic area;

(2) A description of the extent and impact of substance abuse in the community, including an explanation of those who are most severely impacted and those most at risk of substance abuse;

(3) An explanation of the community-wide strategy for prevention, treatment, and law enforcement activities related to substance abuse with particular attention to those who are most severely impacted and those most at risk of substance abuse;

(4) Explanation of who was involved in development of the strategy and what specific commitments have been made to carrying it out;

(5) Identification of existing prevention, treatment, and law enforcement resources committed by the community, including financial and other support, and an explanation of how the community's strategy involves and builds on the efforts of existing organizations or coalitions that have been carrying out community efforts against substance abuse;

(6) Identification of activities that address specific objectives in the strategy for which additional resources are needed;

(7) Identification of additional local resources, including public or private funds, donated goods or services, and other measurable commitments, that have been committed to the activities identified in subsection (6) of this section;

(8) Identification of activities which address specific objectives in the strategy for which funding is requested. Activities should be presented in priority order;

(9) Each activity for which funding is requested must be explained in sufficient detail to demonstrate:

(a) Feasibility through deliberative design, specific objectives, and realistic plan for implementation;

(b) A rationale for how this activity will achieve measurable results and how it will be evaluated;

(c) That funds requested are necessary and appropriate to effectively carry out the activity; and

(10) Identification of a fiscal agent meeting state requirements for each activity proposed for funding.

NEW SECTION, Sec. 320. The governor shall make awards, subject to funds appropriated by the legislature, under the following terms:

(1) In order to be eligible for consideration, applications must demonstrate, at a minimum:

(a) That proposals submitted for funding are based on and address specific objectives contained in a coordinated strategy of prevention, treatment, and law enforcement against substance abuse;

(b) Evidence of active participation in preparation of the proposal and specific commitments to implementing the community-wide agenda by leadership from at least education, law enforcement, local government, tribal government, and treatment entities in the community, and the opportunity for meaningful involvement from others such as neighborhood and citizen groups, businesses, human service, health and job training organizations, and other key elements of the community, particularly those whose responsibilities in law enforcement, treatment, prevention, or other community efforts provide direct, ongoing contact with substance abusers, or those at risk for substance abuse;

(c) That they have met the requirements listed in section 319 of this act;

(d) Evidence of additional local resources committed to its strategy totaling at least twenty-five percent of funds awarded under this section. These resources may consist of public or private funds, donated goods or services, and other measurable commitments, including in-kind contributions such as volunteer services, materials, supplies, physical facilities or a combination thereof; and

(e) That the funds applied for, if received, will not be used to replace funding for existing activities.

(2) In order to encourage and reward communities which develop coordinated or complementary strategies within geographic areas which correspond to units of government with significant responsibilities in the area of substance abuse, up to fifty percent of funds appropriated for the purposes of this chapter may be awarded on a per capita basis to eligible applications reflecting coordinated strategy from a county area or group of county areas. The governor may establish minimum allotments per eligible county areas up to fifteen thousand dollars; and

(3) No less than fifty percent of funds appropriated under this chapter shall be awarded on a competitive basis for activities by communities not participating in a county-wide strategy and activities identified by county-wide strategies but not funded through per capita grants. Eligible applications will be assessed and compared by a peer review committee whose members have experience in prevention, treatment, law enforcement, and other community efforts against substance abuse using the following criteria:

(a) The extent and impact of substance abuse;

(b) The extent to which key elements of the community are involved in and committed to the coordinated strategy;

(c) The extent of commitments of local resources to the coordinated strategy;

(d) The extent to which any activities in a community's strategy offer an innovative approach to a chronic, wide-spread problem.

The peer review committee will advise the governor on the extent to which each eligible applicant has met these criteria. The governor will distribute available funds based on this information.

(4) The governor shall distribute fifty percent of the initial appropriation for the purposes of this chapter no later than October 1, 1989, and the remainder no later than July 1, 1990.

(5) Activities funded under this section may be considered for funding in future years, but will be considered under the same terms and criteria of new activities. Funding under this section shall not constitute an obligation by the state of Washington to provide ongoing funding.

NEW SECTION. Sec. 321. The governor shall ask communities for suggestions on state practices, policies, and priorities that would help communities implement their strategies against substance abuse. The governor or appropriate agency officials shall review and respond to those suggestions making necessary changes where feasible, making recommendations to the legislature where appropriate, and providing an explanation as to why suggested changes cannot be accomplished, if the suggestions cannot be acted upon.

NEW SECTION. Sec. 322. The governor may receive such gifts, grants, and endowments from public or private sources as may be made from time to time, in trust or otherwise, for the use and benefit of the purposes of sections 315 through 322 of this act and expend the same or any income therefrom according to the terms of the gifts, grants, or endowments.

NEW SECTION. Sec. 323. Sections 315 through 322 of this act shall constitute a new chapter in Title 43 RCW.

NEW SECTION. Sec. 324. The governor shall report to the legislature by January 1, 1991, regarding the operations of the grant program authorized in section 316 of this act. At a minimum, the report shall include the following:

- (1) Number of grants awarded and the amount of each grant;
- (2) Recipients of grants, including the communities in which they are based;
- (3) Purposes for which the grants were awarded;
- (4) Success of the projects in achieving their stated goals and objectives;
- (5) An assessment of the effect that the activities of this act had on encouraging and supporting coordinated community action against substance abuse;
- (6) Recommendations for further funding by the state; and
- (7) Recommendations regarding future operations of the program, including criteria for awarding grants.

PART IV APPROPRIATIONS

NEW SECTION. Sec. 401. DRUG ENFORCEMENT AND EDUCATION ACCOUNT. The drug enforcement and education account is created in the state treasury. All designated receipts from RCW 66.24.210(4), 66.24.290(3), 69.50.505(f)(2)(i)(C), 82.08.150(5), 82.24.020(2), and section 506 of this act shall be deposited into the account. Expenditures from the account may be used only for funding services and programs under this act.

NEW SECTION. Sec. 402. CRIMES AND PENALTIES. The sum of twenty-one million three hundred five thousand dollars, or as much thereof as may be necessary, is appropriated for the biennium ending June 30, 1991, from the drug enforcement and education account to the department of corrections. Of this amount, eight million eight hundred thousand dollars is for operational costs associated with the additional prison population due to the new crimes and increased penalties established by sections 101 through 112 of this act. The remaining twelve million five hundred five thousand dollars is for the purpose of renovating or constructing additional facilities needed as a result of the new crimes and penalties.

NEW SECTION. Sec. 403. JUVENILE OFFENDERS STRUCTURED RESIDENTIAL PROGRAM. The sum of one million eight hundred thirty-five thousand dollars, or as much thereof as may be necessary, is appropriated from the drug enforcement and education account to the department of social and health services for the biennium ending June 30, 1991, for the juvenile offenders structured residential program.

NEW SECTION. Sec. 404. MONITORING INMATE TELEPHONE CALLS. The sum of one hundred seventy-five thousand dollars, or as much thereof as may be necessary, is appropriated for the biennium ending June 30, 1991, from the drug enforcement and education account to the department of corrections for the purpose of monitoring inmate telephone calls within state correctional facilities.

NEW SECTION. Sec. 405. SPECIAL NARCOTICS ENFORCEMENT UNIT. The sum of nine hundred forty thousand dollars, or as much thereof as may be necessary, is appropriated for the biennium ending June 30, 1991, from the drug enforcement and education account to the Washington state patrol to be used solely for purposes of establishing the special narcotics enforcement unit within the state patrol drug control assistance unit.

NEW SECTION. Sec. 406. STATE-WIDE DRUG PROSECUTION ASSISTANCE UNIT. The sum of five hundred sixty thousand dollars, or as much thereof as may be necessary, is appropriated for the biennium ending June 30, 1991, from the drug enforcement and education account to the department of community development for the state-wide drug prosecution assistance unit. None of this sum may be used by the department of community development for administrative expenses.

NEW SECTION. Sec. 407. INVOLUNTARY TREATMENT. The sum of four million nine hundred thousand dollars, or as much thereof as may be necessary, is appropriated for the biennium

ending June 30, 1991, from the drug enforcement and education account to the department of social and health services for the purposes of sections 301 through 309 of this act.

NEW SECTION, Sec. 408. PREVENTION AND EARLY INTERVENTION IN SCHOOLS. The sum of ten million dollars, or as much thereof as may be necessary, is appropriated for the biennium ending June 30, 1991, from the drug enforcement and education account to the superintendent of public instruction to support school district substance abuse awareness programs provided under sections 310 through 313 of this act.

It is the intent of the legislature that one-time grants provided to school districts from appropriations under this section do not meet the criteria for levy reduction funds under RCW 84.52.0531 and shall not be deemed to be levy reduction funds.

NEW SECTION, Sec. 409. ALCOHOL AND DRUG-ABUSING PREGNANT WOMEN. The sum of five million five hundred thousand dollars, or as much thereof as may be necessary, is appropriated for the biennium ending June 30, 1991, from the drug enforcement and education account to the department of social and health services for maternity care support services for alcohol and drug-abusing pregnant women. Support services shall include substance abuse treatment programs specifically designed to serve pregnant women and postpartum women and their infants and children. A continuum of treatment shall be provided, to include one or more of the following components:

- (1) Inpatient treatment programs capable of serving pregnant women and postpartum women and infants;
- (2) An ambulatory treatment facility serving women and their infants who test positive for the human immunodeficiency virus (HIV) or the acquired immunodeficiency syndrome (AIDS);
- (3) Transition housing or safe living space for pregnant and postpartum women and infants;
- (4) Outpatient or follow-up treatment which includes a provision for child care.

The department shall maximize federal participation for support services provided under this section to eligible persons under the medical assistance program, Title XIX of the federal social security act.

NEW SECTION, Sec. 410. COMMUNITY MOBILIZATION. The sum of three million six hundred forty thousand dollars, or as much thereof as may be necessary, is appropriated for the biennium ending June 30, 1991, from the drug enforcement and education account to the department of community development for the purposes of funding community mobilization strategies. Of this amount, forty thousand dollars is to provide technical assistance to communities in meeting the conditions of grant applications.

NEW SECTION, Sec. 411. SECURITY IN SCHOOLS. The sum of three million dollars, or as much thereof as may be necessary, is appropriated for the biennium ending June 30, 1991, from the drug enforcement and education account to the superintendent of public instruction for matching grants to enhance security in secondary schools. School districts which apply for such grants shall ensure that no more than seventy-five percent of the district's total expenditures for school security in any school year are supported by the grant amounts. The grants shall be expended solely for the costs of employing or contracting for building security monitors in secondary schools during school hours and school events. Of the amount appropriated in this section, a minimum of two million seven hundred fifty thousand dollars is provided for grants to districts that, during the 1988-89 school year, employed or contracted for security monitors in schools during school hours.

It is the intent of the legislature that grants provided to school districts from appropriations under this section do not meet the criteria for levy reduction funds under RCW 84.52.0531 and shall not be deemed to be levy reduction funds.

NEW SECTION, Sec. 412. CRIME LAB ENHANCEMENT. The sum of eight hundred thousand dollars, or as much thereof as may be necessary, is appropriated for the biennium ending June 30, 1991, from the drug enforcement and education account to the Washington state patrol to be used solely for purposes of enhancing and expediting identification and analysis in drug cases.

NEW SECTION, Sec. 413. JUVENILE REHABILITATION--SUBSTANCE ABUSE. The sum of six hundred twenty-five thousand dollars, or as much thereof as may be necessary, is appropriated for the biennium ending June 30, 1991, from the drug enforcement and education account to the department of social and health services to be used solely for the purposes of enhancing detection and treatment of the use of illegal drugs in the juvenile rehabilitation institutions.

NEW SECTION, Sec. 414. YOUTH ASSESSMENT AND TREATMENT. The sum of twelve million two hundred thousand dollars, or as much thereof as may be necessary, is appropriated for the biennium ending June 30, 1991, from the drug enforcement and education account to the department of social and health services to provide inpatient youth assessment and treatment programs to serve youth and their families. At least forty percent of new inpatient treatment slots provided under this section shall be located east of the Cascade mountains. Up to fifteen of the treatment slots created under this section shall be staff-secure. Inpatient treatment programs shall incorporate appropriate outpatient and aftercare programs. In addition, within appropriated funds, the department shall develop intensive outpatient treatment services for children and youth for whom inpatient treatment is inappropriate or unavailable.

NEW SECTION, Sec. 415. ADULT CORRECTIONS—SUBSTANCE ABUSE PROGRAM. The sum of five hundred sixty-five thousand dollars, or as much thereof as may be necessary, is appropriated for the biennium ending June 30, 1991, from the drug enforcement and education account to the department of corrections to develop and implement a model to deliver a continuum of care to substance-dependent offenders.

NEW SECTION, Sec. 416. WORK RELEASE DRUG TREATMENT. The sum of one hundred ten thousand dollars, or as much thereof as may be necessary, is appropriated for the biennium ending June 30, 1991, from the drug enforcement and education account to the department of corrections to develop substance abuse treatment programs at the Reynolds work release facility and the eastern Washington prerelease facility.

NEW SECTION, Sec. 417. INTENSIVE DRUG SURVEILLANCE. The sum of one million one hundred twenty thousand dollars, or as much thereof as may be necessary, is appropriated for the biennium ending June 30, 1991, from the drug enforcement and education account to the department of corrections for continued funding for the community corrections drug surveillance unit in King county and to initiate similar units in Pierce and Yakima counties.

NEW SECTION, Sec. 418. DRUG ABUSE RESISTANCE PROGRAM. The sum of two hundred thirty thousand dollars, or as much thereof as may be necessary, is appropriated for the biennium ending June 30, 1991, from the drug enforcement and education account to the criminal justice training commission to support the drug abuse resistance education program.

NEW SECTION, Sec. 419. METHADONE TREATMENT. The sum of four hundred thousand dollars, or as much thereof as may be necessary, is appropriated for the biennium ending June 30, 1991, from the drug enforcement and education account to the department of social and health services for distribution to counties for methadone treatment pursuant to chapter 69.54 RCW, subject to the following conditions and limitations: This sum is provided solely for the purpose of increasing the number of persons for whom methadone treatment is available, and the department shall distribute funds under this section to a county only for the establishment of new treatment centers and only if a county attempts to recover the cost of methadone treatment by charging user fees based on ability to pay.

NEW SECTION, Sec. 420. TREATMENT ALTERNATIVES TO STREET CRIME—DOMESTIC CASES. The sum of one million eight hundred thousand dollars, or as much thereof as may be necessary, is appropriated for the biennium ending June 30, 1991, from the drug enforcement and education account to the office of the administrator for the courts for the treatment alternatives to street crime program. These funds shall be used for providing services in domestic cases under chapter 26.09, 26.10, or 26.50 RCW. These funds shall not be available for expenditure until January 1, 1990. The office of the administrator for the courts shall establish standards for the courts to recover the expenses of the program specified in this section from the participants, based upon the individual participant's ability to pay. All fees collected shall be remitted to the state treasurer for deposit in the drug enforcement and education account under section 401 of this act.

NEW SECTION, Sec. 421. ADULT CORRECTIONS—DRUG DETECTION AND TREATMENT. The sum of eight hundred seventy-five thousand dollars, or as much thereof as may be necessary, is appropriated for the biennium ending June 30, 1991, from the drug enforcement and education account to the department of corrections for the purpose of enhancing detection and treatment of the use of illegal drugs in correctional facilities.

NEW SECTION, Sec. 422. ALCOHOL AND DRUG ABUSE TREATMENT AND SHELTER ACT. The sum of ten million dollars, or as much thereof as may be necessary, is appropriated for the biennium ending June 30, 1991, from the drug enforcement and education account to the department of social and health services, for the alcohol and drug abuse treatment and shelter act program.

NEW SECTION, Sec. 423. COMMUNITY-POLICE PARTNERSHIP. (1) The criminal justice training commission in cooperation with the United States department of justice department of community relations (region x) shall conduct an assessment of successful community-police partnerships throughout the United States. The commission shall develop training for local law enforcement agencies targeted toward those communities where there has been a substantial increase in drug crimes. The purpose of the training is to facilitate cooperative community-police efforts and enhanced community protection to reduce drug abuse and related crimes. The training shall include but not be limited to conflict management, ethnic sensitivity, cultural awareness, and effective community policing. The commission shall report its findings and progress to the legislature by January 1990.

(2) Local law enforcement agencies are encouraged to form community-police partnerships in areas of substantial drug crimes. These partnerships are encouraged to organize citizen-police task forces which meet on a regular basis to promote greater citizen involvement in combatting drug abuse and to reduce tension between police and citizens. Partnerships that are formed are encouraged to report to the criminal justice training commission of their formation and progress.

(3) The sum of one hundred fifty thousand dollars, or as much thereof as may be necessary, is appropriated for the biennium ending June 30, 1991, from the drug enforcement and

education account to the criminal justice training commission for the purposes of subsection (1) of this section.

PART V
REVENUE PROVISIONS

Sec. 501. Section 3, chapter 158, Laws of 1935 as last amended by section 11, chapter 452, Laws of 1987 and RCW 66.24.210 are each amended to read as follows:

(1) There is hereby imposed upon all wines sold to wine wholesalers and the Washington state liquor control board, within the state a tax at the rate of twenty and one-fourth cents per liter: PROVIDED, HOWEVER, That wine sold or shipped in bulk from one winery to another winery shall not be subject to such tax. The tax provided for in this section may, if so prescribed by the board, be collected by means of stamps to be furnished by the board, or by direct payments based on wine purchased by wine wholesalers. Every person purchasing wine under the provisions of this section shall on or before the twentieth day of each month report to the board all purchases during the preceding calendar month in such manner and upon such forms as may be prescribed by the board, and with such report shall pay the tax due from the purchases covered by such report unless the same has previously been paid. Any such purchaser of wine whose applicable tax payment is not postmarked by the twentieth day following the month of purchase will be assessed a penalty at the rate of two percent a month or fraction thereof. If this tax be collected by means of stamps, every such person shall procure from the board revenue stamps representing the tax in such form as the board shall prescribe and shall affix the same to the package or container in such manner and in such denomination as required by the board and shall cancel the same prior to the delivery of the package or container containing the wine to the purchaser. If the tax is not collected by means of stamps, the board may require that every such person shall execute to and file with the board a bond to be approved by the board, in such amount as the board may fix, securing the payment of the tax. If any such person fails to pay the tax when due, the board may forthwith suspend or cancel the license until all taxes are paid.

(2) An additional tax is imposed equal to the rate specified in RCW 82.02.030 multiplied by the tax payable under subsection (1) of this section. All revenues collected during any month from this additional tax shall be transferred to the state general fund by the twenty-fifth day of the following month.

(3) An additional tax is imposed on wines subject to tax under subsection (1) of this section, at the rate of one-fourth of one cent per liter for wine sold after June 30, 1987. Such additional tax shall cease to be imposed on July 1, 1993. All revenues collected under this subsection (3) shall be disbursed quarterly to the Washington wine commission for use in carrying out the purposes of chapter 15.88 RCW.

(4) Until July 1, 1995, an additional tax is imposed on all wine subject to tax under subsection (1) of this section. The additional tax is equal to twenty-three and forty-four one-hundredths cents per liter on wine containing alcohol in an amount equal to or more than fourteen percent by volume when bottled or packaged by the manufacturer and one cent per liter on all other wine. All revenues collected during any month from this additional tax shall be deposited in the drug enforcement and education account under section 401 of this 1989 act by the twenty-fifth day of the following month.

Sec. 502. Section 24, chapter 62, Laws of 1933 ex. sess. as last amended by section 11, chapter 3, Laws of 1983 2nd ex. sess. and RCW 66.24.290 are each amended to read as follows:

(1) Any brewer or beer wholesaler licensed under this title may sell and deliver beer to holders of authorized licenses direct, but to no other person, other than the board; and every such brewer or beer wholesaler shall report all sales to the board monthly, pursuant to the regulations, and shall pay to the board as an added tax for the privilege of manufacturing and selling the beer within the state a tax of two dollars and sixty cents per barrel of thirty-one gallons on sales to licensees within the state and on sales to licensees within the state of bottled and canned beer shall pay a tax computed in gallons at the rate of two dollars and sixty cents per barrel of thirty-one gallons. Any brewer or beer wholesaler whose applicable tax payment is not postmarked by the twentieth day following the month of sale will be assessed a penalty at the rate of two percent per month or fraction thereof. Each such brewer or wholesaler shall procure from the board revenue stamps representing such tax in form prescribed by the board and shall affix the same to the barrel or package in such manner and in such denominations as required by the board, and shall cancel the same prior to commencing delivery from his place of business or warehouse of such barrels or packages. Beer shall be sold by brewers and wholesalers in sealed barrels or packages. The revenue stamps herein provided for need not be affixed and canceled in the making of resales of barrels or packages already taxed by the affixation and cancellation of stamps as provided in this section.

(2) An additional tax is imposed equal to the rate specified in RCW 82.02.030 multiplied by the tax payable under subsection (1) of this section. All revenues collected during any month from this additional tax shall be transferred to the state general fund by the twenty-fifth day of the following month.

(3) Until July 1, 1995, an additional tax is imposed on all beer subject to tax under subsection (1) of this section. The additional tax is equal to two dollars per barrel of thirty-one gallons.

All revenues collected during any month from this additional tax shall be deposited in the drug enforcement and education account under section 401 of this 1989 act by the twenty-fifth day of the following month.

(4) The tax imposed under this section shall not apply to 'strong beer' as defined in this title.

Sec. 503. Section 82.08.150, chapter 15, Laws of 1961 as last amended by section 12, chapter 3, Laws of 1983 2nd ex. sess. and RCW 82.08.150 are each amended to read as follows:

(1) There is levied and shall be collected a tax upon each retail sale of spirits, or strong beer in the original package at the rate of fifteen percent of the selling price. The tax imposed in this subsection shall apply to all such sales including sales by the Washington state liquor stores and agencies, but excluding sales to class H licensees.

(2) There is levied and shall be collected a tax upon each sale of spirits, or strong beer in the original package at the rate of ten percent of the selling price on sales by Washington state liquor stores and agencies to class H licensees.

(3) There is levied and shall be collected an additional tax upon each retail sale of spirits in the original package at the rate of one dollar and seventy-two cents per liter. The additional tax imposed in this subsection shall apply to all such sales including sales by Washington state liquor stores and agencies, and including sales to class H licensees.

(4) An additional tax is imposed equal to the rate specified in RCW 82.02.030 multiplied by the taxes payable under subsections (1), (2), and (3) of this section.

(5) Until July 1, 1995, an additional tax is imposed upon each retail sale of spirits in the original package at the rate of seven cents per liter. The additional tax imposed in this subsection shall apply to all such sales including sales by Washington state liquor stores and agencies, and including sales to class H licensees. All revenues collected during any month from this additional tax shall be deposited in the drug enforcement and education account under section 401 of this 1989 act by the twenty-fifth day of the following month.

(6) The tax imposed in RCW 82.08.020, as now or hereafter amended, shall not apply to sales of spirits or strong beer in the original package.

~~((6))~~ (7) The taxes imposed in this section shall be paid by the buyer to the seller, and each seller shall collect from the buyer the full amount of the tax payable in respect to each taxable sale under this section. The taxes required by this section to be collected by the seller shall be stated separately from the selling price and for purposes of determining the tax due from the buyer to the seller, it shall be conclusively presumed that the selling price quoted in any price list does not include the taxes imposed by this section.

~~((7))~~ (8) As used in this section, the terms, 'spirits,' 'strong beer,' and 'package' shall have the meaning ascribed to them in chapter 66.04 RCW.

Sec. 504. Section 82.24.020, chapter 15, Laws of 1961 as last amended by section 1, chapter 80, Laws of 1987 and RCW 82.24.020 are each amended to read as follows:

(1) There is levied and there shall be collected as hereinafter provided, a tax upon the sale, use, consumption, handling, possession or distribution of all cigarettes, in an amount equal to the rate of eleven and one-half mills per cigarette.

(2) Until July 1, 1995, an additional tax is imposed upon the sale, use, consumption, handling, possession, or distribution of all cigarettes, in an amount equal to the rate of one and one-half mills per cigarette. All revenues collected during any month from this additional tax shall be deposited in the drug enforcement and education account under section 401 of this 1989 act by the twenty-fifth day of the following month.

(3) Wholesalers and retailers subject to the payment of this tax may, if they wish, absorb one-half mill per cigarette of the tax and not pass it on to purchasers without being in violation of this section or any other act relating to the sale or taxation of cigarettes.

~~((3))~~ (4) For purposes of this chapter, 'possession' shall mean both (a) physical possession by the purchaser and, (b) when cigarettes are being transported to or held for the purchaser or his designee by a person other than the purchaser, constructive possession by the purchaser or his designee, which constructive possession shall be deemed to occur at the location of the cigarettes being so transported or held.

NEW SECTION. Sec. 505. Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) 'Carbonated beverage' has its ordinary meaning and includes any nonalcoholic liquid intended for human consumption which contains carbon dioxide, whether carbonation is obtained by natural or artificial means.

(2) 'Possession' means the control of a carbonated beverage or syrup located within this state and includes both actual and constructive possession. 'Actual possession' occurs when the person with control has physical possession. 'Constructive possession' occurs when the person with control does not have physical possession. 'Control' means the power to sell or use a carbonated beverage or syrup or to authorize the sale or use by another.

(3) 'Previously taxed carbonated beverage or syrup' means a carbonated beverage or syrup in respect to which a tax has been paid under this chapter. A 'previously taxed carbonated beverage' includes carbonated beverages in respect to which a tax has been paid under this chapter on the carbonated beverage or on the syrup in the carbonated beverage.

(4) 'Syrup' means a concentrated liquid which is added to carbonated water to produce a carbonated beverage.

(5) Except for terms defined in this section, the definitions in chapters 82.04, 82.08, and 82.12 RCW apply to this chapter.

NEW SECTION, Sec. 506. (1) A tax is imposed on the privilege of possession of a carbonated beverage or syrup in this state. The rate of the tax shall be equal to eighty-four one-thousandths of a cent per ounce for carbonated beverages and seventy-five cents per gallon for syrups. Fractional amounts shall be taxed proportionally.

(2) Moneys collected under this chapter shall be deposited in the drug enforcement and education account under section 401 of this act.

(3) Chapter 82.32 RCW applies to the tax imposed in this chapter. The tax due dates, reporting periods, and return requirements applicable to chapter 82.04 RCW apply equally to the tax imposed in this chapter.

NEW SECTION, Sec. 507. The following are exempt from the tax imposed in this chapter:

(1) Any successive possession of a previously taxed carbonated beverage or syrup. If tax due under this chapter has not been paid with respect to a carbonated beverage or syrup, the department may collect the tax from any person who has had possession of the carbonated beverage or syrup. If the tax is paid by any person other than the first person having taxable possession of a carbonated beverage or syrup, the amount of tax paid constitutes a debt owed by the first person having taxable possession to the person who paid the tax.

(2) Any carbonated beverage or syrup that is transferred to a point outside the state for use outside the state.

(3) Any possession of a carbonated beverage or syrup where the first possession occurred before the effective date of this section.

NEW SECTION, Sec. 508. (1) Credit shall be allowed, in accordance with rules of the department, against the taxes imposed in this chapter for any carbonated beverage or syrup tax paid to another state with respect to the same carbonated beverage or syrup. The amount of the credit shall not exceed the tax liability arising under this chapter with respect to that carbonated beverage or syrup.

(2) For the purpose of this section:

(a) 'Carbonated beverage or syrup tax' means a tax:

(i) That is imposed on the act or privilege of possessing carbonated beverages or syrup and that is not generally imposed on other activities or privileges; and

(ii) That is measured by the volume of the carbonated beverage or syrup.

(b) 'State' means (i) a state of the United States other than Washington, or any political subdivision of such other state, (ii) the District of Columbia, and (iii) any foreign country or political subdivision thereof.

NEW SECTION, Sec. 509. This chapter shall expire July 1, 1995.

NEW SECTION, Sec. 510. Sections 505 through 509 of this act shall constitute a new chapter in Title 82 RCW.

PART VI MISCELLANEOUS

NEW SECTION, Sec. 601. A new section is added to chapter 69.50 RCW to read as follows:

The state of Washington fully occupies and preempts the entire field of setting penalties for violations of the controlled substances act. Cities, towns, and counties or other municipalities may enact only those laws and ordinances relating to controlled substances that are consistent with this chapter. Such local ordinances shall have the same penalties as provided for by state law. Local laws and ordinances that are inconsistent with the requirements of state law shall not be enacted and are preempted and repealed, regardless of the nature of the code, charter, or home rule status of the city, town, county, or municipality.

NEW SECTION, Sec. 602. The legislature ratifies the juvenile disposition standards commission guidelines submitted to the 1989 legislature and endorses the action to increase penalties for juvenile drug offenders.

NEW SECTION, Sec. 603. (1) In order to determine the effectiveness of this act, it is necessary to have an independent evaluation of those programs that have the most potential for useful program review.

(2) The legislative budget committee shall prepare a plan to conduct studies of the effectiveness of programs initiated in this act. A plan for study shall include:

(a) Institution-based drug testing;

(b) The juvenile offenders structured residential program;

(c) The state-wide drug prosecution assistance program;

(d) Community mobilization;

(e) Drug and alcohol abuse prevention and early intervention in schools; and

(f) Maternity care support services for alcohol and drug-abusing pregnant women.

(3) The plan for conducting studies, including start and completion dates, general research approaches, potential research problems, data requirements, necessary implementation

authority, and cost estimates are to be provided to the appropriate policy and fiscal committees of the house and senate by December 1, 1989. The plan may include proposals to use contract evaluators and shall identify ways to measure program progress and outcomes.

(4) In order to establish a beginning point for any future studies of the effectiveness of programs initiated in this act, all programs proposed for analysis in this section shall submit a plan detailing expenditures related to goals and objectives of the program being initiated, to the legislative budget committee by October 1, 1989.

NEW SECTION. Sec. 604. A new section is added to chapter 44.28 RCW to read as follows:

The legislative budget committee shall cause to be conducted a review of the taxes and the dedication of revenues for drug enforcement and education purposes and a review of the programs as provided in section 603 of this act. The legislative budget committee shall report its findings to the legislature by January 1, 1995, and include in its report specific recommendations as to whether public policy would be best served by continuation of the programs, taxes, and dedication of revenues for the drug enforcement and education account.

NEW SECTION. Sec. 605. Part, subpart, and section headings and the index as used in this act do not constitute any part of the law.

NEW SECTION. Sec. 606. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 607. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect immediately, except:

(1) Sections 502 and 504 of this act shall take effect June 1, 1989; and

(2) Sections 229 through 233, 501, 503, and 505 through 509 of this act shall take effect July 1, 1989.*

On page 1, line 1 of the title, after "abuse;" strike the remainder of the title and insert "amending RCW 9.94A.310, 69.50.401, 9A.36.050, 9A.82.100, 28A.120.040, 13.40.265, 46.20.265, 66.44.365, 69.41.065, 69.50.420, 69.52.070, 9.73.090, 9.73.120, 9.73.080, 69.50.505, 5.62.020, 18.83.110, 70.96A.010, 70.96A.020, 70.96A.120, 70.96A.140, 70.96.150, 66.24.210, 66.24.290, 82.08.150, and 82.24.020; reenacting and amending RCW 9.94A.320, 9.94A.360, and 5.60.060; adding new sections to chapter 9.73 RCW; adding a new section to chapter 9A.36 RCW; adding a new section to chapter 9A.82 RCW; adding a new chapter to Title 10 RCW; adding a new section to chapter 13.40 RCW; adding new sections to chapter 28A.67 RCW; adding new sections to chapter 28A.120 RCW; adding a new chapter to Title 35 RCW; adding new sections to chapter 36.27 RCW; adding a new chapter to Title 43 RCW; adding a new section to chapter 44.28 RCW; adding new sections to chapter 66.28 RCW; adding new sections to chapter 69.50 RCW; adding a new section to chapter 70.96A RCW; adding a new chapter to Title 82 RCW; creating new sections; prescribing penalties; making appropriations; providing an expiration date; providing effective dates; and declaring an emergency.*

Signed by Senators Newhouse, Niemi, Nelson; Representatives Appelwick, Wineberry, Patrick.

MOTION

Mr. Appelwick moved that the House adopt the Report of the Conference Committee on Engrossed Second Substitute House Bill No. 1793 and grant the committee the powers of Free Conference.

Representatives Appelwick, Patrick and Baugher spoke in favor of the motion, and Representatives Nutley, Morris, Wineberry and Zellinsky opposed it.

Mr. May demanded an electric roll call vote, and the demand was sustained.

Mr. Appelwick again spoke in favor of the motion, and Mr. R. King spoke against it. Representatives Wolfe and Ebersole spoke in favor of the motion.

ROLL CALL

The Clerk called the roll on the motion by Representative Appelwick to adopt the Report of the Conference Committee on Engrossed Second Substitute House Bill No. 1793 and grant the committee the powers of Free Conference, and the motion was carried by the following vote: Yeas, 63; nays, 33; excused, 2.

Voting yea: Representatives Appelwick, Ballard, Baugher, Beck, Betzoff, Bowman, Brooks, Brough, Brunsickle, Cantwell, Chandler, Cooper, Delliwo, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fuhrman, Grant, Hankins, Heavey, Hine, Holland, Horn, Insee, Jacobsen, Jesernig, May, McLean, Miller, Moyer, Myers H, Nealey, O'Brien, Padden, Patrick, Peery, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Schmidt, Schoon, Scott, Silver, Smith, Sommers D, Sommers H, Sprenkle, Tate, Todd, Van Luven, Walk, Walker, Wilson S, Winsley, Wolfe, Wood, Youngsman, and Mr. Speaker - 63.

Voting nay: Representatives Anderson, Basich, Belcher, Braddock, Bristow, Cole, Crane, Day, Fisher R, Fraser, Hargrove, Haugen, Jones, King P, King R, Kremen, Leonard, Locke, Meyers R, Morris, Nelson, Nutley, Phillips, Prentice, Rust, Sayan, Spanel, Valle, Vekich, Wang, Wilson K, Wineberry, Zellinsky - 33.

Excused: Representatives Brekke, Gallagher - 2.

Representative Brekke appeared at the bar of the House.

MESSAGE FROM THE SENATE

April 17, 1989

Mr. Speaker:

The Senate refuses to concur in the House amendments to SUBSTITUTE SENATE BILL NO. 5071, and asks the House to recede therefrom, and the same is herewith transmitted.

W. D. Naismith, Assistant Secretary.

MOTION

Mr. Braddock moved that the House recede from its amendments to Substitute Senate Bill No. 5071.

Representatives Braddock, Morris, D. Sommers and Brough spoke in favor of the motion, and Representatives Appelwick, Raiter and Phillips opposed it.

The Speaker stated the question before the House to be the motion by Representative Braddock that the House recede from its amendments to Substitute Senate Bill No. 5071.

The Speaker, being in doubt, called upon the House to divide. The result of the division was: Yeas - 70; Nays -22. The motion was carried.

FINAL PASSAGE OF SENATE BILL WITHOUT HOUSE AMENDMENTS

The Speaker stated the question before the House to be the final passage of Substitute Senate Bill No. 5071 without the House amendments.

Representatives Appelwick and Brough spoke against passage of the bill, and Representatives Padden, Hargrove and Braddock spoke in favor of it. Mr. Appelwick again spoke against the bill.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5071 without the House amendments, and the bill passed the House by the following vote: Yeas, 62; nays, 32; absent, 3; excused, 1.

Voting yea: Representatives Ballard, Basich, Baugher, Beck, Betrozoff, Braddock, Cantwell, Chandler, Cole, Crane, Day, Doty, Ebersole, Ferguson, Fisher G, Fraser, Fuhrman, Grant, Hankins, Hargrove, Heavey, Hine, Holland, Horn, Inslee, Jacobsen, Jesernig, Kremen, Locke, May, Miller, Morris, Moyer, Nealey, Nelson, O'Brien, Padden, Patrick, Peery, Prentice, Prince, Rasmussen, Rayburn, Rector, Sayan, Schoon, Scott, Silver, Smith, Sommers D, Sprenkle, Tate, Valle, Van Luven, Walk, Walker, Wilson K, Wilson S, Winsley, Wolfe, Wood, Youngsman - 62.

Voting nay: Representatives Anderson, Appelwick, Belcher, Bowman, Brekke, Brooks, Brough, Brumsickle, Cooper, Dellwo, Dorn, Fisher R, Haugen, Jones, King R, Leonard, McLean, Meyers R, Myers H, Nutley, Phillips, Pruitt, Raiter, Rust, Schmidt, Sommers H, Spanel, Todd, Vekich, Wang, Wineberry, and Mr. Speaker - 32.

Absent: Representatives Bristow, King P, Zellinsky - 3.

Excused: Representative Gallagher - 1.

Substitute Senate Bill No. 5071 without the House amendments, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

The Speaker called on Representative Wang to preside.

RESOLUTION

HOUSE FLOOR RESOLUTION NO. 89-4686, by Representatives Nealey, Rayburn, Anderson, Appelwick, Ballard, Basich, Baugher, Beck, Belcher, Betrozoff, Bowman, Braddock, Brekke, Bristow, Brooks, Brough, Brumsickle, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Ferguson, G. Fisher, R. Fisher, Fraser, Fuhrman, Gallagher, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Inslee, Jacobsen, Jesernig, Jones, J. King, P. King, R. King, Kremen, Leonard,

Locke, May, R. Meyers, Miller, Morris, Moyer, H. Myers, Nelson, Nutley, O'Brien, Padden, Patrick, Peery, Phillips, Prentice, Pruitt, Raiter, Rasmussen, Rector, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith, D. Sommers, H. Sommers, Spanel, Sprengle, Tate, Todd, Valle, Van Luven, Vekich, Walk, Walker, Wang, K. Wilson, S. Wilson, Wineberry, Winsley, Wolfe, Wood, Youngsman and Zellinsky

WHEREAS, There are nearly four hundred Washington farms owned by the same families for one hundred years or more; and

WHEREAS, These farms are being honored officially as Washington Centennial Farms, a program sponsored by the Washington State Department of Agriculture as part of the state's centennial celebration; and

WHEREAS, These historic farms, in a very unique and personal way, highlight the importance of agriculture to the settling and development of Washington State, which produces over three billion dollars in commodities each year on thirty-eight thousand farms; and

WHEREAS, The Centennial Farms were settled and developed by families whose histories are an integral part of Washington State history, many of which helped establish communities, churches and schools; and

WHEREAS, Many of their descendants play an active role in shaping Washington today, including three descendants well known to this body, Representatives Eugene A. Prince, Alex McLean and William A. Grant; and

WHEREAS, Eugene Prince, Hubert Prince and their father, Burdett Prince, farm ninety-seven of the original one hundred sixty-acre parcel homesteaded from 1880 to 1883 by Nathaniel Prince, Representative Prince's great-grandfather; and

WHEREAS, Nathaniel Prince came to settle in the Washington Territory from Marshall, California, after serving as an officer of a sailing ship, mining for gold and keeping dairy cattle; and

WHEREAS, Nathaniel Prince died in 1883, before he could prove up the land, so his children Celesta, Mary and Henry, the father of Burdett Prince, proved up the land and received the patent in 1888; and

WHEREAS, The Prince Centennial Farm located in Whitman County, near Thornton, currently produces wheat and barley and has increased to three thousand four hundred-thirty acres of fertile and productive land; and

WHEREAS, The McLean Centennial Farm in Douglas County traces its roots to adjoining parcels: A one hundred sixty-acre parcel farmed by Representative McLean's grandfather, William Alexander McLean, and the other eighty-acre section farmed by Representative McLean's great uncle, John A. McLean; and

WHEREAS, In 1893, the two parcels were combined when John A. McLean's widow sold the eighty-acre parcel to William Alexander McLean; and

WHEREAS, Representative McLean and his wife, Bonita, farm and raise cattle on their four thousand five hundred-acre spread and live in the home built in 1917 by Representative McLean's grandfather; and

WHEREAS, The Grant Centennial Farm in Walla Walla County, near Prescott, is owned by Elda Grant, her sister, Irene Grant, and Irene Grant's children: Representative William A. Grant, Samuel O. Grant, Joseph E. Grant, John L. Grant and Mary Grant Tompkins; and

WHEREAS, This historic farm was established by Jonathan Pettyjohn when he built a log cabin and barn on over one hundred sixty-three acres in 1858; and

WHEREAS, In 1859, Jonathan Pettyjohn and his wife, Hannah, moved their family to the log cabin and received title to the land in 1865 under pre-emption law; and

WHEREAS, Jonathan Pettyjohn acquired a total of three thousand five hundred acres, which he gave to his ten children in October of 1909; and

WHEREAS, Currently, Representative Grant and his brother, Samuel O. Grant, grow wheat and barley and raise cattle on the land;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State House of Representatives honor Representative Eugene A. Prince and Patsy Prince, Representative Alex McLean and Bonita McLean, and Representative William A. Grant and Nancy Grant for the distinction of owning and operating three of the three hundred ninety-four historic Washington Centennial Farms and commend the Washington State Department of Agriculture for sponsoring the Centennial Farms program; and

BE IT FURTHER RESOLVED, That copies of this Resolution be immediately transmitted by the Chief Clerk of the House of Representatives to Eugene A. Prince, Alex McLean and William A. Grant and to the Washington State Department of Agriculture.

Mr. Nealey moved adoption of the resolution and spoke in favor of it.

On motion of Mr. Heavey, the rules were suspended and the names of all members of the House of Representatives were added as sponsors of the resolution.

Representatives Heavey, Rayburn, Smith, Cole, Rasmussen and Holland spoke in favor of the resolution.

House Floor Resolution No. 89-4686 was adopted.

POINTS OF PERSONAL PRIVILEGE

Mr. Prince: On behalf of the Centennial Farmers of the State of Washington, who are being honored this year, I appreciate the tribute that you have bestowed on us today. It is a great honor, and I appreciate the remarks that have been made here. Everyone, I am sure, is proud of his family, and I think the majority of families, if you trace them, go back farther than you probably imagine. The family that I belong to first came to this country three hundred and sixty-one years ago, and there are some that were here before that. In this Centennial Year I think it is important that we look to our roots, which I think are important. I appreciate your tribute today.

Mr. McLean: I, too, want to rise and thank the members for the honor that you have given me and my family. It is with a great deal of pride that we stay on the farm, do our best and carry on the traditions our forefathers established. I would like to thank the members of the House for the honor you have given us today.

HOUSE BILL NO. 2016 AS AMENDED BY THE SENATE, by Representatives Miller, Jacobsen, Spanel, Heavey, Wood, Belcher, H. Myers, Inslee, Rector, Hankins, Anderson, O'Brien, R. King, Valle, Winsley, Jesernig, P. King and Kremen

Requiring a conference on gender equity in athletics.

The House resumed consideration of House Bill No. 2016.

The Speaker (Mr. Wang presiding) stated the question before the House to be the Point of Order by Representative Cole regarding the Senate amendments to House Bill No. 2016.

SPEAKER'S RULING

The Speaker (Mr. Wang presiding): The Speaker has examined House Bill No. 2016 and the Senate amendments to it. House Bill No. 2016, the underlying House Bill, directs the Superintendent of Public Instruction and the Higher Education Coordinating Board to sponsor a conference on gender equity in athletics, whereas the Senate amendments amend current law to permit schools to provide separate athletic teams for each sex in certain grades if various tests are met. The Speaker finds that the subject matter is distinctly different in the Senate amendments and that it does not fall within the scope and object of the bill. Therefore, your point of order is well taken.

MOTION

Mr. Jacobsen moved that the House refuse to concur in the Senate amendments to House Bill No. 2016 and ask the Senate to recede therefrom. The motion was carried.

MESSAGE FROM THE SENATE

April 21, 1989

Mr. Speaker:

The Senate has adopted the report of the Conference Committee on ENGROSSED HOUSE BILL NO. 2131, and passed the bill as recommended by the

Conference Committee. The Report of the Conference Committee is herewith transmitted.

W. D. Naismith, Assistant Secretary.

REPORT OF CONFERENCE COMMITTEE

April 19, 1989

Mr. Speaker:

We of your Conference Committee to whom was referred ENGROSSED HOUSE BILL NO. 2131, making additional requirements for mobile home electrical inspection, have had the same under consideration and we recommend that the Senate Committee on Economic Development & Labor amendment adopted on April 7, 1989 (For committee amendment, see Journal, 97th Day, April 15, 1989.) be adopted, and the bill do pass as recommended by the Conference Committee.

Signed by Senators Bluechel, Murray, Matson; Representatives Nutley, Rector, Ballard.

MOTION

Ms. Nutley moved that the House adopt the report of the Conference Committee on Engrossed House Bill No. 2131 and pass the bill as recommended by the committee.

Ms. Nutley spoke in favor of the motion, and it was carried.

FINAL PASSAGE OF SENATE BILL
AS RECOMMENDED BY CONFERENCE COMMITTEE

The Speaker (Mr. Wang presiding) stated the question before the House to be the final passage of Engrossed House Bill No. 2131 as recommended by Conference Committee.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 2131 as recommended by Conference Committee, and the bill passed the House by the following vote: Yeas, 97; excused, 1.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Baugher, Beck, Belcher, Betzoff, Bowman, Braddock, Brekke, Bristow, Brooks, Brough, Brumsickle, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Fraser, Fuhrman, Grant, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Inslee, Jacobsen, Jesernig, Jones, King P, King R, Kremen, Leonard, Locke, May, McLean, Meyers R, Miller, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Padden, Patrick, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith, Sommers D, Sommers H, Spanel, Sprenkle, Tate, Todd, Valle, Van Luven, Vekich, Walk, Walker, Wang, Wilson K, Wilson S, Wineberry, Winsley, Wolfe, Wood, Youngsman, Zellinsky, and Mr. Speaker - 97.

Excused: Representative Gallagher - 1.

Engrossed House Bill No. 2131 as recommended by Conference Committee, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

REPORT OF CONFERENCE COMMITTEE

April 20, 1989

Mr. Speaker:

We of your Conference Committee to whom was referred SUBSTITUTE SENATE BILL NO. 5221, establishing the advanced college payment program, have had the same under consideration and we report that we are unable to agree, and we respectfully request the powers of Free Conference to amend the bill as follows:

Reject the House amendments (For amendments, see Journal, 82nd Day, March 31, 1989,) and

Adopt the following amendments:

Strike everything after the enacting clause and insert the following:

NEW SECTION, Sec. 1. The higher education coordinating board shall study the feasibility of instituting an advance college payment program and submit a report, including recommendations, to the legislature by January 1, 1990. This study shall include, but not be limited to:

(1) An examination of potential income tax and unrelated business income tax consequences of establishing a program;

(2) Consideration of the impact of federal and state securities, insurance, and annuity laws on the sale of advance college payment contracts;

(3) An examination of state constitutional issues raised by the establishment of an advance college payment program, including limitations on state debt and prohibitions on gifts and loans of the state's credit;

(4) A review of state and federal financial aid policies and a determination of how such a program would impact present financial aid programs and how the plan matches the state's present and projected needs;

(5) An examination of the effect such a program would have on tuition, enrollment, residency, and admission policies;

(6) An actuarial analysis examining program risks and potential yields, computed over at least an eighteen-year horizon. This should include consideration of investment policy and participation rates necessary for maintaining an actuarially sound program;

(7) An examination of alternative approaches to saving for college, including bonds, investment, and insurance programs, along with the ability of private sector financial institutions and others to provide such a program. This shall include an examination of whether or not private investment opportunities will do as well or better for purchasers as state programs and consideration of state restrictions on commercial activities;

(8) Consideration of who should bear the risk and pay the difference if tuition costs increase faster than interest earnings or interest earnings are lower than expected and cannot cover tuition. This shall include an examination of how purchasers can be protected from investment shortfalls and the means by which the state can reduce its liability and risk in case the program proves to be actuarially unsound;

(9) A determination of how much it would cost to start up and maintain an adequate program, including but not limited to staff, equipment, travel, and advertising needs;

(10) Consideration of whether the plans should cover more than undergraduate tuition costs, such as room and board, mandatory fees, graduate tuition, books, materials, and fees. This shall include consideration of potential state tax incentives and whether the program should be limited to full-time or include part-time attendance;

(11) An examination of ways to involve independent institutions in the program;

(12) An examination of the portability of benefits across state lines, including the effect on reciprocity and other agreements; and

(13) An examination of policy issues such as those raised by the education commission of the states and the college board.

NEW SECTION. Sec. 2. The higher education coordinating board may seek the assistance of the state investment board, the state treasurer, the state actuary, the office of financial management, private financial institutions and any other qualified party with experience in the areas of accounting, actuary, risk management, or investment management to assist with the study required in section 1 of this act. Within existing appropriations, the state investment board, the state treasurer, the state actuary, the office of financial management, and any other state agency, including legislative staff, shall fully cooperate with the higher education coordinating board in matters relating to the study.

NEW SECTION. Sec. 3. The sum of thirty thousand dollars, or as much thereof as may be necessary, is appropriated from the general fund to the higher education coordinating board for the biennium ending June 30, 1991, to carry out the purposes of this act."

On page 1, line 1 of the title, after "program," strike the remainder of the title and insert "creating new sections; and making an appropriation."

Signed by Senators Rinehart, Saling, Patterson; Representatives Spanel, Van Luven, H. Myers.

MOTION

On motion of Mr. Jesernig, the Report of the Conference Committee on Substitute Senate Bill No. 5221 was adopted and the committee was granted the powers of Free Conference.

REPORT OF CONFERENCE COMMITTEE

April 20, 1989

Mr. Speaker:

We of your Conference Committee to whom was referred SECOND SUBSTITUTE SENATE BILL NO. 6051, promoting employer involvement in the development of child care services and facilities, have had the same under consideration and we report that we are unable to agree, and we respectfully request the powers of Free Conference to amend the bill as follows:

Reject all amendments except the House Trade & Economic Development Committee striking amendment (For committee amendment, see Journal, 82nd Day, March 31, 1989.), and

Adopt the House Trade & Economic Development Committee striking amendment with the following changes:

On page 4, after line 32, strike lines 33 and 34 and insert "Only moneys from private or federal sources may be deposited into this fund."

On page 8, line 14, after "applicant" strike all material through "government" on page 8, line 20, and insert ":

(2) The steps the applicant will take to serve a reasonable number of handicapped children as defined in RCW 72.40, sick children, infants, children requiring night time or weekend care, or children whose costs of care are subsidized by the government"

Re-number remaining subsections consecutively and correct internal references accordingly.

Signed by Senators Anderson, Cantu; Representatives Moyer, Wineberry, Cantwell.

MOTION

On motion of Mr. Jesernig, the Report of the Conference Committee on Second Substitute Senate Bill No. 6051 was adopted and the committee was granted the powers of Free Conference.

MESSAGE FROM THE SENATE

April 21, 1989

Mr. Speaker:

The Senate has adopted the report of the Conference Committee on ENGROSSED SUBSTITUTE HOUSE BILL NO. 1028, and has granted said committee the powers of Free Conference. The Report of the Conference Committee is herewith transmitted.

W. D. Naismith, Assistant Secretary.

REPORT OF CONFERENCE COMMITTEE

April 20, 1989

Mr. Speaker:

We of your Conference Committee to whom was referred ENGROSSED SUBSTITUTE HOUSE BILL NO. 1028, changing requirements for fishing licenses, have had the same under consideration and we report that we are unable to agree, and we respectfully request the powers of Free Conference to amend the bill as follows:

Reject the Senate Committee on Environment & Natural Resources amendments adopted as amended on April 13, 1989 (For committee amendments, see Journal, 100th Day, April 18, 1989.), and

Adopt the following amendments:

Strike everything after the enacting clause and insert the following:

"NEW SECTION, Sec. 1. A new section is added to chapter 75.25 RCW to read as follows:

The following recreational fishing licenses are administered and issued by the department of fisheries under authority of the director of fisheries:

- (1) Hood Canal shrimp license;
- (2) Razor clam license;
- (3) Personal use fishing license;
- (4) Salmon license; and
- (5) Sturgeon license.

Sec. 2. Section 1, chapter 31, Laws of 1983 1st ex. sess. as amended by section 6, chapter 80, Laws of 1984 and RCW 75.25.015 are each amended to read as follows:

(1) A Hood Canal shrimp license is required for all persons other than residents under fifteen years of age to take or possess shrimp taken for personal use from that portion of Hood Canal lying south of the Hood Canal floating bridge.

(2) The annual fees for Hood Canal shrimp licenses are:

(a) For a resident (~~(license)~~), fifteen years of age or older and under seventy years of age, five dollars (~~(-except that a person seventy years of age or older may pay a one-time fee of five dollars)~~);

(b) For a nonresident (~~(license)~~), fifteen dollars.

Sec. 3. Section 4, chapter 243, Laws of 1979 ex. sess. as last amended by section 91, chapter 46, Laws of 1983 1st ex. sess. and RCW 75.25.040 are each amended to read as follows:

(1) A razor clam license is required for all persons other than residents under fifteen years of age to take, dig for, or possess razor clams taken for personal use from the clam beds of this state including razor clams taken from national park beaches.

(2) The annual fees for razor clam licenses are:

(a) For a resident ((license, two) fifteen years of age or older and under seventy years of age, three dollars ((and fifty cents)); and

(b) For a nonresident ((license)), ten dollars.

((2) Upon application, a resident sixty-five years of age or older or under sixteen years of age shall be issued a razor clam license at no cost. Dealers may collect the dealer's fee established in RCW 75.25.136.

(3) Razor clam license fees shall be deposited in the general fund and shall be appropriated for the development or operation of programs beneficial to razor clam harvesting.))

Sec. 4. Section 2, chapter 81, Laws of 1980 as amended by section 92, chapter 46, Laws of 1983 1st ex. sess. and RCW 75.25.080 are each amended to read as follows:

(1) It is lawful to dig the personal-use daily bag limit of razor clams for another person if that person has in possession a physical disability permit issued by the director.

(2) An application for a physical disability permit must be submitted on a department of fisheries official form and must be accompanied by a licensed medical doctor's certification of disability.

Sec. 5. Section 1, chapter 87, Laws of 1987 and RCW 75.25.090 are each amended to read as follows:

(1) ((An annual)) A personal use license is required for ((a person sixteen)) all persons other than persons under fifteen years of age ((or older)) to fish for, take, or possess food fish for personal use from state waters or offshore waters ((-other than carp and sturgeon in the Columbia river above Chief Joseph Dam)). A personal use license is not required under this section to fish for, take, or possess carp and sturgeon in the Columbia river above Chief Joseph Dam, smelt, or albacore. ((An annual personal use license is valid for the calendar year in which it is issued.))

(2) The fees for ((an)) annual personal use licenses are ((three dollars for residents and nine dollars for nonresidents.)):

(a) For a resident fifteen years of age or older and under seventy years of age, three dollars; and

(b) For a nonresident fifteen years of age or older, ten dollars.

((2) A) (3) The fees for two-consecutive-day ((combined)) personal use licenses ((and punchcard shall be issued. The fee for the license and punchcard is three dollars for residents and nonresidents.

(3) It is unlawful to fish for or possess food fish without the licenses, punchcards, and stamps required by this chapter.)) are:

(a) For food fish other than sturgeon, three dollars; and

(b) For sturgeon only, three dollars.

Sec. 6. Section 11, chapter 327, Laws of 1977 ex. sess. as last amended by section 2, chapter 87, Laws of 1987 and RCW 75.25.100 are each amended to read as follows:

(1) In addition to a personal use license, a salmon (punchcard) license is required ((for a person)) to take, fish for, or possess anadromous salmon taken for personal use from state waters or offshore waters. A salmon ((punchcard)) license is not required for persons under fifteen years of age, nor is it required of a person who has a valid two-consecutive-day ((combined)) personal use license ((and punchcard)) for food fish other than sturgeon.

(2) The fees for ((a)) annual salmon ((punchcard is three dollars. A salmon punchcard is valid for a maximum catch of fifteen salmon, after which another punchcard may be purchased. A salmon punchcard is valid only for the calendar year for which it is issued)) licenses are:

(a) For a resident fifteen years of age or older and under seventy years of age, three dollars; and

(b) For nonresidents, fifteen years of age or older, three dollars.

NEW SECTION. Sec. 7. A new section is added to chapter 75.25 RCW to read as follows:

(1) A sturgeon license is required to take, fish for, or possess sturgeon taken for personal use from the following state waters:

(a) Columbia river and all tributaries;

(b) Willapa Bay and all tributaries; and

(c) Grays Harbor and all tributaries.

A sturgeon license is not required of a person under fifteen years of age, nor is it required of a person who has a valid sturgeon-only two-consecutive-day personal use license.

(2) In addition to a sturgeon license, a personal use license is required when fishing for sturgeon in all waters listed in subsection (1) of this section, except the Columbia river above Chief Joseph Dam.

(3) The fees for annual sturgeon licenses are:

(a) For a resident fifteen years of age or older, and under seventy years of age, three dollars; and

(b) For all nonresidents fifteen years of age or older, three dollars.

Sec. 8. Section 13, chapter 327, Laws of 1977 ex. sess. as last amended by section 3, chapter 87, Laws of 1987 and RCW 75.25.110 are each amended to read as follows:

(1) ~~((A personal use license, salmon punchcard, or two consecutive day combined license and punchcard)) Any of the recreational fishing licenses required by this chapter shall, upon request, be issued without charge to ((persons under sixteen years of age or seventy years of age and older:~~

~~(2) Upon application;)) the following individuals upon request:~~

~~(a) Residents under fifteen years of age and residents seventy years of age or older;~~

~~(b) Residents who submit applications attesting that they are a person sixty-five years of age or older who is an honorably discharged veteran of the United States armed forces with a service-connected disability and who has been a resident of this state for ((five years shall be given a personal use license and salmon punchcard free of charge;)) the preceding ninety days;~~

~~((Upon application;)) (c) A blind person ((shall be issued a personal use license and salmon punchcard free of charge));~~

~~(d) A person with a developmental disability as defined in RCW 71A.10.020 with documentation of the disability from the department of social and health services; and~~

~~(e) A person who is physically handicapped and confined to a wheelchair.~~

~~(2) Personal use licenses, salmon licenses, and sturgeon licenses shall, upon request, be issued to nonresidents under fifteen years of age.~~

~~(3) A blind person or a physically handicapped person confined to a wheelchair who has been issued a card for a permanent disability under RCW 46.16.381 may use that card in place of a fishing license unless a punchcard is required by the director.~~

Sec. 9. Section 17, chapter 327, Laws of 1977 ex. sess. as last amended by section 4, chapter 87, Laws of 1987 and RCW 75.25.120 are each amended to read as follows:

In concurrent waters of the Columbia river and in Washington coastal territorial waters from the Oregon-Washington boundary to a point five nautical miles north, an Oregon angling license comparable to the Washington ~~((salmon punchcard or))~~ personal use license, ~~two-consecutive-day personal use license, salmon license, or sturgeon license~~ is valid if Oregon recognizes as valid the Washington ~~((salmon punchcard or))~~ personal use license, ~~two-consecutive-day personal use license, salmon license, or sturgeon license~~ in comparable Oregon waters.

If Oregon recognizes as valid the Washington ~~((salmon punchcard;))~~ personal use license, ~~((or))~~ two-consecutive-day ~~((combined))~~ personal use license ~~((and punchcard)), salmon license, or sturgeon license~~ southward to Cape Falcon in the coastal territorial waters from the Washington-Oregon boundary and in concurrent waters of the Columbia river then Washington shall recognize a valid Oregon license comparable to the Washington personal use license, ~~((punchcard, or))~~ two-consecutive-day ~~((combined))~~ personal use license ~~((and punchcard)), salmon license, or sturgeon license~~ northward to Leadbetter Point.

Oregon licenses are not valid for the taking of ~~((salmon))~~ food fish when angling in concurrent waters of the Columbia river from the Washington shore.

NEW SECTION. Sec. 10. A new section is added to chapter 75.25 RCW to read as follows:

Catch record cards necessary for proper management of the state's food fish and shellfish resources shall be administered under rules adopted by the director and issued at no charge.

Sec. 11. Section 12, chapter 327, Laws of 1977 ex. sess. as last amended by section 6, chapter 87, Laws of 1987 and RCW 75.25.130 are each amended to read as follows:

All recreational licenses ~~((punchcards, and stamps))~~ required by this chapter shall be issued only under authority of the director. The director may authorize license dealers to issue the recreational licenses ~~((punchcards, and stamps))~~ and collect the recreational license fees. In addition to the recreational license ~~((punchcard, or stamp))~~ fees, dealers may charge a dealer's fee ~~((of fifty cents))~~ for each ~~((Hood Canal shrimp license, two consecutive day combined license and punchcard, personal use license, punchcard, and razor clam))~~ recreational license. The director shall establish the amount to be retained by dealers, which shall be at least fifty cents for each license issued. Fees retained by dealers shall be uniform throughout the state. The dealer's fee may be retained by the license dealer.

The director shall adopt rules for the issuance of ~~((personal use))~~ recreational licenses ~~((Hood Canal shrimp licenses, razor clam licenses, stamps, and punchcards))~~ and for the collection, payment, and handling of license fees and dealers' fees.

Sec. 12. Section 15, chapter 327, Laws of 1977 ex. sess. as last amended by section 7, chapter 87, Laws of 1987 and RCW 75.25.140 are each amended to read as follows:

(1) ~~((Personal use))~~ Recreational licenses ~~((Hood Canal shrimp licenses, razor clam licenses, stamps, and punchcards))~~ are not transferable. Upon request of a fisheries patrol officer ~~((or))~~, ex officio fisheries patrol officer, or authorized fisheries employee, a person digging for or possessing razor clams or fishing for or possessing Hood Canal shrimp or food fish for personal use shall exhibit the required recreational license and ~~((punchcard and))~~ write his or her signature for comparison with the signature on the license. Failure to comply with the

request is prima facie evidence that the person does not have a license or ~~((punchcard or))~~ is not the person named on the license ~~((or punchcard))~~.

(2) The razor clam license shall be visible on the licensee while digging for razor clams.

Sec. 13. Section 99, chapter 46, Laws of 1983 1st ex. sess. as amended by section 9, chapter 80, Laws of 1984 and RCW 75.25.150 are each amended to read as follows:

It is unlawful to dig for or possess razor clams, fish for or possess ~~((anadromous salmon))~~ food fish, or take or possess Hood Canal shrimp without the licenses required by this chapter.

NEW SECTION. Sec. 14. A new section is added to chapter 75.25 RCW to read as follows:

Recreational licenses issued by the department of fisheries under this chapter are valid for the following periods:

(1) Recreational licenses issued without charge to persons designated by this chapter are valid:

- (a) For life for blind persons;
- (b) For the period of continued state residency for qualified disabled veterans;
- (c) For the period of continued state residency for persons sixty-five years of age or more;
- (d) For the period of the disability for persons with a developmental disability;
- (e) For life for handicapped persons confined to a wheelchair who have been issued a permanent disability card; and
- (f) Until a child reaches fifteen years of age.

(2) Two-consecutive-day personal use licenses expire at midnight on the day following the validation date written on the license by the license dealer, except two-consecutive-day personal use licenses validated for December 31 expire at midnight on that date.

(3) An annual salmon license is valid for a maximum catch of fifteen salmon, after which another salmon license may be purchased. A salmon license is valid only for the calendar year for which it is issued.

(4) An annual sturgeon license is valid for a maximum catch of fifteen sturgeon. A sturgeon license is valid only for the calendar year for which it is issued.

(5) All other recreational licenses are valid for the calendar year for which they are issued.

Sec. 15. Section 16, chapter 327, Laws of 1977 ex. sess. as last amended by section 8, chapter 87, Laws of 1987 and RCW 75.25.160 are each amended to read as follows:

A person who violates a provision of this chapter or who knowingly falsifies information required for the issuance of a ~~((Hood Canal shrimp))~~ recreational license ~~((personal use license, razor clam license, or punchcard))~~ is guilty of a misdemeanor and is subject to the penalties provided in chapter 9A.20 RCW.

Sec. 16. Section 9, chapter 87, Laws of 1987 and RCW 75.25.170 are each amended to read as follows:

Fees received for ~~((personal use))~~ recreational licenses ~~((punchcards, and stamps))~~ required under this chapter shall be deposited in the general fund and shall be appropriated for management, enhancement, research, and enforcement purposes of the shellfish, salmon, and marine fish programs of the department of fisheries.

Sec. 17. Section 14, chapter 176, Laws of 1957 as last amended by section 102, chapter 78, Laws of 1980 and RCW 77.32.005 are each amended to read as follows:

For the purposes of this chapter:

A 'resident' means a ~~((citizen of the United States or))~~ person who ~~((has in good faith declared the intent to become a citizen of the United States;))~~ has maintained a permanent place of abode within this state for at least ninety days immediately preceding an application for a license, ~~((and))~~ has established by formal evidence an intent to continue residing within this state, and who is not licensed to hunt or fish as a resident in another state.

A 'nonresident' means a person who has not fulfilled the qualifications of a resident.

Sec. 18. Section 77.32.230, chapter 36, Laws of 1955 as last amended by section 914, chapter 176, Laws of 1988 and RCW 77.32.230 are each amended to read as follows:

(1) A person sixty-five years of age or older who is an honorably discharged veteran of the United States armed forces having a service-connected disability and who has been a resident for ~~((five years))~~ the preceding ninety days may receive upon application a state hunting and fishing license free of charge.

(2) A resident who is an honorably discharged veteran of the United States armed forces having a service-connected disability and whose service-connected disabilities have been established as permanent in nature by the veterans administration and are rated from thirty to one hundred percent disabled as determined by the veterans administration shall receive a fishing and hunting license for one-half price.

Disabled veterans applying for a one-half price fishing and hunting license under this subsection shall provide the department or dealer with a copy of documents verifying the disability from the veterans administration.

(3) A ((person)) resident seventy years of age or older ((who has been a resident for ten years)) may receive, upon application, a fishing license free of charge.

((3)) (4) A blind person, or a person with a developmental disability as defined in RCW 71A.10.020 with documentation of the disability from the department of social and health services, or a physically handicapped person confined to a wheelchair may receive upon application a fishing license free of charge.

((4)) (5) A blind person or a physically handicapped person confined to a wheelchair who has been issued a card for a permanent disability under RCW 46.16.381 may use that card in place of a fishing license unless tags, permits, stamps, or punchcards are required by this chapter.

((5)) (6) A fishing license is not required for persons under the age of fifteen.

((6)) (7) Tags, permits, stamps, and punchcards required by this chapter shall be purchased separately by persons receiving a free or reduced-fee license.

Sec. 19, Section 13, chapter 310, Laws of 1981 as last amended by section 88, chapter 506, Laws of 1987 and RCW 77.32.360 are each amended to read as follows:

(1) A steelhead punchcard is required to fish for steelhead trout. The fee for this punchcard is fifteen dollars.

(2) Persons possessing steelhead trout shall immediately validate their punchcard as provided by rule.

(3) Steelhead punchcards required under this section expire April 30th following the date of issuance.

(4) Each person who returns a steelhead punchcard to an authorized license dealer by June 1 following the period for which it was issued shall be given a credit equal to five dollars towards that day's purchase of any license, permit, transport tag, punchcard, or stamp required by this chapter.

This subsection does not apply to annual steelhead punchcards for persons under the age of fifteen and persons age seventy or older.

(5) Persons under the age of fifteen and persons age seventy or older may purchase an annual steelhead punchcard for five dollars. The five-dollar punchcard entitles the holder to retain no more than ten steelhead. After retaining ten steelhead, a new punchcard may be purchased.

((5)) (6) An upland bird punchcard is required to hunt for quail, partridge, and pheasant in areas designated by rule of the commission. The fee for this punchcard is fifteen dollars.

((6)) (7) Persons killing quail, partridge, and pheasant shall immediately validate their punchcard as provided by rule of the commission.

((7)) (8) Upland bird punchcards required under this section expire March 31st following the date of issuance.

NEW SECTION, Sec. 20. The following acts or parts of acts are each repealed:

(1) Section 2, chapter 243, Laws of 1979 ex. sess., section 90, chapter 46, Laws of 1983 1st ex. sess. and RCW 75.25.020; and

(2) Section 5, chapter 87, Laws of 1987 and RCW 75.25.125.

NEW SECTION, Sec. 21. This act shall take effect on January 1, 1990."

On page 1, line 1 of the title, after "licenses;" strike the remainder of the title and insert "amending RCW 75.25.015, 75.25.040, 75.25.080, 75.25.090, 75.25.100, 75.25.110, 75.25.120, 75.25.130, 75.25.140, 75.25.150, 75.25.160, 75.25.170, 77.32.005, 77.32.230, and 77.32.360; adding new sections to chapter 75.25 RCW; repealing RCW 75.25.020 and 75.25.125; and providing an effective date."

Signed by Senators Metcalf, Owen, Anderson; Representatives R. King, Morris, S. Wilson.

MOTION

On motion of Mr. Jesernig, the Report of the Conference Committee on Engrossed Substitute House Bill No. 1028 was adopted and the committee was granted the powers of Free Conference.

MESSAGE FROM THE SENATE

April 21, 1989

Mr. Speaker:

The Senate has adopted the report of the Conference Committee on ENGROSSED SUBSTITUTE HOUSE BILL NO. 1133, and has granted said committee the powers of Free Conference. The Report of the Conference Committee is herewith transmitted.

W. D. Naismith, Assistant Secretary.

REPORT OF CONFERENCE COMMITTEE

April 20, 1989

Mr. Speaker:

We of your Conference Committee to whom was referred ENGROSSED SUBSTITUTE HOUSE BILL NO. 1133, regarding employer involvement in child care, have had the same under consideration and we report that we are unable to agree, and we respectfully request the powers of Free Conference to amend the bill as follows:

Adopt the Senate Committee on Economic Development & Labor amendments adopted on April 11, 1989 (For committee amendments, see Journal, 100th Day, April 18, 1989.) with the following changes:

On page 13, line 9, strike "assigned to and located" and insert "colocated"

On page 14, beginning on line 12, strike all of subsection (4)

Signed by Senators Cantu, Niemi, Anderson; Representatives Cantwell, Wineberry, Moyer.

MOTION

On motion of Mr. Jesernig, the Report of the Conference Committee on Engrossed Substitute House Bill No. 1133 was adopted and the committee was granted the powers of Free Conference.

MESSAGE FROM THE SENATE

April 21, 1989

Mr. Speaker:

The Senate has adopted the report of the Conference Committee on SUBSTITUTE HOUSE BILL NO. 1254, and has granted said committee the powers of Free Conference. The Report of the Conference Committee is herewith transmitted.

W. D. Naismith, Assistant Secretary.

REPORT OF CONFERENCE COMMITTEE

April 20, 1989

Mr. Speaker:

We of your Conference Committee to whom was referred SUBSTITUTE HOUSE BILL NO. 1254, providing immunity from civil liability, have had the same under consideration and we report that we are unable to agree, and we respectfully request the powers of Free Conference to amend the bill as follows:

Reject the Senate amendment by Senator Talmadge to page 1, line 16, which was adopted on April 3, 1989 (For amendment, see Journal, 97th Day, April 15, 1989.), and

Adopt the following amendment:

On page 1, following line 19, insert a new section as follows:

***NEW SECTION.** Sec. 3. If an agency fails to reasonably respond to a person who in good faith communicates a complaint or information to any agency of federal, state, or local government regarding any matter reasonably of concern to that agency, the person shall be immune from civil liability on claims arising from the communication of such complaint or information which the person genuinely and reasonably believed to be true. A person prevailing upon the defense provided for in this section shall be entitled to recover costs and reasonable attorneys' fees incurred in establishing the defense."

Renumber the remaining sections consecutively and correct internal references accordingly.

Signed by Senators Pullen, Sutherland; Representatives Appelwick, H. Myers, Padden.

MOTION

On motion of Mr. Jesernig, the Report of the Conference Committee on Substitute House Bill No. 1254 was adopted and the committee was granted the powers of Free Conference.

RESOLUTION

HOUSE FLOOR RESOLUTION NO. 89-4691, by Representatives Jones, Sayan, Raiter, Hargrove, Cooper, Vekich and Basich

WHEREAS, On December 23, 1988 a barge off the Washington coast was ruptured and over one hundred thousand gallons of petroleum product was spilled into the waters of the Pacific Ocean west of Grays Harbor; and

WHEREAS, The oil spill traveled north, leaving oil on beaches along the Olympic Peninsula and coating thousands of birds; and

WHEREAS, The student body of Neah Bay High School, under the able supervision of teachers Mary Hunter and Gary Giovanni and Principal Dean Hunter, volunteered to assist in the clean-up effort and in the rescue of birds that had been covered with oil; and

WHEREAS, Many students worked on the spill clean-up for up to five days in inclement weather and under extremely inhospitable conditions;

NOW, THEREFORE, BE IT RESOLVED, That the House of Representatives recognize and thank the students of Neah Bay High School, teachers Mary Hunter and Gary Goivanni and Principal Dean Hunter for so generously donating their time and services in this worthwhile effort; and

BE IT FURTHER RESOLVED, That a copy of this Resolution be immediately transmitted to Principal Hunter, Neah Bay High School.

Mr. Jones moved adoption of the resolution and spoke in favor of it.

House Floor Resolution No. 89-4691 was adopted.

MESSAGE FROM THE SENATE

April 21, 1989

Mr. Speaker:

The Senate has adopted the report of the Free Conference Committee on ENGROSSED HOUSE BILL NO. 1917 and has passed the bill as amended by the Free Conference Committee, and the same is herewith transmitted.

W. D. Naismith, Assistant Secretary.

REPORT OF FREE CONFERENCE COMMITTEE

April 19, 1989

Mr. Speaker:

We of your Free Conference Committee to whom was referred ENGROSSED HOUSE BILL NO. 1917, establishing a certified real estate appraiser law, have had the same under consideration and we recommend that the bill be amended as proposed in the request for Free Conference and that the bill do pass as amended by the Free Conference Committee.

(See Report of Conference Committee on Engrossed House Bill No. 1917, 102nd Day, April 20, 1989, Afternoon Session.)

Signed by Senators von Reichbauer, Williams, Sellar; Representatives O'Brien, Vekich, May.

MOTION

Ms. Cole moved that the House adopt the Report of the Free Conference Committee on Engrossed House Bill No. 1917.

Mr. May spoke in favor of the motion, and it was carried.

FINAL PASSAGE OF HOUSE BILL
AS AMENDED BY FREE CONFERENCE COMMITTEE

The Speaker (Mr. Wang presiding) stated the question before the House to be the final passage of Engrossed House Bill No. 1917 as amended by Free Conference Committee.

Mr. O'Brien spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 1917 as amended by Free Conference Committee, and the bill passed the House by the following vote: Yeas, 97; excused, 1.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Baugher, Beck, Belcher, Betrozoff, Bowman, Braddock, Brekke, Bristow, Brooks, Brough, Brunsickle, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Fraser, Fuhrman, Grant, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Inslee, Jacobsen, Jesernig, Jones, King P, King R, Kremen, Leonard, Locke, May, McLean, Meyers R, Miller, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Padden, Patrick, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith, Sommers D, Sommers H, Spaniel, Sprengle, Tate, Todd, Valle, Van Luvan, Vekich, Walk, Walker, Wang, Wilson K, Wilson S, Wineberry, Winsley, Wolfe, Wood, Youngsman, Zellinsky, and Mr. Speaker - 97.

Excused: Representative Gallagher - 1.

Engrossed House Bill No. 1917 as amended by Free Conference Committee, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE SENATE

April 21, 1989

Mr. Speaker:

The Senate has adopted the report of the Free Conference Committee on HOUSE BILL NO. 2060 and has passed the bill as amended by the Free Conference Committee, and the same is herewith transmitted.

W. D. Naismith, Assistant Secretary.

REPORT OF FREE CONFERENCE COMMITTEE

April 19, 1989

Mr. Speaker:

We of your Free Conference Committee to whom was referred HOUSE BILL NO. 2060, providing industrial insurance coverage for the horse racing industry, have had the same under consideration and we recommend that the bill be amended as proposed in the request for Free Conference and that the bill do pass as amended by the Free Conference Committee.

(See Report of Conference Committee on House Bill No. 2060, 102nd Day, April 20, 1989, Afternoon Session.)

Signed by Senators Matson, Warnke, West, Sellar; Representatives Leonard, Rector, Patrick.

MOTION

Ms. Cole moved that the House adopt the Report of the Free Conference Committee on House Bill No. 2060.

Mr. Patrick spoke in favor of the motion, and it was carried.

FINAL PASSAGE OF HOUSE BILL
AS AMENDED BY FREE CONFERENCE COMMITTEE

The Speaker (Mr. Wang presiding) stated the question before the House to be the final passage of House Bill No. 2060 as amended by Free Conference Committee.

POINT OF INQUIRY

Mr. Patrick yielded to question by Ms. Leonard.

Ms. Leonard: Representative Patrick, is the intent of House Bill No. 2060 to cover all owners who participate in horse racing in Washington State?

Mr. Patrick: Yes. Under the present horse racing licensing system, each owner must be licensed. This bill requires the owner to pay the industrial insurance premium when he or she obtains a license from the Washington State Horse Racing Commission. The premium is required as part of the privilege of holding an owner's license. It would be paid once for each license issued. This bill does not permit the exclusion of any owner from the industrial insurance premium requirement.

Representatives Leonard and Baugher spoke in favor of the bill.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 2060 as amended by Free Conference Committee, and the bill passed the House by the following vote: Yeas, 97; excused, 1.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Baugher, Beck, Belcher, Betzoff, Bowman, Braddock, Brekke, Bristow, Brooks, Brough, Brumsickle, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Fraser, Fuhrman, Grant, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Insee, Jacobsen, Jesernig, Jones, King P, King R, Kremen, Leonard, Locke, May, McLean, Meyers R, Miller, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Padden, Patrick, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith, Sommers D, Sommers H, Spanel, Sprengle, Tate, Todd, Valle, Van Luven, Vekich, Walk, Walker, Wang, Wilson K, Wilson S, Wineberry, Winsley, Wolfe, Wood, Youngsman, Zellinsky, and Mr. Speaker - 97.

Excused: Representative Gallagher - 1.

House Bill No. 2060 as amended by Free Conference Committee, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

The Speaker (Mr. Wang presiding) declared the House to be at ease.

The Speaker (Mr. Heavey presiding) called the House to order.

The Speaker (Mr. Heavey presiding) declared the House to be at ease.

The Speaker (Mr. O'Brien presiding) called the House to order.

MESSAGES FROM THE SENATE

April 21, 1989

Mr. Speaker:

The President has signed:

SUBSTITUTE HOUSE BILL NO. 1007,
HOUSE BILL NO. 1019,
HOUSE BILL NO. 1042,
HOUSE BILL NO. 1060,
SUBSTITUTE HOUSE BILL NO. 1065,
HOUSE BILL NO. 1072,
HOUSE BILL NO. 1085,
SUBSTITUTE HOUSE BILL NO. 1104,
SUBSTITUTE HOUSE BILL NO. 1115,
SUBSTITUTE HOUSE BILL NO. 1173,
SUBSTITUTE HOUSE BILL NO. 1183,
HOUSE BILL NO. 1241,
HOUSE BILL NO. 1253,
SUBSTITUTE HOUSE BILL NO. 1337,
HOUSE BILL NO. 1342,
SUBSTITUTE HOUSE BILL NO. 1370,
HOUSE BILL NO. 1385,
SUBSTITUTE HOUSE BILL NO. 1388,
HOUSE BILL NO. 1395,
SUBSTITUTE HOUSE BILL NO. 1414,
HOUSE BILL NO. 1467,
SUBSTITUTE HOUSE BILL NO. 1504,
SUBSTITUTE HOUSE BILL NO. 1547,
HOUSE BILL NO. 1729,
HOUSE JOINT MEMORIAL NO. 4001,
SUBSTITUTE SENATE BILL NO. 5085,
SUBSTITUTE SENATE BILL NO. 5108,
SUBSTITUTE SENATE BILL NO. 5184,
SUBSTITUTE SENATE BILL NO. 5443,
SENATE BILL NO. 5536,
SUBSTITUTE SENATE BILL NO. 5566,
SUBSTITUTE SENATE BILL NO. 5663.

SUBSTITUTE SENATE BILL NO. 6009,
SENATE CONCURRENT RESOLUTION NO. 8415,

and the same are herewith transmitted.

Gordon A. Golob, Secretary.

April 21, 1989

Mr. Speaker:

The Senate grants the request of the House for a conference on HOUSE BILL NO. 1354. The President has appointed the following members as conferees: Senators Sellar, Kreidler and Metcalf.

W. D. Naismith, Assistant Secretary.

MESSAGE FROM THE SENATE

April 21, 1989

Mr. Speaker:

The Senate has adopted the report of the Free Conference Committee on ENGROSSED HOUSE BILL NO. 1070 and has passed the bill as amended by the Free Conference Committee, and the same is herewith transmitted.

W. D. Naismith, Assistant Secretary.

REPORT OF FREE CONFERENCE COMMITTEE

April 19, 1989

Mr. Speaker:

We of your Free Conference Committee to whom was referred ENGROSSED HOUSE BILL NO. 1070, revising procedures on criminal procedure, have had the same under consideration and we recommend that the bill be amended as proposed in the request for Free Conference and that the bill do pass as amended by the Free Conference Committee.

(See Report of Conference Committee on Engrossed House Bill No. 1070, 103rd Day, April 21, 1989, Morning Session.)

Signed by Senators Pullen, Talmadge, Thorsness; Representatives Appelwick, Rector, Padden.

MOTION

Mr. Appelwick moved that the House adopt the Report of the Free Conference Committee on Engrossed House Bill No. 1070.

Representatives Appelwick and Padden spoke in favor of the motion, and it was carried.

FINAL PASSAGE OF HOUSE BILL
AS AMENDED BY FREE CONFERENCE COMMITTEE

The Speaker (Mr. O'Brien presiding) stated the question before the House to be the final passage of Engrossed House Bill No. 1070 as amended by Free Conference Committee.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 1070 as amended by Free Conference Committee, and the bill passed the House by the following vote: Yeas, 97; excused, 1.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Baugher, Beck, Belcher, Betozoff, Bowman, Braddock, Brekke, Bristow, Brooks, Brough, Brumsickle, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Fraser, Fuhrman, Grant, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Insee, Jacobsen, Jesernig, Jones, King P, King R, Kremen, Leonard, Locke, May, McLean, Meyers R, Miller, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Padden, Patrick, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith, Sommers D, Sommers H, Spanel, Sprengle, Tate, Todd, Valle, Van Luven, Vekich, Walk, Walker, Wang, Wilson K, Wilson S, Wineberry, Winsley, Wolfe, Wood, Youngsman, Zellinsky, and Mr. Speaker - 97.

Excused: Representative Gallagher - 1.

Engrossed House Bill No. 1070 as amended by Free Conference Committee, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE SENATE

April 21, 1989

Mr. Speaker:

The Senate has adopted the report of the Conference Committee on SUBSTITUTE HOUSE BILL NO. 1457, and has granted said committee the powers of Free Conference. The Report of the Conference Committee is herewith transmitted.

W. D. Naismith, Assistant Secretary.

REPORT OF CONFERENCE COMMITTEE

April 21, 1989

Mr. Speaker:

We of your Conference Committee to whom was referred SUBSTITUTE HOUSE BILL NO. 1457, regarding the indeterminate sentencing review board, have had the same under consideration and we report that we are unable to agree, and we respectfully request the powers of Free Conference to amend the bill as follows:

Reject the Senate Committee on Ways & Means amendments (For committee amendments, see Journal, 101st Day, April 19, 1989.) adopted on April 6, 1989, and

Adopt the following amendments:

On page 4, after line 24, insert a new section to read as follows:

NEW SECTION, Sec. 5. A new section is added to chapter 9.95 RCW to read as follows:

The board shall apply all of the statutory requirements of RCW 9.95.009(2), requiring decisions of the board to be reasonably consistent with the ranges, standards, and purposes of the sentencing reform act, chapter 9.94A RCW, and the minimum term recommendations of the sentencing judge and the prosecuting attorney, to every person who, on the effective date of this act, is incarcerated and has been adjudged under the provisions of RCW 9.92.090."

On page 1, line 2, of the title, after "adding" strike "a new section" and insert "new sections" Signed by Senators Pullen, Niemi, Nelson; Representatives R. Meyers, P. King, Padden.

MOTION

On motion of Mr. Jesernig, the Report of the Conference Committee on Substitute House Bill No. 1457 was adopted and the committee was granted the powers of Free Conference.

MESSAGE FROM THE SENATE

April 21, 1989

Mr. Speaker:

The Senate has adopted the report of the Free Conference Committee on HOUSE BILL NO. 2167 and has passed the bill as amended by the Free Conference Committee, and the same is herewith transmitted.

W. D. Naismith, Assistant Secretary.

REPORT OF FREE CONFERENCE COMMITTEE

April 19, 1989

Mr. Speaker:

We of your Free Conference Committee to whom was referred HOUSE BILL NO. 2167, regarding mobile home parks law, have had the same under consideration and we recommend that the bill be amended as proposed in the request for Free Conference and that the bill do pass as amended by the Free Conference Committee.

(See Report of Conference Committee on House Bill No. 2167, 102nd Day, April 20, 1989, Afternoon Session.)

Signed by Senators Smith, Murray, Bluechel; Representatives Nutley, Leonard, Winsley.

MOTION

Ms. Nutley moved that the House adopt the Report of the Free Conference Committee on House Bill No. 2167. The motion was carried.

FINAL PASSAGE OF HOUSE BILL
AS AMENDED BY FREE CONFERENCE COMMITTEE

The Speaker (Mr. O'Brien presiding) stated the question before the House to be the final passage of House Bill No. 2167 as amended by Free Conference Committee.

Ms. Leonard spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 2167 as amended by Free Conference Committee, and the bill passed the House by the following vote: Yeas, 97; excused, 1.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Baugher, Beck, Belcher, Betrozoff, Bowman, Braddock, Brekke, Bristow, Brooks, Brough, Brumsickle, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Fraser, Fuhrman, Grant, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Inslee, Jacobsen, Jesernig, Jones, King P, King R, Kremen, Leonard, Locke, May, McLean, Meyers R, Miller, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Padden, Patrick, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith, Sommers D, Sommers H, Spanel, Sprengle, Tate, Todd, Valle, Van Luven, Vekich, Walk, Walker, Wang, Wilson K, Wilson S, Wineberry, Winsley, Wolfe, Wood, Youngsman, Zellinsky, and Mr. Speaker - 97.

Excused: Representative Gallagher - 1.

House Bill No. 2167 as amended by Free Conference Committee, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

REPORT OF CONFERENCE COMMITTEE

April 20, 1989

Mr. Speaker:

We of your Conference Committee to whom was referred ENGROSSED SUBSTITUTE SENATE BILL NO. 5288, providing for the production of salmon smolts by private aquaculturists, have had the same under consideration, and we recommend that the House Committee on Fisheries & Wildlife striking amendment (For committee amendments, see Journal, 80th Day, March 29, 1989,) be adopted, and the bill do pass as recommended by the Conference Committee.

Signed by Senators Metcalf, Stratton, Anderson; Representatives R. King, Basich, S. Wilson.

MOTION

Mr. R. King moved that the House adopt the report of the Conference Committee and pass the bill as recommended by the committee. The motion was carried.

FINAL PASSAGE OF SENATE BILL
AS RECOMMENDED BY CONFERENCE COMMITTEE

The Speaker (Mr. O'Brien presiding) stated the question before the House to be the final passage of Engrossed Substitute Senate Bill No. 5288 as recommended by Conference Committee.

Mr. R. King spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute Senate Bill No. 5288 as recommended by Conference Committee, and the bill passed the House by the following vote: Yeas, 97; excused, 1.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Baugher, Beck, Belcher, Betrozoff, Bowman, Braddock, Brekke, Bristow, Brooks, Brough, Brumsickle, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Fraser, Fuhrman, Grant, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Inslee, Jacobsen, Jesernig, Jones, King P, King R, Kremen, Leonard, Locke, May, McLean, Meyers R, Miller, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Padden, Patrick, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith, Sommers D, Sommers H, Spanel, Sprengle, Tate, Todd, Valle, Van Luven, Vekich,

Walk, Walker, Wang, Wilson K, Wilson S, Wineberry, Winsley, Wolfe, Wood, Youngsman, Zellinsky, and Mr. Speaker - 97.

Excused: Representative Gallagher - 1.

Engrossed Substitute Senate Bill No. 5288 as recommended by Conference Committee, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE SENATE

April 21, 1989

Mr. Speaker:

The Senate has adopted the report of the Conference Committee on SECOND SUBSTITUTE SENATE BILL NO. 5375, and granted said committee the powers of Free Conference.

W. D. Naismith, Assistant Secretary.

REPORT OF FREE CONFERENCE COMMITTEE

April 19, 1989

Mr. Speaker:

We of your Free Conference Committee to whom was referred SECOND SUBSTITUTE SENATE BILL NO. 5375, establishing a DNA identification system, have had the same under consideration and we recommend that the bill be amended as proposed in the request for Free Conference and that the bill do pass as amended by the Free Conference Committee.

(See Report of Conference Committee on Second Substitute Senate Bill No. 5375, 103rd Day, April 21, 1989, Morning Session.)

Signed by Senators Pullen, Talmadge; Representatives Appelwick, Inslee, Patrick.

MOTION

Mr. Appelwick moved that the House adopt the Report of the Free Conference Committee on Second Substitute Senate Bill No. 5375.

Representatives Appelwick and Patrick spoke in favor of the motion, and it was carried.

FINAL PASSAGE OF SENATE BILL AS AMENDED BY FREE CONFERENCE COMMITTEE

The Speaker (Mr. O'Brien presiding) stated the question before the House to be the final passage of Second Substitute Senate Bill No. 5375 as amended by Free Conference Committee.

ROLL CALL

The Clerk called the roll on the final passage of Second Substitute Senate Bill No. 5375 as amended by Free Conference Committee, and the bill passed the House by the following vote: Yeas, 97; excused, 1.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Baugher, Beck, Belcher, Betzoff, Bowman, Braddock, Brekke, Bristow, Brooks, Brough, Brumsickle, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Fraser, Fuhrman, Grant, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Inslee, Jacobsen, Jesernig, Jones, King P, King R, Kremen, Leonard, Locke, May, McLean, Meyers R, Miller, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Padden, Patrick, Peery, Phillips, Prentice, Prince, Pruitt, Rafter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith, Sommers D, Sommers H, Spanel, Sprengle, Tate, Todd, Valle, Van Luven, Vekich, Walk, Walker, Wang, Wilson K, Wilson S, Wineberry, Winsley, Wolfe, Wood, Youngsman, Zellinsky, and Mr. Speaker - 97.

Excused: Representative Gallagher - 1.

Second Substitute Senate Bill No. 5375 as amended by Free Conference Committee, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE SENATE

April 21, 1989

Mr. Speaker:

The Senate has adopted the report of the Conference Committee on ENGROSSED SUBSTITUTE SENATE BILL NO. 5759, and granted said committee the powers of Free Conference.

W. D. Naismith, Assistant Secretary.

REPORT OF FREE CONFERENCE COMMITTEE

April 19, 1989

Mr. Speaker:

We of your Free Conference Committee to whom was referred ENGROSSED SUBSTITUTE SENATE BILL NO. 5759, establishing a school breakfast program, have had the same under consideration and we recommend that the bill be amended as proposed in the request for Free Conference and that the bill do pass as amended by the Free Conference Committee.

(See Report of Conference Committee on Engrossed Substitute Senate Bill No. 5759, 102nd Day, April 20, 1989, Afternoon Session.)

Signed by Senators Bailey, Rinehart, Lee; Representatives Peery, G. Fisher, Betzoff.

MOTION

Mr. Peery moved that the House adopt the Report of the Free Conference Committee on Engrossed Substitute Senate Bill No. 5759. The motion was carried.

FINAL PASSAGE OF SENATE BILL
AS AMENDED BY FREE CONFERENCE COMMITTEE

The Speaker (Mr. O'Brien presiding) stated the question before the House to be the final passage of Engrossed Substitute Senate Bill No. 5759 as amended by Free Conference Committee.

Representatives Peery and Holland spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute Senate Bill No. 5759 as amended by Free Conference Committee, and the bill passed the House by the following vote: Yeas, 76; nays, 21; excused, 1.

Voting yea: Representatives Anderson, Appelwick, Basich, Beck, Belcher, Bowman, Braddock, Brekke, Bristow, Brooks, Brough, Brumsickle, Cantwell, Cole, Cooper, Crane, Day, Dellwo, Dorn, Ebersole, Fisher G, Fisher R, Fraser, Grant, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Inslee, Jacobsen, Jesernig, Jones, King P, King R, Kremen, Leonard, Locke, Meyers R, Miller, Morris, Moyer, Myers H, Nelson, Nutley, O'Brien, Patrick, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rector, Rust, Sayan, Schoon, Scott, Sommers D, Sommers H, Spanel, Sprengle, Tate, Todd, Valle, Van Luven, Vekich, Wang, Wilson K, Wilson S, Wineberry, Winsley, Wood, and Mr. Speaker - 76.

Voting nay: Representatives Ballard, Baugher, Betzoff, Chandler, Doty, Ferguson, Fuhrman, Horn, May, McLean, Nealey, Padden, Rayburn, Schmidt, Silver, Smith, Walk, Walker, Wolfe, Youngsman, Zellinsky - 21.

Excused: Representative Gallagher - 1.

Engrossed Substitute Senate Bill No. 5759 as amended by Free Conference Committee, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE SENATE

April 21, 1989

Mr. Speaker:

The Senate has adopted the report of the Conference Committee on SUBSTITUTE SENATE BILL NO. 5827, and granted said committee the powers of Free Conference.

W. D. Naismith, Assistant Secretary.

REPORT OF FREE CONFERENCE COMMITTEE

April 19, 1989

Mr. Speaker:

We of your Free Conference Committee to whom was referred SUBSTITUTE SENATE BILL NO. 5827, providing pet identification and certification procedures to minimize theft, have had the same under consideration and we recommend that the bill be amended as proposed in the request for Free Conference and that the bill do pass as amended by the Free Conference Committee.

(See Report of Conference Committee on Substitute Senate Bill No. 5827, 102nd Day, April 20, 1989, Afternoon Session.)

Signed by Senators Barr, Bailey, Moore; Representatives Rayburn, Appelwick, Nealey.

MOTION

Ms. Rayburn moved that the House adopt the Report of the Free Conference Committee on Substitute Senate Bill No. 5827.

Representatives Rayburn and Nealey spoke in favor of the motion, and it was carried.

FINAL PASSAGE OF SENATE BILL
AS AMENDED BY FREE CONFERENCE COMMITTEE

The Speaker (Mr. O'Brien presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 5827 as amended by Free Conference Committee.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5827 as amended by Free Conference Committee, and the bill passed the House by the following vote: Yeas, 97; excused, 1.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Baugher, Beck, Belcher, Betrozoff, Bowman, Braddock, Brekke, Bristow, Brooks, Brough, Brumsickle, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Fraser, Fuhrman, Grant, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Inslee, Jacobsen, Jesernig, Jones, King P, King R, Kremen, Leonard, Locke, May, McLean, Meyers R, Miller, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Padden, Patrick, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith, Sommers D, Sommers H, Spanel, Sprenkle, Tate, Todd, Valle, Van Luven, Vekich, Walk, Walker, Wang, Wilson K, Wilson S, Wineberry, Winsley, Wolfe, Wood, Youngsman, Zellinsky, and Mr. Speaker - 97.

Excused: Representative Gallagher - 1.

Substitute Senate Bill No. 5827 as amended by Free Conference Committee, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE SENATE

April 21, 1989

Mr. Speaker:

The Senate has adopted the report of the Conference Committee on ENGROSSED SENATE BILL NO. 5833, and granted said committee the powers of Free Conference.

W. D. Naismith, Assistant Secretary.

REPORT OF FREE CONFERENCE COMMITTEE

April 17, 1989

Mr. Speaker:

We of your Free Conference Committee to whom was referred ENGROSSED SENATE BILL NO. 5833, amending the disposition and sentencing standards for juvenile offenders, have had the same under consideration and we recommend that the bill be amended as proposed in the request for Free Conference and that the bill do pass as amended by the Free Conference Committee.

(See Report of Conference Committee on Engrossed Senate Bill No. 5833, 103rd Day, April 21, 1989, Morning Session.)

Signed by Senators Pullen, Talmadge; Representatives Appelwick, H. Myers, Tate.

MOTION

Mr. Appelwick moved that the House adopt the Report of the Free Conference Committee on Engrossed Senate Bill No. 5833.

Mr. Appelwick spoke in favor of the motion, and it was carried.

FINAL PASSAGE OF SENATE BILL AS AMENDED BY FREE CONFERENCE COMMITTEE

The Speaker (Mr. O'Brien presiding) stated the question before the House to be the final passage of Engrossed Senate Bill No. 5833 as amended by Free Conference Committee.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Senate Bill No. 5833 as amended by Free Conference Committee, and the bill passed the House by the following vote: Yeas, 97; excused, 1.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Baugher, Beck, Belcher, Betzoff, Bowman, Braddock, Brekke, Bristow, Brooks, Brough, Brumstick, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Fraser, Fuhrman, Grant, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Inslee, Jacobsen, Jesernig, Jones, King P, King R, Kremen, Leonard, Locke, May, McLean, Meyers R, Miller, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Padden, Patrick, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith, Sommers D, Sommers H, Spanel, Sprengle, Tate, Todd, Valle, Van Luven, Vekich, Walk, Walker, Wang, Wilson K, Wilson S, Wineberry, Winsley, Wolfe, Wood, Youngsman, Zellinsky, and Mr. Speaker - 97.

Excused: Representative Gallagher - 1.

Engrossed Senate Bill No. 5833 as amended by Free Conference Committee, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

REPORT OF CONFERENCE COMMITTEE

April 20, 1989

Mr. Speaker:

We of your Conference Committee to whom was referred ENGROSSED SUBSTITUTE SENATE BILL NO. 5186, changing provisions relating to the commission on judicial conduct, have had the same under consideration and we report that we are unable to agree, and we respectfully request the powers of Free Conference to amend the bill as follows:

Adopt the House Committee on Judiciary striking amendment (For committee amendment, see Journal, 82nd Day, March 31, 1989.) with the following changes:

On page 7, line 22, insert a new section to read as follows:

***NEW SECTION, Sec. 10.** A new section is added to chapter 2.64 RCW to read as follows:

Whenever the commission determines that there is probable cause to believe that a judge or justice has violated a rule of judicial conduct or that the judge or justice suffers from a disability which is permanent or likely to become permanent and which seriously interferes with the performance of judicial duties, the commission shall disclose to the judge or justice any material or information within the commission's knowledge which tends to negate the determination of the commission, except as otherwise provided by a protective order."

Renumber the remaining sections consecutively.

Signed by Senators Pullen, Talmadge; Representatives Appelwick, Hargrove, Padden.

MOTION

On motion of Mr. Jesernig, the Report of the Conference Committee on Engrossed Substitute Senate Bill No. 5186 was adopted and the committee was granted the powers of Free Conference.

MESSAGE FROM THE SENATE

April 21, 1989

Mr. Speaker:

The Senate has adopted the report of the Conference Committee on SECOND SUBSTITUTE HOUSE BILL NO. 1476, and has granted said committee the powers of Free Conference. The Report of the Conference Committee is herewith transmitted.

W. D. Naismith, Assistant Secretary.

REPORT OF CONFERENCE COMMITTEE

April 21, 1989

Mr. Speaker:

We of your Conference Committee to whom was referred SECOND SUBSTITUTE HOUSE BILL NO. 1476, establishing the Washington marketplace program, have had the same under consideration and we report that we are unable to agree, and we respectfully request the powers of Free Conference to amend the bill as follows:

Reject the amendments by Senators Bender and Lee (For amendments, see Journal, 100th Day, April 18, 1989.) adopted on April 6, 1989, and

Adopt the following amendments:

On page 1, line 25, after "services" and before the period, insert ", and in addition to identify new markets for Washington firms to provide goods and services"

On page 4, beginning on line 3, strike all of section 5 and insert the following:

"NEW SECTION. Sec. 5. (1) 'Capital project' means a major urban or rural economic development project including, but not limited to, highways, ports, public facilities, power plants, irrigation systems, resorts, and sewage systems.

(2) 'Consortium' means a partnership, copartnership, joint venture, joint stock company, business trust, corporation, association, or any group of businesses acting as a unit for the purpose of securing a capital project.

NEW SECTION. Sec. 6. There is established, as a project within the department of trade and economic development, the office of capital projects. The office shall:

(1) Assist Washington state businesses in obtaining international and domestic capital projects;

(2) Assist Washington state businesses in the formation of consortiums, when appropriate, which have the range of services and technical skills to compete for capital projects. Consortiums shall include at least one business with its principal place of business within Washington state.

(3) Assist consortiums and businesses in Washington state to market their services and products in international markets;

(4) Compile information on capital project opportunities for Washington state businesses including:

(a) Identifying those types of Washington businesses with the type and level of expertise to participate in various capital projects; and

(b) Identifying the type of capital projects and international markets which have the greatest potential for Washington state businesses to provide products and services;

(5) Provide information to Washington state businesses on the purpose and services of the office of capital projects;

(6) Provide initial assistance to consortiums in securing capital project contracts, including such intergovernmental contacts as considered appropriate with countries or regions where capital projects are proposed; and

(7) Provide information to businesses on trade tariffs, quotas, government regulations or other trade restrictions which may affect Washington state businesses.

NEW SECTION. Sec. 7. The department, through the office of capital projects:

(1) May receive funds, coordinate with other governmental agencies, and carry out such other duties as are deemed necessary to implement the provisions of section 6 of this act;

(2) May receive such gifts, grants, and endowments from private or public sources as may be made available in trust or otherwise for the use and benefit of the office of capital projects, and expend the same, or any income therefrom, according to the terms of gifts, grants, or endowments;

(3) May charge reasonable fees or other appropriate charges for using the services of the office of capital projects, for attendance at workshops and conferences sponsored by the office, and for various publications, materials, and services of the office. These fees shall be charged to defray the costs of operation of the office of capital projects; and

(4) May actively seek cooperation and funding from the private sector.

NEW SECTION. Sec. 8. Contracts entered into by consortiums do not constitute a contract with the state of Washington, and do not incur a liability, obligation, pledge of faith, or credit of the state of Washington.

NEW SECTION, Sec. 9. The office of capital projects is prohibited from entering into any legal or otherwise binding contract with foreign governmental units or consortiums in relation to a capital project.

NEW SECTION, Sec. 10. The legislative budget committee shall, by January 1, 1992, conduct analyses of the operations of the capital projects program. The analyses shall provide information on any costs to the state resulting from the operation of the program as well as any employment growth, firm growth, and increased revenue attributable directly or indirectly to the program.

The analysis shall include a review of: The number of firms assisted; the dollar amount and type of assistance provided to each firm; the types of businesses assisted as classified by the standard industrial classification manual; the size and the age of each firm assisted; the number of minority and women-owned businesses assisted; the number of assisted firms in distressed areas of the state; the number of jobs created or retained in each firm as a result of the programs assistance; the wage rates of jobs retained or new jobs created as a result of the program; the results of client satisfaction surveys completed by firms assisted by the program; and sales volume trends for each firm assisted by the program.

NEW SECTION, Sec. 11. The department of trade and economic development shall actively promote and support the efforts of the office of capital projects to achieve the goals of section 6 of this act.

NEW SECTION, Sec. 12. Sections 1 through 11 of this act are each added to chapter 43.31 RCW.

NEW SECTION, Sec. 13. A new section is added to chapter 43.131 RCW to read as follows: The office of capital projects and its powers and duties shall be terminated on June 30, 1994, as provided in section 14 of this act.

NEW SECTION, Sec. 14. A new section is added to chapter 43.131 RCW to read as follows: The following acts or parts of acts, as now existing or hereafter amended, are each repealed, effective June 30, 1995:

- (1) Section 5 of this act and RCW 43.31.---
- (2) Section 6 of this act and RCW 43.31.---
- (3) Section 7 of this act and RCW 43.31.---
- (4) Section 8 of this act and RCW 43.31.---
- (5) Section 9 of this act and RCW 43.31.---; and
- (6) Section 10 of this act and RCW 43.31.---

Renumber the remaining section consecutively.

On page 1, line 1 of the title, after "programs;" strike the remainder of the title and insert "adding new sections to chapter 43.31 RCW; and adding new sections to chapter 43.131 RCW."

Signed by Senators Lee, McMullen, Bluechel; Representatives Cantwell, Basich, Doty.

MOTION

On motion of Mr. Jesernig, the Report of the Conference Committee on Second Substitute House Bill No. 1476 was adopted and the committee was granted the powers of Free Conference.

REPORT OF CONFERENCE COMMITTEE

April 21, 1989

Mr. Speaker:

We of your Conference Committee to whom was referred SUBSTITUTE SENATE BILL NO. 5289, authorizing the formation of regional fisheries enhancement groups, have had the same under consideration and we report that we are unable to agree, and we respectfully request the powers of Free Conference to amend the bill as follows:

Reject all previous amendments, and

Adopt the following amendments:

Strike everything after the enacting clause and insert the following:

NEW SECTION, Sec. 1. The legislature finds that it is in the best interest of the salmon resource of the state to encourage the development of regional fisheries enhancement groups. The accomplishments of one existing group, the Grays Harbor fisheries enhancement task force, have been widely recognized as being exemplary. The legislature recognizes the potential benefits to the state that would occur if each region of the state had a similar group of dedicated citizens working to enhance the salmon resource.

The legislature authorizes the formation of regional fisheries enhancement groups. These groups shall be eligible for state financial support and shall be actively supported by the department of fisheries. The regional groups shall be operated on a strictly nonprofit basis, and shall seek to maximize the efforts of volunteer and private donations to improve the salmon resource for all citizens of the state.

NEW SECTION, Sec. 2. Any interested person may become a member of a regional fisheries enhancement group. To obtain funding from the regional fisheries enhancement group account, the membership of each group shall select its board members and chair by a democratic process. It is desirable for the group to have representation from all categories of fishermen that have interest in salmon within the region, as well as the general public.

The director shall appoint a department employee to serve as a liaison between the department and the group. The department liaison shall actively participate in the activities of the group and facilitate its operation in any way possible.

NEW SECTION, Sec. 3. Eight regional fisheries enhancement groups are authorized:

- (1) Columbia river, and its tributaries, above Bonneville dam;
- (2) Columbia river, and its tributaries, below Bonneville dam;
- (3) Grays Harbor;
- (4) Willapa Bay;
- (5) North Coast and the Straits of Juan de Fuca;
- (6) Puget Sound, and adjacent rivers and lakes, north of Everett;
- (7) Central Puget Sound between Everett and Tacoma; and
- (8) South Puget Sound, and adjacent rivers and lakes, south of Tacoma.

NEW SECTION, Sec. 4. Regional fisheries enhancement groups, consistent with the long-term regional policy statements developed under RCW 75.50.020, shall seek to:

- (1) Enhance the salmon resource of the state;
- (2) Maximize volunteer efforts and private donations to improve the salmon resource for all citizens;
- (3) Assist the department in achieving the goal to double the state-wide salmon catch by the year 2000 under chapter 214, Laws of 1988; and
- (4) Develop projects designed to supplement the fishery enhancement capability of the department of fisheries.

NEW SECTION, Sec. 5. The director shall cooperate fully with the regional fisheries enhancement groups authorized by this chapter. The director shall supply salmon eggs, technical information, surplus equipment, professional consultation, and any other assistance that can be provided to the group.

NEW SECTION, Sec. 6. The chair of each regional fisheries enhancement group shall coordinate with the department to assure that the department and the group are working in harmony toward mutually agreeable goals.

NEW SECTION, Sec. 7. (1) The legislature finds that the wise management and economic health of the state's recreational and commercial fishing industries are of paramount importance to the people of the state and to the economy of the state as a whole. The legislature finds that it is in the best social, economic, and cultural interest of the state to provide, maintain, and enhance recreational fishing opportunities in the state and offshore waters while maintaining and encouraging a healthy commercial fishing industry.

(2) Funding for regional fisheries enhancement groups shall be from a variety of funding sources.

(a) Start up grant - Each group is authorized to apply for a one time grant of eight thousand dollars per group. The grant will be administered by the director and shall be utilized for initial organizational and planning expenses.

(b) State loan - Each group may apply for state-funded enhancement loans. Loan applications shall be submitted to the salmon advisory council for initial recommendations. The director shall further review loan applications and then submit the applications to the legislature for approval. Payback of said loans shall be structured to coincide with probable income generated from the group's cost recovery program. Funds for enhancement loans shall be appropriated from the regional fisheries enhancement group account.

(c) Cost recovery - Sale of salmon carcasses and eggs under RCW 75.52.035 that return to group facilities.

(d) Operational grants - A surcharge of one dollar shall be collected annually on every recreational salmon license sold in the state. The revenues derived from this surcharge shall be placed in the regional fisheries enhancement group account hereby created in the state treasury. A surcharge of fifty dollars shall be collected annually on every commercial salmon fishing license and charter boat license sold in the state. The revenue from this surcharge shall be placed in the regional fisheries enhancement group account.

The director shall administer the regional fisheries enhancement group account. Operational grants are to be made to regional groups of up to ninety percent of the project costs to match direct and in-kind contributions secured by the regional group. The director may utilize up to ten percent of the account for department expenses.

(e) Private contributions - The groups are encouraged to conduct periodic fundraising activities.

NEW SECTION, Sec. 8. A new section is added to chapter 75.08 RCW to read as follows:

The director shall report annually to the senate environment and natural resources committee and the house fisheries and wildlife committee or their successor committees on the catch by commercial and sport fishers of the fishery resource resulting from enhancement

efforts both by the department and volunteer cooperative projects. The first report shall be submitted by January 1, 1990.

NEW SECTION, Sec. 9. (1) The president of the senate shall appoint four senate members, two from each caucus, and the speaker of the house of representatives shall appoint four house members, two from each caucus, to form the fishery management study committee. The committee shall include representatives of interested groups not to exceed six members, three appointed by the secretary of the senate and three to be appointed by the speaker of the house of representatives, and a representative each from the department of fisheries and the department of wildlife.

(2) The committee shall develop specific recommendations on how state policy may be modified to promote both the commercial and recreational fishing industries within the state in order to realize the full potential of the state's fishery resource. Along with its recommendations, the committee shall:

(a) Review and evaluate the existing food fish enhancement programs within the state, both public and private, and determine the additional resources and policies necessary to successfully implement them;

(b) Evaluate methods to promote Washington state as a sport fishing area for residents and nonresidents, including the ability of the state to develop trophy quality fisheries in selected marine areas, rivers, and streams;

(c) Evaluate methods to integrate enhancement efforts of the state and the Indian tribes including dedicated funding for state efforts;

(d) Identify issues that impact other states, particularly Oregon and Idaho, and evaluate mechanisms that will ensure a cooperative relationship among the states to develop management policy to conserve and enhance the resource;

(e) Evaluate commercial fishing licenses including rate structure and rate-setting criteria, termination of licenses, and transferability of license ownership to ensure the adequate livelihood of commercial fishers; and

(f) Evaluate the feasibility of the sale of salmon carcasses and eggs that return to regional fisheries enhancement group facilities for the purpose of cost recovery.

(3) The committee shall choose a chair from among its membership.

(4) The committee shall report to the appropriate standing committees of the legislature by January 1, 1990.

(5) This section shall expire on May 1, 1990.

NEW SECTION, Sec. 10. The sum of sixty-four thousand dollars, or as much thereof as may be necessary, is appropriated from the general fund to the department of fisheries for the biennium ending June 30, 1991, to carry out the purposes of start up grants to regional fisheries enhancement groups.

NEW SECTION, Sec. 11. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION, Sec. 12. Sections 1 through 7 of this act shall constitute a new chapter in Title 75 RCW."

On page 1, line 1 of the title, after "enhancement;" strike the remainder of the title and insert "adding a new chapter to Title 75 RCW; adding a new section to chapter 75.08 RCW; creating a new section; and making an appropriation."

Signed by Senators Metcalf, Owen, Anderson; Representatives R. King, Basich, S. Wilson.

MOTION

On motion of Mr. Jesernig, the Report of the Conference Committee on Substitute Senate Bill No. 5289 was adopted and the committee was granted the powers of Free Conference.

There being no objection, the House reverted to the fifth order of business.

REPORT OF STANDING COMMITTEE

April 20, 1989

ESB 6106 Prime Sponsor, Senator McDonald; Relating to social and health services. Reported by Committee on Health Care

MAJORITY recommendation: Do pass with the following amendments:

Strike everything after the enacting clause and insert the following:

***NEW SECTION, Sec. 1.** This act may be known and cited as the 'maternity care access act of 1989.'

NEW SECTION, Sec. 2. (1) The legislature finds that Washington state and the nation as a whole have a high rate of infant illness and death compared with other industrialized nations. This is especially true for minority and low-income populations. Premature and low weight births have been directly linked to infant illness and death. The availability of adequate

maternity care throughout the course of pregnancy has been identified as a major factor in reducing infant illness and death. Further, the investment in preventive health care programs, such as maternity care, contributes to the growth of a healthy and productive society and is a sound approach to health care cost containment. The legislature further finds that access to maternity care for low-income women in the state of Washington has declined significantly in recent years and has reached a crisis level.

(2) It is the purpose of this chapter to provide, consistent with appropriated funds, maternity care necessary to ensure healthy birth outcomes for low-income families. To this end, a maternity care access system is established based on the following principles:

(a) The family is the fundamental unit in our society and should be supported through public policy.

(b) Access to maternity care for eligible persons should be made readily available in an expeditious manner through a single service entry point.

(c) Unnecessary barriers to maternity care for eligible persons should be removed.

(d) Access to preventive and other health care services should be available for low-income children.

(e) Each woman should be encouraged to and assisted in making her own informed decisions about her maternity care.

(f) Unnecessary barriers to the provision of maternity care by qualified health professionals should be removed.

(g) The system should be sensitive to cultural differences among eligible persons.

(h) To the extent possible, decisions about the scope, content, and delivery of services should be made at the local level involving a broad representation of community interests.

(i) The maternity care access system should be evaluated at appropriate intervals to determine effectiveness and need for modification.

(j) Maternity care services should be delivered in a cost-effective manner.

NEW SECTION, Sec. 3. The legislature reserves the right to amend or repeal all or any part of this chapter at any time and there shall be no vested private right of any kind against such amendment or repeal. All rights, privileges, or immunities conferred by this chapter or any acts done pursuant thereto shall exist subject to the power of the legislature to amend or repeal this chapter at any time.

NEW SECTION, Sec. 4. Unless the context clearly requires otherwise, the definitions in this section apply throughout sections 1 through 8 of this act:

(1) 'At-risk eligible person' means an eligible person determined by the department to need special assistance in applying for and obtaining maternity care, including pregnant women who are substance abusers, pregnant and parenting adolescents, pregnant minority women, and other eligible persons who need special assistance in gaining access to the maternity care system.

(2) 'County authority' means the board of county commissioners, county council, or county executive having the authority to participate in the maternity care access program or its designee. Two or more county authorities may enter into joint agreements to fulfill the requirements of this chapter.

(3) 'Department' means the department of social and health services.

(4) 'Eligible person' means a woman in need of maternity care or a child, who is eligible for medical assistance pursuant to chapter 74.09 RCW or the prenatal care program administered by the department.

(5) 'Maternity care services' means inpatient and outpatient medical care, case management, and support services necessary during prenatal, delivery, and postpartum periods.

(6) 'Support services' means, at least, public health nursing assessment and follow-up, health and childbirth education, psychological assessment and counseling, outreach services, nutritional assessment and counseling, needed vitamin and nonprescriptive drugs, transportation, and child care. Support services may include alcohol and substance abuse treatment for pregnant women who are addicted or at risk of being addicted to alcohol or drugs to the extent funds are made available for that purpose by House Bill No. 1793, if enacted.

NEW SECTION, Sec. 5. In an effort to provide for healthy births, the department shall, consistent with the state budget act, develop a maternity care access program as follows:

(1) Provide maternity care services to low-income pregnant women and health care services to children in poverty to the maximum extent allowable under the medical assistance program, Title XIX of the federal social security act;

(2) Provide maternity care services to low-income women who are not eligible to receive such services under the medical assistance program, Title XIX of the federal social security act;

(3) By January 1, 1990, have the following procedures in place to improve access to maternity care services and eligibility determinations for pregnant women applying for maternity care services under the medical assistance program, Title XIX of the federal social security act:

(a) Use of a shortened and simplified application form;

(b) Outstationing department staff to make eligibility determinations;

(c) Establishing local plans at the county and regional level, coordinated by the department; and

(d) Conducting an interview for the purpose of determining medical assistance eligibility within five working days of the date of an application by a pregnant woman and making an eligibility determination within fifteen working days of the date of application by a pregnant woman;

(4) Establish a maternity care case management system that shall assist at-risk eligible persons with obtaining medical assistance benefits and receiving maternity care services, including transportation and child care services;

(5) Within available resources, establish appropriate reimbursement levels for maternity care providers;

(6) Implement a broad-based public education program that stresses the importance of obtaining maternity care early during pregnancy; and

(7) Study the desirability and feasibility of implementing the presumptive eligibility provisions set forth in section 9407 of the federal omnibus budget reconciliation act of 1986 and report to the appropriate committees of the legislature by December 1, 1989.

NEW SECTION, Sec. 6. (1) The department shall establish an alternative maternity care service delivery system, if it determines that a county or a group of counties is a maternity care distressed area. A maternity care distressed area shall be defined by the department, in rule, as a county or a group of counties where eligible women are unable to obtain adequate maternity care. The department shall include the following factors in its determination:

(a) Higher than average percentage of eligible persons in the distressed area who receive late or no prenatal care;

(b) Higher than average percentage of eligible persons in the distressed area who go out of the area to receive maternity care;

(c) Lower than average percentage of obstetrical care providers in the distressed area who provide care to eligible persons;

(d) Higher than average percentage of infants born to eligible persons per obstetrical care provider in the distressed area; and

(e) Higher than average percentage of infants that are of low birth weight, five and one-half pounds or two thousand five hundred grams, born to eligible persons in the distressed area.

(2) If the department determines that a maternity care distressed area exists, it shall notify the relevant county authority. The county authority shall, within one hundred twenty days, submit a brief report to the department recommending remedial action. The report shall be prepared in consultation with the department and its local community service offices, the local public health officer, community health clinics, health care providers, hospitals, the business community, labor representatives, and low-income advocates in the distressed area. A county authority may contract with a local nonprofit entity to develop the report. If the county authority is unwilling or unable to develop the report, it shall notify the department within thirty days, and the department shall develop the report for the distressed area.

(3) The department shall review the report and use it, to the extent possible, in developing strategies to improve maternity care access in the distressed area. The department may contract with or directly employ qualified maternity care health providers to provide maternity care services, if access to such providers in the distressed area is not possible by other means. In such cases, the department is authorized to pay that portion of the health care providers' malpractice liability insurance that represents the percentage of maternity care provided to eligible persons by that provider through increased medical assistance payments.

NEW SECTION, Sec. 7. To the extent that federal matching funds are available, the department or the department of health if one is created shall establish, in consultation with the health science programs of the state's colleges and universities, and community health clinics, a loan repayment program that will encourage maternity care providers to practice in medically underserved areas in exchange for repayment of part or all of their health education loans.

Sec. 8, Section 4, chapter 30, Laws of 1967 ex. sess. as last amended by section 2, chapter 5, Laws of 1985 and RCW 74.09.510 are each amended to read as follows:

Medical assistance may be provided in accordance with eligibility requirements established by the department of social and health services, including the prohibition under RCW 74.09.532 through 74.09.536 against the knowing and willful assignment of property or cash for the purpose of qualifying for such assistance, as defined in the social security Title XIX state plan for mandatory categorically needy persons and: (1) Individuals who would be eligible for cash assistance except for their institutional status; (2) individuals who are under twenty-one years of age, who would be eligible for aid to families with dependent children, but do not qualify as dependent children and who are in (a) foster care, (b) subsidized adoption, (c) an intermediate care facility or an intermediate care facility for the mentally retarded, or (d) inpatient psychiatric facilities; (3) the aged, blind, and disabled who: (a) Receive only a state supplement, or (b) would not be eligible for cash assistance if they were not institutionalized; (4) individuals who would be eligible for but choose not to receive cash assistance; (5) ~~(pregnant women who would be eligible for aid to families with dependent children if the child had been~~

born and was living with the mother during the month of the payment, and the pregnancy has been medically verified; (6)) individuals who are enrolled in managed health care systems, who have otherwise lost eligibility for medical assistance, but who have not completed a current six-month enrollment in a managed health care system, and who are eligible for federal financial participation under Title XIX of the social security act; (6) children and pregnant women allowed by federal statute for whom funding is appropriated; and (7) other individuals eligible for medical services under RCW 74.09.035 and 74.09.700 for whom federal financial participation is available under Title XIX of the social security act.

NEW SECTION. Sec. 9. The department shall contract with an independent nonprofit entity to evaluate the effectiveness of the maternity care access program set forth in sections 1 through 7 of this act based on the principles set forth in section 2 of this act. The evaluation shall also address:

- (1) Characteristics of women receiving services, including health risk factors;
- (2) Services utilized by eligible women;
- (3) Birth outcomes of women receiving services;
- (4) Birth outcomes of women receiving services, by type of practitioner; and
- (5) Services utilized by eligible infants.

The department shall submit an evaluation report to the appropriate committees of the legislature by December 1, 1990.

NEW SECTION. Sec. 10. Sections 1 through 7 of this act shall be added to chapter 74.09 RCW and codified with the subchapter heading of "maternity care access program."

On page 1, line 1 of the title, after "services;" strike the remainder of the title and insert "amending RCW 74.09.510; adding new sections to chapter 74.09 RCW; and creating a new section."

Signed by Representatives Braddock, Chair; Brooks, Ranking Republican Member; Cantwell, Morris, Prentice, Sprenkle and Vekich.

MINORITY recommendation: Do not pass. Signed by Representatives Day, Vice Chair; Chandler, D. Sommers, and Wolfe.

MOTION

Mr. Heavey moved that the rules be suspended and the bill be placed on the second reading calendar. The motion was carried.

The bill was read the second time. Committee on Health Care recommendation: Majority, do pass as amended. (For committee amendments, see Journal, 103rd Day, April 21, 1989).

Mr. Braddock moved adoption of the committee amendment.

Mr. Wolfe moved adoption of the following amendment by Representatives Wolfe, Day, Hargrove, D. Sommers, Chandler, Moyer, Padden, Basich, Tate, Walker, Fuhrman and Rasmussen to the committee amendment:

On page 3, after line 30 of the amendment, insert the following:

"(2) Provision of services for terminations of pregnancy to women eligible solely pursuant to RCW 74.09.510(6) shall not be funded under the medical assistance program, Title XIX of the federal social security act, but such women are eligible for terminations of pregnancy services funded from other programs currently existing within the department of social and health services and the department of health, if one is created;"

Renumber following subsections consecutively and correct internal references accordingly.

Mr. Wolfe spoke in favor of adoption of the amendment to the committee amendment, and Mr. Vekich spoke against it.

Mr. Fuhrman demanded an electric roll call vote, and the demand was sustained.

Mr. Padden spoke in favor of adoption of the amendment to the committee amendment.

The Speaker assumed the Chair.

Representatives Moyer and Hargrove spoke in favor of adoption of the amendment to the committee amendment, and Representatives Locke, Cole and Braddock opposed it. Representatives Moyer and Wolfe again spoke in favor of the amendment to the committee amendment.

ROLL CALL

The Clerk called the roll on the adoption of the amendment by Representative Wolfe and others to the committee amendment to Engrossed Senate Bill No. 6106, and the amendment to the committee amendment was not adopted by the following vote: Yeas, 36; nays, 61; excused, 1.

Voting yea: Representatives Ballard, Basich, Beck, Betrozoff, Bowman, Bristow, Brumsickle, Chandler, Day, Dorn, Doty, Ferguson, Fuhrman, Hargrove, Heavey, Holland, King P, McLean, Moyer, Nealey, Padden, Patrick, Rasmussen, Sayan, Schoon, Silver, Smith, Sommers D, Tate, Van Luven, Walk, Walker, Winsley, Wolfe, Wood, Youngsman - 36.

Voting nay: Representatives Anderson, Appelwick, Baugher, Belcher, Braddock, Brekke, Brooks, Brough, Cantwell, Cole, Cooper, Crane, Dellwo, Ebersole, Fisher G, Fisher R, Fraser, Grant, Hankins, Haugen, Hine, Horn, Inslee, Jacobsen, Jesernig, Jones, King R, Kremen, Leonard, Locke, May, Meyers R, Miller, Morris, Myers H, Nelson, Nutley, O'Brien, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rayburn, Rector, Rust, Schmidt, Scott, Sommers H, Spanel, Sprengle, Todd, Valle, Vekich, Wang, Wilson K, Wilson S, Wineberry, Zellinsky, and Mr. Speaker - 61.

Excused: Representative Gallagher - 1.

The Speaker stated the question before the House to be the adoption of the committee amendment by Committee on Health Care.

Representatives Vekich and Hargrove spoke in favor of adoption of the committee amendment, and it was adopted.

With consent of the House, the committee amendment to the title was adopted.

With consent of the House, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Mr. Padden spoke against passage of the bill, and Ms. Miller spoke in favor of it.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Senate Bill No. 6106 as amended by the House, and the bill passed the House by the following vote: Yeas, 83; nays, 14; excused, 1.

Voting yea: Representatives Anderson, Appelwick, Basich, Baugher, Belcher, Betrozoff, Bowman, Braddock, Brekke, Bristow, Brooks, Brough, Brumsickle, Cantwell, Cole, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Fraser, Grant, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Inslee, Jacobsen, Jesernig, Jones, King P, King R, Kremen, Leonard, Locke, May, Meyers R, Miller, Morris, Myers H, Nealey, Nelson, Nutley, O'Brien, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith, Sommers H, Spanel, Sprengle, Todd, Valle, Vekich, Walk, Walker, Wang, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 83.

Voting nay: Representatives Ballard, Beck, Chandler, Fuhrman, McLean, Moyer, Padden, Patrick, Sommers D, Tate, Van Luven, Wolfe, Wood, Youngsman - 14.

Excused: Representative Gallagher - 1.

Engrossed Senate Bill No. 6106 as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

STATEMENT FOR THE JOURNAL

The records indicate that I voted "No" on the final passage of Engrossed Senate Bill No. 6106 as amended by the House; however, my intention was to vote "Yes." Please note this in the Journal.

ALEX W. McLEAN, 12th District.

There being no objection, the House advanced to the sixth order of business.

SECOND READING

MOTION

Mr. Ebersole moved that the House immediately consider House Bill No. 2237 on the second reading calendar. The motion was carried.

The Speaker declared the House to be at ease.

The Speaker called the House to order.

HOUSE BILL NO. 2237, by Representative Anderson

Enacting the Antibigotry and Bias Act of 1989. (t.o.)

The bill was read the second time.

Mr. Appelwick moved adoption of the following amendment by Representatives Appelwick, Belcher and Anderson:

Strike everything after the enacting clause and insert the following:

*Sec. 1. Section 1, chapter 267, Laws of 1981 as amended by section 1, chapter 268, Laws of 1984 and RCW 9A.36.080 are each amended to read as follows:

(1) A person is guilty of malicious harassment if he or she maliciously and with the intent to intimidate or harass another person because of, or in a way that is reasonably related to, associated with, or directed toward, that person's race, color, religion, ancestry, national origin, sexual orientation, or mental, physical, or sensory handicap:

(a) Causes physical injury to another person; or

(b) By words or conduct places another person in reasonable fear of harm to his or her person or property or harm to the person or property of a third person (~~(--PROVIDED, HOWEVER, THAT IT SHALL)~~). Such words or conduct include, but are not limited to, (i) cross burning, (ii) painting, drawing, or depicting symbols or words on the property of the victim when the symbols or words historically or traditionally connote hatred or threats toward the victim, or (iii) written or oral communication designed to intimidate or harass because of, or in a way that is reasonably related to, associated with, or directed toward, that person's race, color, religion, ancestry, national origin, sexual orientation, or mental, physical, or sensory handicap. However, it does not constitute malicious harassment for a person to speak or act in a critical, insulting, or deprecatory way ((so long as his or her words or actions do not constitute a threat of harm to the body)) unless the context or circumstances surrounding the words or conduct places another person in reasonable fear of harm to his or her person or property or harm to the person or property of ((another)) a third person; or

(c) Causes physical damage to or destruction of the property of another person.

(2) 'Sexual orientation' for purposes of this section, means homosexuality, heterosexuality, or bisexuality.

(3) Malicious harassment is a class C felony.

~~((3))~~ (4) In addition to the criminal penalty provided in subsection ~~((2))~~ (3) of this section, there is hereby created a civil cause of action for malicious harassment. A person may be liable to the victim of malicious harassment for actual damages and punitive damages of up to ten thousand dollars.

~~((4))~~ (5) The penalties provided in this section for malicious harassment do not preclude the victims from seeking any other remedies otherwise available under law.

Sec. 2. Section 3, chapter 259, Laws of 1957 as last amended by section 23, chapter 109, Laws of 1988 and by section 2, chapter 234, Laws of 1988 and RCW 2.56.030 are each reenacted and amended to read as follows:

The administrator for the courts shall, under the supervision and direction of the chief justice:

(1) Examine the administrative methods and systems employed in the offices of the judges, clerks, stenographers, and employees of the courts and make recommendations, through the chief justice, for the improvement of the same;

(2) Examine the state of the dockets of the courts and determine the need for assistance by any court;

(3) Make recommendations to the chief justice relating to the assignment of judges where courts are in need of assistance and carry out the direction of the chief justice as to the assignments of judges to counties and districts where the courts are in need of assistance;

(4) Collect and compile statistical and other data and make reports of the business transacted by the courts and transmit the same to the chief justice to the end that proper action may be taken in respect thereto;

(5) Prepare and submit budget estimates of state appropriations necessary for the maintenance and operation of the judicial system and make recommendations in respect thereto;

(6) Collect statistical and other data and make reports relating to the expenditure of public moneys, state and local, for the maintenance and operation of the judicial system and the offices connected therewith;

(7) Obtain reports from clerks of courts in accordance with law or rules adopted by the supreme court of this state on cases and other judicial business in which action has been delayed beyond periods of time specified by law or rules of court and make report thereof to supreme court of this state;

(8) Act as secretary of the judicial conference referred to in RCW 2.56.060;

(9) Formulate and submit to the judicial council of this state recommendations of policies for the improvement of the judicial system;

(10) Submit annually, as of February 1st, to the chief justice and the judicial council, a report of the activities of the administrator's office for the preceding calendar year;

(11) Administer programs and standards for the training and education of judicial personnel;

(12) Examine the need for new superior court and district judge positions under a weighted caseload analysis that takes into account the time required to hear all the cases in a particular court and the amount of time existing judges have available to hear cases in that court. The results of the weighted caseload analysis shall be reviewed by the board for judicial administration and the judicial council, both of which shall make recommendations to the legislature by January 1, 1989. It is the intent of the legislature that weighted caseload analysis become the basis for creating additional district court positions, and recommendations should address that objective;

(13) Provide staff to the judicial retirement account plan under chapter 2.14 RCW;

(14) Attend to such other matters as may be assigned by the supreme court of this state; ~~((and))~~

(15) Develop a curriculum for a general understanding of child development and treatment resources, as well as specific legal skills and knowledge of relevant statutes including chapters 13.32A and 13.34 RCW, cases, court rules, interviewing skills, and special needs of the abused or neglected child. This curriculum shall be completed and made available to all juvenile court judges, court personnel, and service providers by July 1, 1988;

(16) Develop a curriculum for a general understanding of hate or bias crimes, as well as specific legal skills and knowledge of RCW 9A.36.080, relevant cases, court rules, and the special needs of malicious harassment victims. This curriculum shall be completed and made available to all superior court and court of appeals judges and to all justices of the supreme court by July 1, 1989.

NEW SECTION, Sec. 3. A new section is added to chapter 36.28A RCW to read as follows:

(1) The Washington association of sheriffs and police chiefs shall establish and maintain a central repository for the collection and classification of information regarding crimes which violate RCW 9A.36.080 and are motivated all or in part by bigotry and bias. Upon establishing such a repository, the association shall develop a procedure to monitor, record, and classify information relating to crimes apparently directed against persons because of their race, color, religion, ancestry, national origin, sexual orientation, or mental, physical, or sensory handicap. The procedure may be established within the association's incident-based reporting program, and the procedure shall be submitted to the senate law and justice committee and the house of representatives judiciary committee for approval by November 1, 1989, and before the association implements the procedure.

(2) All local law enforcement agencies shall report monthly to the association concerning all violations of RCW 9A.36.080 in such form and in such manner as prescribed by rules adopted by the association. Agency participation in the incident-based reporting program, with regard to the specific data requirements associated with violations of RCW 9A.36.080, shall be deemed to meet agency reporting requirements. The association must summarize the information received and file an annual report with the governor and the senate law and justice committee and the house of representatives judiciary committee.

(3) The association shall disseminate the information according to the provisions of chapter 10.97 RCW, chapter 10.98 RCW, and all other confidentiality requirements imposed by federal or Washington law.

(4) The criminal justice training commission shall provide training for law enforcement officers in identifying, responding to, and reporting all violations of RCW 9A.36.080.

NEW SECTION, Sec. 4. If specific funding for the purposes of section 3 of this act, referencing this act by bill number, is not provided by June 30, 1989, in the omnibus appropriations act, section 3 of this act shall be null and void.

NEW SECTION, Sec. 5. The provisions of this act shall be liberally construed in order to effectuate its purpose.

NEW SECTION, Sec. 6. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected."

MOTION

Mr. Padden moved that House Bill No. 2237 be referred to Committee on Judiciary.

Mr. Padden spoke in favor of the motion, and Mr. Ebersole spoke against it. The motion was not carried.

Mr. Hargrove moved adoption of the following amendment to the amendment:

On page 1, line 16 of the amendment, after "of" strike ", or in a way that is reasonably related to, associated with, or directed toward."

Mr. Hargrove spoke in favor of adoption of the amendment to the amendment, and Mr. Appelwick spoke against it. The amendment to the amendment was not adopted.

Mr. Wolfe moved adoption of the following amendments to the amendment:

On page 1, line 20 of the amendment, after "origin," insert "gender, age, height, weight, physical attractiveness,"

On page 2, line 9 of the amendment, after "origin," insert "gender, age, height, weight, physical attractiveness,"

On page 7, line 1 of the amendment, after "origin," insert "gender, age, height, weight, physical attractiveness,"

Mr. Wolfe spoke in favor of adoption of the amendments to the amendment, and Ms. Prentice opposed them. The amendments to the amendment were not adopted.

Mr. Fuhrman moved adoption of the following amendments to the amendment:

On page 1, line 20 of the amendment, after "origin," insert "belief in the sanctity and protection of the innocent life of the unborn child,"

On page 2, line 9 of the amendment, after "origin," insert "belief in the sanctity and protection of the innocent life of the unborn child,"

On page 7, line 1 of the amendment, after "origin," insert "belief in the sanctity and protection of the innocent life of the unborn child,"

Mr. Fuhrman spoke in favor of adoption of the amendments to the amendment, and Mr. Appelwick opposed them. The amendments to the amendment were not adopted.

Mr. Padden moved adoption of the following amendment to the amendment:

On page 1, strike all of section 1 on lines 7 through page 3, line 10 of the amendment and insert:

"NEW SECTION, Sec. 1. A new section is added to chapter 42.17 RCW to read as follows:

(1) The legislature and an overwhelming majority of citizens of the state of Washington have clearly stated their approval for the death penalty. However, there is cause for concern that those persons charged with the responsibility of carrying out the death penalty may be subject to bigotry and harassment. Therefore, measures must be taken to protect such persons from bigotry and harassment by ensuring that their identities not be disclosed to the public or media.

(2) The following records relating to the application of a method or methods of execution pursuant to a sentence of death under chapter 10.95 RCW are exempt from public inspection and copying: (a) Records identifying any person applying such method or methods or assisting in applying such method or methods; (b) Records identifying any person employed or retained primarily in order to apply, or assist in applying, such method or methods; and (c) Records identifying any person who applies for a position where the sole or major function of the holder of the position is to apply, or assist in applying, such method or methods. Persons who serve only as witnesses or observers to an execution are not exempt under this section.

(3) The legislature recognizes that the exemptions from disclosure provided by this section also may be provided under RCW 42.17.310. This section is enacted in order to make certain that these exemptions exist."

POINT OF ORDER

Mr. Wineberry: I would like to request a ruling on the scope and object of this amendment.

SPEAKER'S RULING

The Speaker: Representative Wineberry, you have raised an interesting question. I don't remember ruling before on a question of scope to a bill that was a title only bill, although perhaps I have. We must rely on the title of the bill, which is fairly direct and straightforward, "An act relating to crimes motivated by bigotry and bias." I find the amendment, however, doesn't deal with crimes motivated by bigotry and bias. It amends the public disclosure law, and I don't think would fall within the title of the bill, as I read it. I find that your point is well taken and that the amendment is outside the title of the bill.

Mr. Fuhrman moved adoption of the following amendments to the amendment:

On page 1, line 20 of the amendment, strike "sexual orientation,"

On page 2, line 9 of the amendment, strike "sexual orientation,"

On page 2, line 9 of the amendment, strike "Sexual orientation" for purposes of this section means homosexuality, heterosexuality, or bisexuality,"

On page 7, line 2 of the amendment, strike "sexual orientation"

Renumber the following sections consecutively and correct internal references accordingly.

Representatives Fuhrman and Hargrove spoke in favor of adoption of the amendments to the amendment, and Mr. Locke opposed them.

The Speaker stated the question before the House to be the adoption of the amendments by Representative Fuhrman to the amendment to House Bill No. 2237.

A division was called. The Speaker called upon the House to divide. The result of the division was: Yeas - 35; Nays - 61. The amendments to the amendment were not adopted.

Mr. Padden moved adoption of the following amendment to the amendment:

On page 3, line 11 of the amendment, strike all of Sec. 2

Renumber following sections consecutively and correct internal references accordingly.

Mr. Padden spoke in favor of adoption of the amendment to the amendment, and Mr. Appelwick opposed it. The amendment to the amendment was not adopted.

Mr. Padden moved adoption of the following amendment to the amendment:

On page 6, line 20 of the amendment, after "1989," insert "Relevant cases shall include a history of state caselaw regarding sodomy including State v. Rhinehart, 70 Wn. 2d 649 (1967) and Gaylord v. Tacoma School Dist. 10, 88 Wn. 2d 286 (1977), and the United States Supreme Court opinion in Bowers v. Hardwick, 478 U.S. 186 (1986), and shall be presented in a manner which distinguishes between legitimate legal proscriptions against homosexuality and bisexuality and illegitimate and illegal acts of malicious harassment."

Mr. Padden spoke in favor of adoption of the amendment to the amendment, and Mr. Appelwick opposed it. The amendment to the amendment was not adopted.

Ms. Schmidt moved adoption of the following amendment to the amendment:

On page 8, after line 11 of the amendment, insert the following:

"NEW SECTION. Sec. 5. Nothing in this act shall require law enforcement agencies or the Washington association of sheriffs and police chiefs to report or maintain a central repository of crimes which are motivated all or in part by bigotry and bias unless and until required by the Federal Bureau of Investigation."

Renumber the following sections consecutively and correct internal references accordingly.

Ms. Schmidt spoke in favor of adoption of the amendment to the amendment, and Mr. Appelwick opposed it.

The Speaker stated the question before the House to be the adoption of the amendment by Representative Schmidt to the amendment to House Bill No. 2237.

A division was called. The Speaker called upon the House to divide. The result of the division was: Yeas - 39; Nays - 57. The amendment to the amendment was not adopted.

Mr. Tate moved adoption of the following amendment to the amendment:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. A new section is added to chapter 36.28A RCW to read as follows:

(1) The Washington association of sheriffs and police chiefs shall establish and maintain a central repository for the collection and classification of information regarding crimes which are motivated by bigotry and bias. Upon establishing such a repository, the association shall develop a procedure to monitor, record, and classify information relating to incidents apparently directed against racial, religious, or ethnic groups. The procedure may be established within the association's incident-based reporting program, and the procedure shall be submitted to the senate law and justice committee and the house of representatives judiciary committee for approval.

(2) All local law enforcement agencies shall report monthly to the association concerning all violations of RCW 9A.36.080 in such form and in such manner as prescribed by rules adopted by the association. Agency participation in the incident-based reporting program, with regard to the specific data requirements associated with violations of RCW 9A.36.080, shall be deemed to meet agency reporting requirements. The association must summarize the information received and file an annual report with the governor and the senate law and justice committee and the house of representatives judiciary committee.

(3) Any information, records, and statistics collected in accordance with this section shall be available for use by any local enforcement agency, unit of local government, or state agency, to the extent that such information is reasonable necessary or useful to such agency in carrying out the duties imposed upon it by law. Dissemination of such information shall be subject to all confidentiality requirements otherwise imposed by law.

(4) The criminal justice training commission shall provide training for law enforcement officers in identifying, responding to, and reporting all violations of RCW 9A.36.080.

NEW SECTION, Sec. 2. If specific funding for the purpose of this act, referencing this act by bill number, is not provided by June 30, 1989, in the omnibus appropriations act, this act shall be null and void.

NEW SECTION, Sec. 3. Nothing in this act shall require law enforcement agencies or the Washington association of sheriffs and police chiefs to report or maintain a central repository of crimes which are motivated all or in part by bigotry and bias unless and until required by the Federal Bureau of Investigation."

Mr. Tate spoke in favor of adoption of the amendment to the amendment, and Mr. Appelwick opposed it. The amendment to the amendment was not adopted.

The amendment by Representatives Appelwick, Belcher and Anderson was adopted.

With consent of the House, the following amendment to the title was adopted:

On page 1, line 1 of the title, after "bias" insert "; amending RCW 9A.36.080; reenacting and amending RCW 2.56.030; adding a new section to chapter 36.28A RCW; and creating new sections"

The bill was ordered engrossed. With consent of the House, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Mr. Heavey spoke in favor of passage of the bill, and Mr. Fuhrman opposed it.

SPEAKER'S ADMONISHMENT

The Speaker: Representative Fuhrman, the subject before us is final passage of Engrossed House Bill No. 2237. Let me remind you of the title of the bill, "An act relating to crimes motivated by bigotry and bias." You will confine your remarks to those germane to final passage of this bill, or you will not be permitted to finish your speech. Continue.

Mr. Fuhrman concluded his remarks against passage of the bill. Representatives Wineberry, Anderson, Nelson and Morris spoke in favor of passage of the bill, and Mr. Hargrove spoke against it.

POINT OF PERSONAL PRIVILEGE

Mr. Sayan: Thank you, Mr. Speaker. I would like the opportunity to explain to the body that I do not care why you choose to vote as you do. It is your personal conscience; it is your personal decision. If you feel it is necessary to explain your personal decision for me to understand it, I want you to be relieved of that obligation. You do not have to explain to me why you choose to vote as you do. Thank you.

Mr. Appelwick spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 2237, and the bill passed the House by the following vote: Yeas, 73; nays, 23; absent, 1; excused, 1.

Voting yea: Representatives Anderson, Appelwick, Basich, Beck, Belcher, Braddock, Brekke, Bristow, Brooks, Brough, Cantwell, Cole, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Fisher G, Fisher R, Fraser, Grant, Hankins, Haugen, Heavey, Hine, Holland, Inslee, Jacobsen, Jesernig, Jones, King P, King R, Kremen, Leonard, Locke, Meyers R, Miller, Morris, Myers H, Nelson, Nutley, O'Brien, Patrick, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Scott, Sommers H, Spanel, Sprengle, Todd, Valle, Vekich, Walk, Walker, Wang, Wilson K, Wilson S, Wineberry, Winsley, Wood, Zellinsky, and Mr. Speaker - 73.

Voting nay: Representatives Ballard, Baugher, Betzoff, Bowman, Brumsickle, Chandler, Ferguson, Fuhrman, Hargrove, Horn, May, McLean, Moyer, Nealey, Padden, Schoon, Silver, Smith, Sommers D, Tate, Van Luven, Wolfe, Youngsman - 23.

Absent: Representative Schmidt - 1.

Excused: Representative Gallagher - 1.

Engrossed House Bill No. 2237, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

There being no objection, the House advanced to the eleventh order of business.

MOTION

On motion of Mr. Heavey, the House adjourned until 9:30 a.m., Saturday, April 22, 1989.

JOSEPH E. KING, Speaker

ALAN THOMPSON, Chief Clerk

ONE HUNDRED-FOURTH DAY

MORNING SESSION

House Chamber, Olympia, Saturday, April 22, 1989

The House was called to order at 9:30 a.m. by the Speaker (Mr. O'Brien presiding). The Clerk called the roll and all members were present except Representatives Bristow, Dorn, Ferguson, Gallagher, P. King, Rasmussen, Scott, H. Sommers, Sprenkle, Todd, Walk and Wineberry. On motion of Ms. Cole, Representatives Gallagher and Scott were excused. On motion of Ms. Miller, Representative Ferguson was excused.

The flag was escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Sean Mangan and Ryan Klaveano. Prayer was offered by Representative Clyde Ballard.

Reading of the Journal of the previous day was dispensed with and it was ordered to stand approved.

CENTENNIAL MESSAGE FROM THE WASHINGTON STATE HISTORICAL SOCIETY

April 22, 1989

On this day in 1889, a Spokane newspaper urged the development of industry. "States which rely wholly upon their agricultural resources have made but little progress. If this city is to continue to be the metropolis of Eastern Washington, she must derive considerable of her prosperity from her industrial institutions."

And, so many people tried to wait overnight in front of the Seattle Land Office to file the next morning for claims to timber land on the Upper Skagit River, the police had to disperse the unruly crowd at 8:00 p.m.

On April 22, 1894 Gonzaga College (now Gonzaga University) was formally incorporated. It had been offering instruction since 1887.

On April 22, 1896 participants in the opening ceremonies for the new drydock at the Puget Sound Naval Shipyard in Bremerton suddenly realized that the dock was a gigantic fish trap. "Things were lively," a witness said, "as many took part in the exciting work of catching salmon" while onlookers cheered.

On this day in 1912 a practical joker in Puyallup removed four smallpox quarantine signs from a house, where a light case was present, and placed them on four other houses in one neighborhood, scaring the neighbors into thinking that there was an epidemic.

And, on this day in 1977, the Seattle Mariners made the first major league triple play in Seattle's history, highlighting their first year in Seattle.

MESSAGE FROM THE SENATE

April 21, 1989

Mr. Speaker:

The Senate has passed:

ENGROSSED SUBSTITUTE SENATE BILL NO. 5373,

and the same is herewith transmitted.

W. D. Naismith, Assistant Secretary.

MESSAGE FROM THE SENATE

April 21, 1989

Mr. Speaker:

The Senate has adopted the report of the Conference Committee on SUBSTITUTE HOUSE BILL NO. 2011, and has granted said committee the powers of Free Conference. The Report of the Conference Committee is herewith transmitted.

W. D. Naismith, Assistant Secretary.

REPORT OF CONFERENCE COMMITTEE

April 20, 1989

Mr. Speaker:

We of your Conference Committee to whom was referred SUBSTITUTE HOUSE BILL NO. 2011, changing provisions regulating commercial fishing licenses, have had the same under consideration and we report that we are unable to agree, and we respectfully request the powers of Free Conference to amend the bill as follows:

Reject the Senate Committee on Environment & Natural Resources amendments (For committee amendments, see Journal, 100th Day, April 18, 1989.) adopted on April 14, 1989, and

Adopt the following amendments:

Strike everything after the enacting clause and insert the following:

*Sec. 1. Section 75.28.100, chapter 12, Laws of 1955 as last amended by section 107, chapter 46, Laws of 1983 1st ex. sess. and RCW 75.28.035 are each amended to read as follows:

An application for issuance or renewal of a commercial fishing license (~~(or permit)~~) shall contain the name and address of the vessel owner, the name and address of the vessel operator, the name and number of the vessel, a description of the vessel and fishing gear to be carried on the vessel, and other information required by the department.

At the time of issuance of a commercial fishing license (~~(or permit)~~) the director shall furnish the licensee with a vessel registration and two license decals.

Vessel registrations and license (~~(and permit)~~) decals issued by the director shall be displayed as provided by rule of the director.

A commercial fishing license (~~(or permit)~~) is not valid if the vessel is operated by a person other than the operator listed on the license (~~(or permit)~~). The director may authorize additional operators for the license (~~(or permit)~~). Unless adjusted by the director pursuant to the director's authority granted in section 19 of this 1989 act, the fee for an additional operator is (~~(ten)~~) twenty dollars.

The vessel owner shall notify the director on forms provided by the department of changes of ownership or operator and a new license (~~(or permit)~~) shall be issued upon payment of a fee of (~~(ten)~~) twenty dollars.

A defaced, mutilated, or lost license or license decal shall be replaced immediately. Unless adjusted by the director pursuant to the director's authority granted in section 19 of this 1989 act, the replacement fee is (~~(two)~~) ten dollars.

Sec. 2. Section 1, chapter 90, Laws of 1969 as last amended by section 1, chapter 9, Laws of 1988 and RCW 75.28.095 are each amended to read as follows:

(1) A charter boat license is required for a vessel to be operated as a charter boat from which food fish are taken for personal use. Unless adjusted by the director pursuant to the director's authority granted in section 19 of this 1989 act, the annual license fees are:

Species	Resident Fee	Nonresident Fee
(a) Food fish other than salmon	\$((+00)) 135	\$((200)) 270
(b) Salmon and other food fish	\$((200)) 275	\$((200)) 550

(2) 'Charter boat' means a vessel from which persons may, for a fee, fish for food fish, and which delivers food fish into state ports or delivers food fish taken from state waters into United States ports. 'Charter boat' does not mean:

(a) Vessels not generally engaged in charter boat fishing which are under private lease or charter and operated by the lessee for the lessee's personal recreational enjoyment; or

(b) Vessels used by guides for clients fishing for food fish for personal use in freshwater rivers, streams, and lakes, other than Lake Washington or that part of the Columbia River below the bridge at Longview.

(3) A vessel shall not engage in both charter or sports fishing and commercial fishing on the same day. A vessel may be licensed for both charter boat fishing and for commercial fishing at the same time. ~~(The license or delivery permit allowing the activity not being engaged in shall be deposited with the fisheries patrol officer for that area or an agent designated by the director.)~~

Sec. 3. Section 75.28.110, chapter 12, Laws of 1955 as last amended by section 1, chapter 107, Laws of 1985 and RCW 75.28.110 are each amended to read as follows:

(1) The following commercial salmon fishing licenses are required for the licensee to use the specified gear to fish for salmon and other food fish in state waters. Unless adjusted by the director pursuant to the director's authority granted in section 19 of this 1989 act, the annual license fees are:

Gear	Resident Fee	Nonresident Fee
(a) Purse seine	\$((300)) 410	\$((600)) 820
(b) Gill net	\$((200)) 275	\$((400)) 550
(c) Troll	\$((200)) 275	\$((400)) 550
(d) Reef net	\$((200)) 275	\$((400)) 550

(2) Holders of commercial salmon fishing licenses may retain incidentally caught food fish other than salmon, subject to rules of the director.

(3) A salmon troll license allows fishing in all licensing districts and includes a salmon delivery ((permit)) license.

(4) A separate gill net license is required to fish for salmon in each of the licensing districts established in RCW 75.28.012.

Sec. 4. Section 75.18.080, chapter 12, Laws of 1955 as last amended by section 115, chapter 46, Laws of 1983 1st ex. sess. and RCW 75.28.113 are each amended to read as follows:

(1) A person operating a commercial fishing vessel used in taking salmon in offshore waters and delivering the salmon to a place or port in the state shall obtain a salmon delivery ((permit)) license from the director. Unless adjusted by the director pursuant to the director's authority granted in section 19 of this 1989 act, the annual fee for a salmon delivery ((permit)) license is two hundred seventy-five dollars for residents and five hundred fifty dollars for non-residents. Persons operating fishing vessels licensed under RCW 75.28.125 may apply the delivery ((permit)) license fee of ((ten)) fifty dollars against the salmon delivery ((permit)) license fee.

(2) If the director determines that the operation of a vessel under a salmon delivery ((permit)) license results in the depletion or destruction of the state's salmon resource or the delivery into this state of salmon products prohibited by law, the director may revoke the ((permit)) license.

Sec. 5. Section 1, chapter 80, Laws of 1984 and RCW 75.28.116 are each amended to read as follows:

The owner of a commercial salmon fishing vessel which is not qualified for a license ((or permit)) under RCW 75.30.120 is required to obtain a salmon single delivery ((permit)) license in order to make one landing of salmon taken in offshore waters. The director shall not issue a salmon single delivery ((permit)) license unless, as determined by the director, a bona fide emergency exists. Unless adjusted by the director pursuant to the director's authority granted in section 19 of this 1989 act, the ((permit)) license fee is one hundred thirty-five dollars for residents and two hundred seventy dollars for nonresidents.

Sec. 6. Section 75.28.120, chapter 12, Laws of 1955 as last amended by section 117, chapter 46, Laws of 1983 1st ex. sess. and RCW 75.28.120 are each amended to read as follows:

The following commercial fishing licenses are required for the licensee to use the specified gear to fish for food fish other than salmon in state waters. Unless adjusted by the director pursuant to the director's authority granted in section 19 of this 1989 act, the annual license fees are:

Gear	Resident Fee	Nonresident Fee
(1) Jig	\$((27-50)) 50	\$((55)) 100
(2) Set line	\$((35)) 50	\$((70)) 100
(3) Set net	\$((35)) 50	\$((70)) 100
(4) Drag seine	\$((45)) 50	\$((70)) 100
(5) Gill net	\$((200)) 275	\$((400)) 550
(6) Purse seine	\$((300)) 410	\$((600)) 820
(7) Troll	\$((27-50)) 50	\$((55)) 100
(8) Bottom fish pots	\$((35)) 50	\$((60)) 100
((Each pot over 100	\$6-25	\$6-50))
(9) Lampara	\$((57-50)) 100	\$((115)) 200
(10) Dip bag net	\$((27-50)) 50	\$((55)) 100
(11) Brush weir	\$((85)) 100	\$((160)) 200
(12) Other gear	\$100	\$200

Sec. 7. Section 5, chapter 309, Laws of 1959 as last amended by section 119, chapter 46, Laws of 1983 1st ex. sess. and RCW 75.28.125 are each amended to read as follows:

A delivery ((permit)) license is required to deliver shellfish or food fish other than salmon taken in offshore waters to a port in the state. Unless adjusted by the director pursuant to the director's authority granted in section 19 of this 1989 act, the annual ((permit)) license fee is ((ten)) fifty dollars for residents and ((twenty)) one hundred dollars for nonresidents. ((A permit-fee)) Licenses issued under RCW 75.28.113 (salmon delivery ((permit)) is not required to obtain)

license), RCW 75.28.130(4) (crab pot, other than Puget Sound), or RCW 75.28.140(2) (trawl, other than Puget Sound) shall include a delivery ~~((permit under this section))~~ license.

Sec. 8. Section 75.28.130, chapter 12, Laws of 1955 as last amended by section 120, chapter 46, Laws of 1983 1st ex. sess. and RCW 75.28.130 are each amended to read as follows:

The following commercial fishing licenses are required for the licensee to use the specified gear to fish for shellfish in state waters. Unless adjusted by the director pursuant to the director's authority granted in section 19 of this 1989 act, the annual license fees are:

Gear	Resident Fee	Nonresident Fee
(1) Ring net	\$ ((27-50)) 50	\$ ((45)) 100
(2) Shellfish pots (excluding crab)	\$ ((95)) 50	\$ ((60)) 100
((Each pot over 100	50-25	50-50))
(3) Crab pots (Puget Sound)	\$ ((95)) 50	\$ ((60)) 100
((Each pot over 100	50-25	50-50))
(4) Crab pots (other than Puget Sound)	\$200	\$400
(5) Shellfish diver (excluding clams)	\$ ((27-50)) 50	\$ ((55)) 100
(6) Squid gear, all types	\$100	\$200
(7) Ghost shrimp gear	\$100	\$200
(8) Commercial razor clam license	\$50	\$100
(9) Geoduck diver license	\$100	\$200
(10) Other shellfish gear	\$100	\$200

Sec. 9. Section 2, chapter 31, Laws of 1983 1st ex. sess. and RCW 75.28.134 are each amended to read as follows:

(1) In addition to a shellfish pot license, a Hood Canal shrimp endorsement is required to take shrimp commercially in that portion of Hood Canal lying south of the Hood Canal floating bridge. Unless adjusted by the director pursuant to the director's authority granted in section 19 of this 1989 act, the annual endorsement fee is ~~((one))~~ two hundred ~~((sixty-five))~~ twenty-five dollars for a resident and ~~((three))~~ four hundred ~~((forty))~~ fifty dollars for a nonresident.

(2) Not more than fifty shrimp pots may be used while commercially fishing for shrimp in that portion of Hood Canal lying south of the Hood Canal floating bridge.

Sec. 10. Section 75.28.140, chapter 12, Laws of 1955 as last amended by section 121, chapter 46, Laws of 1983 1st ex. sess. and RCW 75.28.140 are each amended to read as follows:

The following commercial fishing licenses are required for the licensee to use the specified gear to fish for shellfish and food fish other than salmon in state waters. Unless adjusted by the director pursuant to the director's authority granted in section 19 of this 1989 act, the annual license fees are:

Gear	Resident Fee	Nonresident Fee
(1) Trawl (Puget Sound)	\$ ((87-50)) 100	\$ ((135-00)) 200
(2) Trawl (other than Puget Sound)	\$150	\$300

Sec. 11. Section 5, chapter 212, Laws of 1955 as amended by section 122, chapter 46, Laws of 1983 1st ex. sess. and RCW 75.28.255 are each amended to read as follows:

The following commercial fishing licenses are required for the licensee to fish for the specified species in state waters with gear authorized by rule of the director. Unless adjusted by the director pursuant to the director's authority granted in section 19 of this 1989 act, the annual license fees are:

Species	Resident Fee	Nonresident Fee
(1) Columbia River smelt	\$ ((200)) 275	\$ ((200)) 550
(2) Carp	\$ ((5)) 50	\$ ((5)) 100

Sec. 12. Section 75.28.280, chapter 12, Laws of 1955 as last amended by section 19, chapter 457, Laws of 1985 and RCW 75.28.280 are each amended to read as follows:

A mechanical harvester license is required to operate a mechanical or hydraulic device for commercially harvesting clams, other than geoduck clams, on a clam farm unless the requirements of RCW 75.20.100 are fulfilled for the proposed activity. Unless adjusted by the director pursuant to the director's authority granted in section 19 of this 1989 act, the annual license fee is ~~((three))~~ four hundred ten dollars for residents and eight hundred twenty dollars for nonresidents.

Sec. 13. Section 4, chapter 253, Laws of 1969 ex. sess. as last amended by section 130, chapter 46, Laws of 1983 1st ex. sess. and RCW 75.28.287 are each amended to read as follows:

(1) A geoduck tract license is required for the commercial harvest of geoducks from each subtidal tract for which harvest rights have been granted by the department of natural

resources. Unless adjusted by the director pursuant to the director's authority granted in section 19 of this 1989 act, the annual license fee is one hundred ~~thirty-five~~ dollars for residents and two hundred seventy dollars for nonresidents.

(2) Every diver engaged in the commercial harvest of geoduck or other clams shall obtain a nontransferable geoduck diver license. ~~((The annual license fee is fifty dollars for residents and nonresidents.))~~

Sec. 14. Section 75.28.290, chapter 12, Laws of 1955 as last amended by section 131, chapter 46, Laws of 1983 1st ex. sess. and RCW 75.28.290 are each amended to read as follows:

An oyster reserve license is required for the commercial taking of shellfish from state oyster reserves. Unless adjusted by the director pursuant to the director's authority granted in section 19 of this 1989 act, the annual license fee is ~~((#fteen))~~ fifty dollars for residents and one hundred dollars for nonresidents.

NEW SECTION. Sec. 15. A new section is added to chapter 75.28 RCW to read as follows:

An oyster culch permit is required for commercial culturing of oysters on state oyster reserves. The director shall require that ten percent of the culch bags or other collecting materials be provided to the state after the oysters have set, for the purposes of increasing the supply of oysters on state oyster reserves and enhancing oyster supplies on public beaches.

Sec. 16. Section 75.28.300, chapter 12, Laws of 1955 as last amended by section 1, chapter 248, Laws of 1985 and by section 20, chapter 457, Laws of 1985 and RCW 75.28.300 are each reenacted and amended to read as follows:

A wholesale fish dealer's license is required for:

(1) A business in the state to engage in the commercial processing of food fish or shellfish, including custom canning or processing of personal use food fish or shellfish.

(2) A business in the state to engage in the wholesale selling, buying, or brokering of food fish or shellfish. A wholesale fish dealer's license is not required of those businesses which buy exclusively from Washington licensed wholesale dealers and sell solely at retail.

(3) Fishermen who land and sell their catch or harvest in the state to anyone other than a licensed wholesale dealer within or outside the state.

(4) A business to engage in the commercial manufacture or preparation of fertilizer, oil, meal, caviar, fish bait, or other byproducts from food fish or shellfish.

(5) A business employing a fish buyer as defined under RCW 75.28.340.

Unless adjusted by the director pursuant to the director's authority granted in section 19 of this 1989 act, the annual license fee is ~~((thirty-seven))~~ one hundred dollars ~~((and fifty cents))~~. A wholesale fish dealer's license is not required for persons engaged in the processing, wholesale selling, buying, or brokering of private sector cultured aquatic products as defined in RCW 15.85.020. However, if a means of identifying such products is required by rules adopted under RCW 15.85.060, the exemption from licensing requirements established by this subsection applies only if the aquatic products are identified in conformance with those rules.

Sec. 17. Section 2, chapter 248, Laws of 1985 and RCW 75.28.340 are each amended to read as follows:

(1) A fish buyer's ~~((permit))~~ license is required of and shall be carried by each individual engaged by a wholesale fish dealer ~~((as a fish buyer))~~ to purchase food fish or shellfish from a licensed commercial fisherman. A fish buyer may represent only one wholesale fish dealer.

(2) Unless adjusted by the director pursuant to the director's authority granted in section 19 of this 1989 act, the annual fee for a fish buyer's ~~((permit))~~ license is ~~((seven))~~ twenty dollars ~~((and fifty cents)).~~

~~((3) As used in this chapter, 'fish buyer' means an individual who purchases food fish or shellfish and is a permit holder under this section.))~~

Sec. 18. Section 2, chapter 227, Laws of 1981 as amended by section 137, chapter 46, Laws of 1983 1st ex. sess. and RCW 75.28.690 are each amended to read as follows:

(1) A deckhand license is required for a crew member on a licensed salmon charter boat to sell salmon roe as provided in subsection (2) of this section. Unless adjusted by the director pursuant to the director's authority granted in section 19 of this 1989 act, the annual license fee is ~~((ten))~~ twenty dollars.

(2) A deckhand on a licensed salmon charter boat may sell salmon roe taken from fish caught for personal use, subject to rules of the director and the following conditions:

(a) The salmon is taken while fishing on the charter boat;

(b) The roe is the property of the angler until the roe is given to the deckhand. The charter boat's passengers are notified of this fact by the deckhand;

(c) The roe is sold to a licensed wholesale dealer; and

(d) The deckhand is licensed as provided in subsection (1) of this section and has the license in possession whenever salmon roe is sold.

NEW SECTION. Sec. 19. A new section is added to chapter 75.28 RCW to read as follows:

On January 1, 1993, the director shall adjust all fees under this chapter in accordance with the implicit price deflator published by the United States department of commerce. This section shall cease to exist on January 1, 1994, unless extended by law for an additional fixed period of time.

NEW SECTION. Sec. 20. A new section is added to chapter 75.28 RCW to read as follows:

All revenues generated from the license fee increases in sections 1 through 14 and 16 through 19 of this act shall be deposited in the general fund and shall be appropriated for the food fish and shellfish enhancement programs.

NEW SECTION. Sec. 21. The following acts or parts of acts are each repealed:

(1) Section 14, chapter 283, Laws of 1971 ex. sess., section 2, chapter 40, Laws of 1975-'76 2nd ex. sess., section 111, chapter 46, Laws of 1983 1st ex. sess. and RCW 75.28.081;

(2) Section 2, chapter 300, Laws of 1983 and RCW 75.28.123;

(3) Section 75.28.285, chapter 12, Laws of 1955, section 1, chapter 27, Laws of 1965 ex. sess., section 3, chapter 31, Laws of 1983 1st ex. sess., section 127, chapter 46, Laws of 1983 1st ex. sess. and RCW 75.28.285; and

(4) Section 75.28.370, chapter 12, Laws of 1955, section 2, chapter 66, Laws of 1979, section 134, chapter 46, Laws of 1983 1st ex. sess. and RCW 75.28.370.

NEW SECTION. Sec. 22. A new section is added to chapter 75.30 RCW to read as follows:

The director of the department of fisheries may issue permits for commercial harvests in emerging fisheries. The director shall determine by rule the number and qualification of participants. The director may allow expansion of the fishery but shall limit the fishery to ensure conservation of the resource and prevent overharvesting.

NEW SECTION. Sec. 23. A new section is added to chapter 75.30 RCW to read as follows:

(1) In cooperation with the Washington commercial crab fishing industry, the department shall conduct a study of the management of the coastal crab fishery, including the potential for depletion, the number of crab fishers in the area, the need for limiting gear per vessel, the desirability of establishing a moratorium on the issuance of new coastal commercial crab fishing licenses and moratorium reciprocity with the states of Oregon and California. The study shall include the coastal shellfish management and catch reporting areas 58B, 59A, 59B, 60A, 60B, 60C, and 60D. The results and recommendations of the study shall be submitted to the governor and the appropriate committees of the legislature no later than January 1, 1991.

(2) The director may impose a moratorium on the issuance of new licenses for coastal crab fishing if the director determines it to be in the best interests of the management of the coastal crab fishery. Such a moratorium shall be implemented in the manner provided in this subsection.

(a) The moratorium may be imposed only as a result of, or during the course of, the study conducted under subsection (1) of this section and pursuant to rules adopted after public hearings and consultation with the commercial coastal crab fishing industry.

(b) The director shall implement the moratorium by requiring a license or licensing endorsement for commercial crab fishing in coastal areas. The endorsement may be issued to only those vessels:

(i) From which three thousand pounds of dungeness crab were caught in coastal catch reporting areas and landed in Washington state in either 1984-85, 1985-86, or 1986-87 coastal commercial crab fishing seasons, or a total of six thousand pounds were caught and landed during the three seasons, as documented by valid fish or shellfish receiving tickets; and

(ii) That fished for dungeness crab and held a Washington commercial crab pot license, vessel delivery permit, or delivery permit for the 1987-88 season, or had transferred to the vessel such a license from a vessel qualifying under the license eligibility criteria of this section. Transfer of a Puget Sound crab license endorsement shall not affect license eligibility. No licensee shall receive more than one license under this subsection unless the vessels were simultaneously employed in the fishery.

(c) In a manner consistent with RCW 75.30.050 and 75.30.130, the director shall establish an advisory review board. The director, after receiving recommendations from the advisory board, may waive or reduce the landing requirement under this subsection if extenuating circumstances have prevented an individual from meeting the license eligibility requirements provided by (b) of this subsection.

(d) The issuance of commercial crab licenses for the Puget Sound licensing district is not restricted by this section. If a coastal commercial crab license moratorium is implemented, the department may require separate licenses to be issued for the coastal and Puget Sound districts, if deemed necessary to facilitate administration of the moratorium.

NEW SECTION. Sec. 24. There is appropriated from the general fund to the department of fisheries for the biennium ending June 30, 1991, the sum of twenty-five thousand dollars, or so much thereof as may be necessary, for the purposes of section 23 of this act.

NEW SECTION. Sec. 25. Sections 1 through 21 of this act shall take effect on January 1, 1990. The director of fisheries may immediately take such steps as are necessary to ensure that sections 1 through 21 of this act are implemented on their effective date."

On page 1, line 1 of the title, after "licenses;" strike the remainder of the title and insert "amending RCW 75.28.035, 75.28.095, 75.28.110, 75.28.113, 75.28.116, 75.28.120, 75.28.125, 75.28.130, 75.28.134, 75.28.140, 75.28.255, 75.28.280, 75.28.287, 75.28.290, 75.28.340, and 75.28.690; reenacting and amending RCW 75.28.300; adding new sections to chapter 75.28 RCW; adding new sections to chapter 75.30 RCW; repealing RCW 75.28.081, 75.28.123, 75.28.285, and 75.28.370; making an appropriation; and providing an effective date."

Signed by Senators Metcalf, Owen; Representatives R. King, Morris, S. Wilson.

MOTION

On motion of Mr. Jesernig, the Report of the Conference Committee on Substitute House Bill No. 2011 was adopted and the committee was granted the powers of Free Conference.

REPORT OF CONFERENCE COMMITTEE

April 21, 1989

Mr. Speaker:

We of your Conference Committee to whom was referred SUBSTITUTE SENATE BILL NO. 5686, making major changes to agriculture statutes, have had the same under consideration and we report that we are unable to agree, and we respectfully request the powers of Free Conference to amend the bill as follows:

Adopt the striking amendment by House Committee on Agriculture & Rural Development (For committee amendment, see Journal, 82nd Day, March 1, 1989.) with the following changes:

On page 21, after line 11 of the Committee on Agriculture & Rural Development amendment, insert the following:

"(4) No out-of-state products shall be labelled or sold as organic without having first received an organic certification in the state of origin meeting all requirements established under this chapter."

On page 53, beginning on line 32 of the Committee on Agriculture & Rural Development amendment, after "area," strike all material through "areas," on line 33

On page 54, line 9 of the Committee on Agriculture & Rural Development amendment, after "apiary" strike "restricted" and insert "coordinated"

On page 59, after line 34 of the Committee on Agriculture & Rural Development amendment, strike all material through "department," on page 60, line 6 and insert the following:

"NEW SECTION. Sec. 74. Every person who fails to comply with this chapter or the rules adopted under it may be subjected to a civil penalty, as determined by the director, in an amount of not more than two thousand dollars for every such violation. Each and every such violation shall be a separate and distinct offense."

On page 65, after line 25 of the Committee on Agriculture & Rural Development amendment, strike all material through "7.80 RCW," on line 28

Re-number remaining sections consecutively and correct any internal references accordingly.

On page 65, after line 25 of the Committee on Agriculture & Rural Development amendment, insert the following:

"NEW SECTION. Sec. 82. A new section is added to chapter 15.04 RCW to read as follows:

(1) The director shall conduct a study to recommend a resolution of the agricultural products clear title issue and to accomplish the following goals:

(a) Assure that any resolution of the issues involved does not require further expenditures by the state of Washington;

(b) Assure that any resolution, so far as possible, serves the respective interests of holders of security interests in crops, of buyers of farm products, and of creditors;

(c) Formulate such recommendations to the president of the United States and the congress of the United States as may be deemed useful to resolve these issues; and

(d) Provide adequate opportunity for public comment on the progress of the study and the formulation of its recommendations.

(2) The director shall report his or her findings and recommendations to the legislature at the regular session held in 1990 after which the study shall be terminated.

NEW SECTION. Sec. 83. The sum of forty thousand dollars or as much thereof as may be necessary, is appropriated for the biennium ending June 30, 1991, from the general fund to the department of agriculture solely to carry out the purposes of section 82 of this act."

Re-number remaining sections consecutively and correct any internal references accordingly.

On page 69, line 12 of the Committee on Agriculture & Rural Development title amendment, after "15.49 RCW," insert "adding a new section to chapter 15.04 RCW;"

On page 69, line 23 of the Committee on Agriculture & Rural Development title amendment, after "15.49.450," insert "making an appropriation;"

Signed by Senators Barr, Newhouse, Madsen; Representatives Rayburn, Grant, Nealey.

MOTION

On motion of Mr. Jesernig, the Report of the Conference Committee on Substitute Senate Bill No. 5686 was adopted and the committee was granted the powers of Free Conference.

MESSAGE FROM THE SENATE

April 21, 1989

Mr. Speaker:

The Senate has adopted the report of the Conference Committee on ENGROSSED SUBSTITUTE SENATE BILL NO. 5314, and granted said committee the powers of Free Conference.

W. D. Naismith, Assistant Secretary.

REPORT OF FREE CONFERENCE COMMITTEE

April 19, 1989

Mr. Speaker:

We of your Free Conference Committee to whom was referred ENGROSSED SUBSTITUTE SENATE BILL NO. 5314, prohibiting persons convicted of sex crimes or other crimes affecting children from working in the public schools, have had the same under consideration and we recommend that the bill be amended as proposed in the request for Free Conference and that the bill do pass as amended by the Free Conference Committee.

(See Report of Conference Committee on Engrossed Substitute Senate Bill No. 5314, 102nd Day, April 20, 1989, Afternoon Session.)

Signed by Senators Bailey, Rinehart, Metcalf; Representatives Peery, G. Fisher, Betrozoff.

MOTION

Mr. Peery moved that the House adopt the Report of the Free Conference Committee on Engrossed Substitute Senate Bill No. 5314.

Representatives Peery and Betrozoff spoke in favor of the motion, and it was carried.

FINAL PASSAGE OF SENATE BILL
AS AMENDED BY FREE CONFERENCE COMMITTEE

The Speaker (Mr. O'Brien presiding) stated the question before the House to be the final passage of Engrossed Substitute Senate Bill No. 5314 as amended by Free Conference Committee.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute Senate Bill No. 5314 as amended by Free Conference Committee, and the bill passed the House by the following vote: Yeas, 86; absent, 9; excused, 3.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Baugher, Beck, Belcher, Betrozoff, Bowman, Braddock, Brekke, Brooks, Brough, Brumsickle, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Doty, Ebersole, Fisher G, Fisher R, Fraser, Fuhrman, Grant, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Inslee, Jacobsen, Jesernig, Jones, King R, Kremen, Leonard, Locke, May, McLean, Meyers R, Miller, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Padden, Patrick, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rayburn, Rector, Rust, Sayan, Schmidt, Schoon, Silver, Smith, Sommers D, Spanel, Tate, Valle, Van Luvan, Vekich, Walker, Wang, Wilson K, Wilson S, Winsley, Wolfe, Wood, Youngsman, Zellinsky, and Mr. Speaker - 86.

Absent: Representatives Bristow, Dorn, King P, Rasmussen, Sommers H, Sprenkle, Todd, Walk, Wineberry - 9.

Excused: Representatives Ferguson, Gallagher, Scott - 3.

Engrossed Substitute Senate Bill No. 5314 as amended by Free Conference Committee, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

Representatives Bristow, Ferguson, Rasmussen and Sprenkle appeared at the bar of the House.

MESSAGE FROM THE SENATE

April 21, 1989

Mr. Speaker:

The Senate has adopted the report of the Free Conference Committee on ENGROSSED SUBSTITUTE HOUSE BILL NO. 2020, and passed the bill as amended by the Free Conference Committee, and the same is herewith transmitted.

W. D. Naismith, Assistant Secretary.

REPORT OF FREE CONFERENCE COMMITTEE

April 20, 1989

Mr. Speaker:

We of your Free Conference Committee to whom was referred ENGROSSED SUBSTITUTE HOUSE BILL NO. 2020, providing tuition and fee waivers for intercollegiate athletes to achieve gender equity, have had the same under consideration and we recommend that the bill be amended as proposed in the request for Free Conference and that the bill do pass as amended by the Free Conference Committee.

(See Report of Conference Committee on Engrossed Substitute House Bill No. 2020, 103rd Day, April 21, 1989, Morning Session.)

Signed by Senators Saling, Stratton, Patterson; Representatives Jacobsen, Bristow, Miller.

MOTION

Mr. Jacobsen moved that the House adopt the Report of the Free Conference Committee on Engrossed Substitute House Bill No. 2020.

Representatives Jacobsen, Miller, Leonard and Nealey spoke in favor of the motion, and it was carried.

FINAL PASSAGE OF HOUSE BILL
AS AMENDED BY FREE CONFERENCE COMMITTEE

The Speaker (Mr. O'Brien presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 2020 as amended by Free Conference Committee.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 2020 as amended by Free Conference Committee, and the bill passed the House by the following vote: Yeas, 90; absent, 6; excused, 2.

Voting yeas: Representatives Anderson, Appelwick, Ballard, Basich, Baugher, Beck, Belcher, Betrozoff, Bowman, Braddock, Brække, Bristow, Brooks, Brough, Brumsickle, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Fraser, Fuhrman, Grant, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Inslee, Jacobsen, Jesernig, Jones, King R, Kremen, Leonard, Locke, May, McLean, Meyers R, Miller, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Padden, Patrick, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Schoon, Silver, Smith, Sommers D, Spanel, Sprenkle, Tate, Vaile, Van Luven, Vekich, Walker, Wang, Wilson K, Wilson S, Winsley, Wolfe, Wood, Youngsman, Zellinsky, and Mr. Speaker - 90.

Absent: Representatives Dorn, King P, Sommers H, Todd, Walk, Wineberry - 6.

Excused: Representatives Gallagher, Scott - 2.

Engrossed Substitute House Bill No. 2020 as amended by Free Conference Committee, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE SENATE

April 22, 1989

Mr. Speaker:

The President has signed:

SUBSTITUTE SENATE BILL NO. 5071,

SENATE BILL NO. 5172,

SUBSTITUTE SENATE BILL NO. 5315.

and the same are herewith transmitted.

Gordon A. Golob, Secretary.

There being no objection, the House advanced to the eighth order of business.

RESOLUTION

HOUSE FLOOR RESOLUTION NO. 89-4690, by Representatives D. Sommers, Dellwo, Day, Padden, Silver, Moyer and Wolfe

WHEREAS, The thirteenth annual Lilac Bloomsday Run held each year in Spokane, Washington is scheduled for Sunday, May 7, 1989 at 9:00 A.M.; and

WHEREAS, The Lilac Bloomsday Run is now the second largest road-running event in America and presents awards to the top male, female, wheelchair and masters finishers; and

WHEREAS, The Lilac Bloomsday Run is the largest timed-event in the world; and

WHEREAS, The Lilac Bloomsday Run is enhanced by the talents of the fastest runners in the world and the determination of average citizens, and this year will include over 53,000 runners in the various categories; and

WHEREAS, The Lilac Bloomsday Run is 12 kilometers (7.46 miles) long and is a test and celebration of fitness and health, whether it is considered as a serious competition or as an enjoyable athletic experience; and

WHEREAS, The Lilac Bloomsday Run will include activities such as a trade show featuring all sorts of running; health and fitness related products and services; skydiving; a spaghetti feed; demonstrations relating to health; aerobic and jazz dancing; massage therapy; fitness, running and nutrition speakers; a nondenominational worship service; a post-race party and souvenir T-shirts, jackets and commemorative medals; and

WHEREAS, The Lilac Bloomsday Run is part of the Association of Road Racing Athletes Championship Circuit and is recognized as a top racing spectacular; and

WHEREAS, Three members of the Washington State House of Representatives regularly run in the Lilac Bloomsday Run: Representative Duane Sommers, Representative Dennis Dellwo and Representative Charles Wolfe, and Representatives Sommers and Dellwo have completed all previous twelve runs;

NOW, THEREFORE, BE IT RESOLVED, That the House of Representatives of the State of Washington commend the City of Spokane for its outstanding work in presenting the annual Lilac Bloomsday Run; and

BE IT FURTHER RESOLVED, That the House of Representatives encourage everyone to attend the festivities in Spokane from May 5 through May 7, 1989 and to enjoy the race, either as a participant or as a spectator; and

BE IT FINALLY RESOLVED, That this Resolution be transmitted by the Chief Clerk of the House of Representatives to Sylvia Quinn, Race Director of the Lilac Bloomsday Association.

Mr. D. Sommers moved adoption of the resolution. Representatives D. Sommers and Dellwo spoke in favor of the resolution.

House Floor Resolution No. 89-4690 was adopted.

Representatives Dorn, P. King, Walk and Wineberry appeared at the bar of the House.

There being no objection, the House reverted to the sixth order of business.

SECOND READING

MOTION

Mr. Heavey moved that the House immediately consider Second Substitute Senate Bill No. 5960 on the second reading calendar. The motion was carried.

SECOND SUBSTITUTE SENATE BILL NO. 5960, by Committee on Ways & Means (originally sponsored by Senators Nelson, Talmadge and Niemi)

Defining and providing indigent defense services.

The bill was read the second time.

The Clerk read the following amendment by Representatives Appelwick and Belcher:

On page 5, after line 4, insert the following:

*Sec. 7. Section 3, chapter 56, Laws of 1987 as amended by section 201, chapter 202, Laws of 1987 and by section 3, chapter 382, Laws of 1987 and RCW 36.18.020 are each reenacted and amended to read as follows:

Clerks of superior courts shall collect the following fees for their official services:

(1) The party filing the first or initial paper in any civil action, including an action for restitution, or change of name, shall pay, at the time said paper is filed, a fee of (~~(seventy-eight))~~ one hundred dollars except in proceedings filed under RCW 26.50.030 or 49.60.227 where the petitioner shall pay a filing fee of twenty dollars.

(2) Any party, except a defendant in a criminal case, filing the first or initial paper on an appeal from a court of limited jurisdiction or any party on any civil appeal, shall pay, when said paper is filed, a fee of (~~(seventy-eight))~~ one hundred dollars.

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

(4) For the filing of a tax warrant by the department of revenue of the state of Washington, a fee of five dollars shall be paid.

(5) For the filing of a petition for modification of a decree of dissolution, a fee of twenty dollars shall be paid.

(6) The party filing a demand for jury of six in a civil action, shall pay, at the time of filing, a fee of (~~(twenty-five))~~ fifty dollars: if the demand is for a jury of twelve the fee shall be (~~(fifty))~~ one hundred dollars. If, after the party files a demand for a jury of six and pays the required fee, any other party to the action requests a jury of twelve, an additional (~~(twenty-five))~~ fifty-dollar fee will be required of the party demanding the increased number of jurors.

(7) For filing any paper, not related to or a part of any proceeding, civil or criminal, or any probate matter, required or permitted to be filed in the clerk's office for which no other charge is provided by law, or for filing a petition, written agreement, or memorandum as provided in RCW 11.96.170, the clerk shall collect two dollars.

(8) For preparing, transcribing or certifying any instrument on file or of record in the clerk's office, with or without seal, for the first page or portion thereof, a fee of two dollars, and for each additional page or portion thereof, a fee of one dollar. For authenticating or exemplifying any instrument, a fee of one dollar for each additional seal affixed.

(9) For executing a certificate, with or without a seal, a fee of two dollars shall be charged.

(10) For each garnishee defendant named in an affidavit for garnishment and for each writ of attachment, a fee of five dollars shall be charged.

(11) For approving a bond, including justification thereon, in other than civil actions and probate proceedings, a fee of two dollars shall be charged.

(12) In probate proceedings, the party instituting such proceedings, shall pay at the time of filing the first paper therein, a fee of seventy-eight dollars: PROVIDED, HOWEVER, A fee of two dollars shall be charged for filing a will only, when no probate of the will is contemplated. Except as provided for in subsection (~~((12) ((13)))~~) (13) of this section a fee of two dollars shall be charged for filing a petition, written agreement, or memorandum as provided in RCW 11.96.170.

(13) For filing any petition to contest a will admitted to probate or a petition to admit a will which has been rejected, or a petition objecting to a written agreement or memorandum as provided in RCW 11.96.170, there shall be paid a fee of seventy-eight dollars.

(14) For the issuance of each certificate of qualification and each certified copy of letters of administration, letters testamentary or letters of guardianship there shall be a fee of two dollars.

(15) For the preparation of a passport application there shall be a fee of four dollars.

(16) For searching records for which a written report is issued there shall be a fee of eight dollars per hour.

(17) Upon conviction or plea of guilty, upon failure to prosecute an appeal from a court of limited jurisdiction as provided by law, or upon affirmance of a conviction by a court of limited jurisdiction, a defendant in a criminal case shall be liable for a fee of seventy dollars.

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

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

Sec. 8. Section 338, chapter 258, Laws of 1984 as amended by section 27, chapter 57, Laws of 1985 and RCW 43.08.250 are each amended to read as follows:

The money received by the state treasurer from fees, fines, forfeitures, penalties, reimbursements or assessments by any court organized under Title 3 or 35 RCW, or chapter 2.08

RCW, shall be deposited in the public safety and education account which is hereby created in the state treasury. The legislature shall appropriate the funds in the account to promote traffic safety education, highway safety, criminal justice training, crime victims' compensation, judicial education, the judicial information system, representation of indigent persons, winter recreation parking, and state game programs. All earnings of investments of balances in the public safety and education account shall be credited to the general fund.

NEW SECTION, Sec. 9. (1) The sum of three million two hundred thousand dollars, or as much thereof as may be necessary, is appropriated from the public safety and education account to the department of community development for the biennium ending June 30, 1991. This appropriation is furnished solely for the department to contract with counties or cities for the purpose of providing representation for indigent persons.

(2) The sum of one million two hundred thousand dollars, or as much thereof as may be necessary, is appropriated from the public safety and education account to the department of community development for the biennium ending June 30, 1991. This appropriation is furnished solely for the department to allocate to the counties for public defender services for providing representation to indigent persons in dependency proceedings under chapter 13.34 RCW."

Renumber the remaining section consecutively.

With consent of the House, Representative Appelwick withdrew the amendment.

The Clerk read the following amendment by Representative Chandler:

On page 5, after line 4, insert the following:

NEW SECTION, Sec. 7. Nothing in this act shall require any county or city to comply with any provisions of this act if in doing so the county or city will have to expend more funds per annum on legal representation: PROVIDED, That if the legislature appropriates sufficient funds to pay for the additional costs, the county or city shall comply with this act."

Renumber following sections and correct internal references accordingly.

With consent of the House, Representative Chandler withdrew the amendment.

With consent of the House, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Mr. Appelwick spoke in favor of passage of the bill.

POINT OF INQUIRY

Mr. Appelwick yielded to question by Mr. Chandler.

Mr. Chandler: Thank you, Representative Appelwick. As you know, one of my major concerns with this bill is that it might put an extra burden on the cities and counties, and primarily it is the counties with which I am concerned, in defending the indigent people. We have many counties in the state that are on the verge of bankruptcy and that, I don't think, can afford more costs of this kind. My question to you would be: Do you view this bill as putting an extra burden on the counties to defend the indigent people?

Mr. Appelwick: No, Representative Chandler. The point of the bill is not to require the counties or the cities necessarily to spend any more money on their programs. They still retain the discretion to make their own appropriations and the discretion to set their standards. The bill simply requires that they do go through a process to adopt standards.

ROLL CALL

The Clerk called the roll on the final passage of Second Substitute Senate Bill No. 5960, and the bill passed the House by the following vote: Yeas, 94; absent, 2; excused, 2.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Baugher, Beck, Belcher, Betzoff, Bowman, Braddock, Brekke, Bristow, Brooks, Brough, Brumsickle, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Fraser, Fuhrman, Grant, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Inslee, Jacobsen, Jesernig, Jones, King P, King R, Kremen, Leonard, Locke, May, McLean, Meyers R, Miller, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Padden, Patrick, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Schoon, Silver, Smith, Sommers D, Spanel, Sprenkle, Tate, Valle, Van Luven, Vekich, Walk, Walker, Wang, Wilson K, Wilson S, Wineberry, Winsley, Wolfe, Wood, Youngsman, Zellinsky, and Mr. Speaker - 94.

Absent: Representatives Sommers H, Todd - 2.

Excused: Representatives Gallagher, Scott - 2.

Second Substitute Senate Bill No. 5960, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

The Speaker (Mr. O'Brien presiding) declared the House to be at ease.
The Speaker called the House to order.

Representatives Scott, H. Sommers and Todd appeared at the bar of the House.

MESSAGE FROM THE SENATE

April 22, 1989

Mr. Speaker:

The President ruled Sections 233 and 239 of the Free Conference Committee report on ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1793 beyond the scope and object of the bill. The Senate refused to adopt the report of the Free Conference Committee, and requested that the Free Conference Committee prepare a report conforming to the President's ruling.

W. D. Naismith, Assistant Secretary.

MOTIONS

On motion of Mr. Jesernig, the House relieved the Conference Committee of further consideration of Engrossed Second Substitute House Bill No. 1793.

On motion of Mr. Jesernig, the House returned Engrossed Second Substitute House Bill No. 1793 to Conference Committee.

APPOINTMENT OF CONFEREES

The Speaker appointed Representatives Ebersole, Hine and Patrick to the Second Conference Committee on Engrossed Second Substitute House Bill No. 1793.

MESSAGE FROM THE SENATE

April 21, 1989

Mr. Speaker:

The Senate refuses to concur in the House amendments to ENGROSSED SUBSTITUTE SENATE BILL NO. 5897, and requests a conference thereon. The President has appointed the following members as conferees: Senators West, Kreidler and McDonald, and the same is herewith transmitted.

W. D. Naismith, Assistant Secretary.

MOTION

Mr. Bristow moved that the House grant the request of the Senate for a conference on Engrossed Substitute Senate Bill No. 5897. The motion was carried.

APPOINTMENT OF CONFEREES

The Speaker appointed Representatives Bristow, Rust and Silver as conferees on Engrossed Substitute Senate Bill No. 5897.

The Speaker called on Representative O'Brien to preside.

MESSAGE FROM THE SENATE

April 22, 1989

Mr. Speaker:

The Senate has adopted the report of the Conference Committee on HOUSE BILL NO. 1478, and passed the bill as recommended by the Conference Committee. The Report of the Conference Committee is herewith transmitted.

W. D. Naismith, Assistant Secretary.

REPORT OF CONFERENCE COMMITTEE

April 20, 1989

Mr. Speaker:

We of your Conference Committee to whom was referred HOUSE BILL NO. 1478, regulating the board of pharmacy, have had the same under consideration and we recommend that the Senate Committee on Health Care & Corrections

amendments (For committee amendments, see Journal, 99th Day, April 17, 1989.) adopted on April 14, 1989, be rejected, and the bill do pass without said amendments.

Signed by Senators West, Wojahn, Amondson; Representatives Braddock, Sprengle, D. Sommers.

MOTION

Mr. Braddock moved that the House adopt the report of the Conference Committee. The motion was carried.

FINAL PASSAGE OF HOUSE BILL AS RECOMMENDED BY CONFERENCE COMMITTEE

The Speaker (Mr. O'Brien presiding) stated the question before the House to be the final passage of House Bill No. 1478 as recommended by Conference Committee.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1478 as recommended by Conference Committee, and the bill passed the House by the following vote: Yeas, 96; absent, 1; excused, 1.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Baugher, Beck, Belcher, Betzoff, Bowman, Braddock, Brekke, Bristow, Brooks, Brough, Brumsickle, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Fraser, Fuhrman, Grant, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Inslee, Jacobsen, Jesernig, Jones, King P, Kremen, Leonard, Locke, May, McLean, Meyers R, Miller, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Padden, Patrick, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith, Sommers D, Sommers H, Spanel, Sprengle, Tate, Todd, Valle, Van Luven, Vekich, Walk, Walker, Wang, Wilson K, Wilson S, Wineberry, Winsley, Wolfe, Wood, Youngsman, Zellinsky, and Mr. Speaker - 96.

Absent: Representative King R - 1.

Excused: Representative Gallagher - 1.

House Bill No. 1478 as recommended by Conference Committee, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SUBSTITUTE HOUSE BILL NO. 1305 AS AMENDED BY THE SENATE, by Committee on Revenue (originally sponsored by Representatives Wang, Holland and Appelwick; by request of Department of Revenue)

Correcting the public utility tax in response to a 1986 Thurston county superior court decision.

The House resumed consideration of the Senate amendments to Substitute House Bill No. 1305. (See Journal, 100th Day, April 18, 1989, Afternoon Session, for previous action.)

The Speaker (Mr. O'Brien presiding) stated the question before the House to be the motion by Representative R. Meyers to concur in the Senate amendments to Substitute House Bill No. 1305.

Representatives Wang, Holland and R. Meyers spoke in favor of the motion, and it was carried.

FINAL PASSAGE OF HOUSE BILL AS AMENDED BY SENATE

The Speaker (Mr. O'Brien presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1305 as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1305 as amended by the Senate, and the bill passed the House by the following vote: Yeas, 89; nays, 8; excused, 1.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Baugher, Beck, Belcher, Betzoff, Bowman, Braddock, Brekke, Brooks, Brough, Brumsickle, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Fraser,

Grant, Hankins, Hargrove, Haugen, Hine, Holland, Horn, Jacobsen, Jones, King P, King R, Kremen, Leonard, Locke, May, McLean, Meyers R, Miller, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Patrick, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Saryan, Schmidt, Schoon, Scott, Silver, Smith, Sommers D, Sommers H, Spanel, Sprengle, Tate, Todd, Valle, Van Luven, Vekich, Walk, Walker, Wang, Wilson K, Wilson S, Wineberry, Winsley, Wood, Youngsman, Zellinsky, and Mr. Speaker - 89.

Voting nay: Representatives Bristow, Fuhrman, Heavey, Inslee, Jesernig, Padden, Rust, Wolfe - 8.

Excused: Representative Gallagher - 1.

Substitute House Bill No. 1305 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

REPORT OF CONFERENCE COMMITTEE

April 21, 1989

Mr. Speaker:

We of your Conference Committee to whom was referred SUBSTITUTE SENATE BILL NO. 5241, promoting small business growth, have had the same under consideration and we report that we are unable to agree, and we respectfully request the powers of Free Conference to amend the bill as follows:

Reject previous amendments, and

Adopt the following amendments:

Strike everything after the enacting clause and insert the following:

NEW SECTION, Sec. 1. The legislature finds that the availability of financing is crucial for encouraging the start of new businesses and attracting investments that will lead to the creation of jobs. Without reasonable access to financing, entrepreneurs are unable to start new enterprises and low-income individuals are particularly thwarted in their attempts at self-employment. In addition, many private investors want some assurances that the state will help finance infrastructure improvements before they commit to investing in projects that will lead to the creation of jobs. It is the purpose of this act to make financing more accessible for businesses in order to create more jobs and expand the tax revenues within the state.

NEW SECTION, Sec. 2. As used in sections 2 through 6 of this act, the term:

(1) 'Entrepreneur' means an individual, proprietorship, joint venture, partnership, trust, business trust, syndicate, association, joint stock company, cooperative, corporation, or any other organization operating in this state, engaged in manufacturing, wholesaling, transportation services, traded services, or the development of destination tourism resorts, with fewer than two hundred fifty employees and paying more than fifty percent of its contributions or payments for the purposes of unemployment insurance to this state.

(2) 'Manufacturing' means all activities of a commercial or industrial nature wherein labor or skill is applied, by hand or machinery, to materials so that as a result thereof a new, different, or useful substance or article of tangible personal property is produced for sale or commercial or industrial use and shall include the production or fabrication of specially made or custom made articles. 'Manufacturing' also includes computer programming, the production of computer software, and other computer-related services, and the activities performed by research and development laboratories and commercial testing laboratories.

(3) 'Traded services' means those commercial and professional services that are developed for sale outside the state.

(4) 'Wholesaling' means activities related to the sale or storage of commodities in large quantities.

(5) 'Transportation services' means those services which involve the transport of passengers or goods.

(6) 'Destination tourism resort' means a tourism and recreation complex that is developed primarily as a location for recreation and tourism activities that will be used primarily by non-residents of the immediate area and create employment for Washington state residents.

NEW SECTION, Sec. 3. There is created in the business assistance center of the department of trade and economic development the Washington investment opportunities office.

NEW SECTION, Sec. 4. The Washington investment opportunities office shall:

(1) Maintain a list of all entrepreneurs engaged in manufacturing, wholesaling, transportation services, development of destination tourism resorts, or traded services throughout the state seeking capital resources and interested in the services of the investment opportunities office.

(2) Maintain a file on each entrepreneur which may include the entrepreneur's business plan and any other information which the entrepreneur offers for review by potential investors.

(3) Assist entrepreneurs in procuring the managerial and technical assistance necessary to attract potential investors. Such assistance shall include the automatic referral to the small

business innovators opportunity program of any entrepreneur with a new product meriting the services of the program.

(4) Provide entrepreneurs with information about potential investors and provide investors with information about those entrepreneurs which meet the investment criteria of the investor.

(5) Promote small business securities financing.

(6) Remain informed about investment trends in capital markets and preferences of individual investors or investment firms throughout the nation through literature surveys, conferences, and private meetings.

(7) Publicize the services of the investment opportunities office through public meetings throughout the state, appropriately targeted media, and private meetings. Whenever practical, the office shall use the existing services of local associate development organizations in outreach and identification of entrepreneurs and investors.

(8) Report to the ways and means committee and economic development and labor committee of the senate and the appropriations committee and trade and economic development committee of the house of representatives by December 1, 1989, and each year thereafter, on the accomplishments of the office. Such reports shall include:

(a) The number of entrepreneurs on the list referred to in subsection (1) of this section, segregated by standard industrial classification codes;

(b) The number of investments made in entrepreneurs, segregated as required by (a) of this subsection, as a result of contact with the investment opportunities office, the dollar amount of each such investment, the source, by state or nation, of each investment, and the number of jobs created as a result of each investment;

(c) The number of entrepreneurs on the list referred to in subsection (1) of this section segregated by counties, the number of investments, the dollar amount of investments, and the number of jobs created through investments in each county as a result of contact with the investment opportunities office;

(d) A categorization of jobs created through investments made as a result of contact with the investment opportunities office, the number of jobs created in each such category, and the average pay scale for jobs created in each such category;

(e) The results of client satisfaction surveys distributed to entrepreneurs and investors using the services of the investment opportunities office; and

(f) Such other information as the managing director finds appropriate.

NEW SECTION. Sec. 5. The business assistance center may charge reasonable fees or other appropriate charges to participants using the services of the investment opportunities office for the purpose of defraying all or part of the costs of the business assistance center in administering this program.

NEW SECTION. Sec. 6. The director of the business assistance center may enter into contracts with nongovernmental agencies to provide any of the services under section 4 of this act.

NEW SECTION. Sec. 7. A new section is added to chapter 42.17 RCW to read as follows:

Notwithstanding the provisions of RCW 42.17.260 through 42.17.340, no financial or proprietary information supplied by investors or entrepreneurs under chapter 43.31 RCW shall be made available to the public.

NEW SECTION. Sec. 8. A new section is added to chapter 43.170 RCW to read as follows:

Any innovation or inventor receiving assistance under this program shall be referred to the investment opportunities office operated by the department of trade and economic development.

Sec. 9. Section 6, chapter 40, Laws of 1982 1st ex. sess. as last amended by section 5, chapter 422, Laws of 1987 and RCW 43.160.060 are each amended to read as follows:

The board is authorized to make direct loans to political subdivisions of the state for the purposes of assisting the political subdivisions in financing the cost of public facilities, including development of land and improvements for public facilities, as well as the acquisition, construction, rehabilitation, alteration, expansion, or improvement of the facilities. A grant may also be authorized for purposes designated in this chapter, but only when, and to the extent that, a loan is not reasonably possible, given the limited resources of the political subdivision.

Application for funds shall be made in the form and manner as the board may prescribe. In making grants or loans the board shall conform to the following requirements:

(1) The board shall not make a grant or loan:

(a) For a project the primary purpose of which is to facilitate or promote a retail shopping development or expansion.

(b) For any project that probably would result in a development or expansion that would displace existing jobs in any other community in the state.

(c) For the acquisition of real property, including buildings and other fixtures which are a part of real property.

(2) The board shall only make grants or loans:

(a) For those projects which would result in specific private developments or expansions (i) in manufacturing, production, food processing, assembly, warehousing, ~~((and))~~ industrial distribution, and destination tourist resorts or (ii) which substantially support the trading of goods or services outside of the state's borders.

(b) For projects which it finds will improve the opportunities for the successful maintenance, establishment, or expansion of industrial or commercial plants or will otherwise assist in the creation or retention of long-term economic opportunities.

(c) When the application includes convincing evidence that a specific private development or expansion is ready to occur and will occur only if the grant or loan is made.

(3) The board shall prioritize each proposed project according to the number of jobs it would create after the project is completed and according to the unemployment rate in the area in which the jobs would be located. As long as there is more demand for loans or grants than there are funds available for loans or grants, the board is instructed to fund projects in order of their priority.

(4) A responsible official of the political subdivision shall be present during board deliberations and provide information that the board requests.

Before any loan or grant application is approved, the political subdivision seeking the loan or grant must demonstrate to the community economic revitalization board that no other timely source of funding is available to it at costs reasonably similar to financing available from the community economic revitalization board.

Sec. 10. Section 2, chapter 40, Laws of 1982 1st ex. sess. as last amended by section 58, chapter 466, Laws of 1985 and RCW 43.160.020 are each amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) 'Board' means the community economic revitalization board.

(2) 'Bond' means any bond, note, debenture, interim certificate, or other evidence of financial indebtedness issued by the board pursuant to this chapter.

(3) 'Department' means the department of trade and economic development or its successor with respect to the powers granted by this chapter.

(4) 'Destination tourist resort' means a master planned tourism and recreation complex that:

(a) Is developed primarily as a location for recreation and tourism activities that will be used primarily by nonresidents of the immediate area and create employment for Washington state residents;

(b) Has elements that typically attract visitors for extended stays of two days or more;

(c) Includes: (i) Lodging facilities; (ii) eating and drinking establishments; and (iii) recreation and tourism amenities; and

(d) Is generally located away from densely populated areas.

(5) 'Financial institution' means any bank, savings and loan association, credit union, development credit corporation, insurance company, investment company, trust company, savings institution, or other financial institution approved by the board and maintaining an office in the state.

~~((5))~~ (6) 'Industrial development facilities' means 'industrial development facilities' as defined in RCW 39.84.020.

~~((6))~~ (7) 'Industrial development revenue bonds' means tax-exempt revenue bonds used to fund industrial development facilities.

~~((7))~~ (8) 'Local government' means any port district, county, city, or town.

~~((8))~~ (9) 'Sponsor' means any of the following entities which customarily provide service or otherwise aid in industrial or other financing and are approved as a sponsor by the board: A bank, trust company, savings bank, investment bank, national banking association, savings and loan association, building and loan association, credit union, insurance company, or any other financial institution, governmental agency, or holding company of any entity specified in this subsection.

~~((9))~~ (10) 'Umbrella bonds' means industrial development revenue bonds from which the proceeds are loaned, transferred, or otherwise made available to two or more users under this chapter.

~~((10))~~ (11) 'User' means one or more persons acting as lessee, purchaser, mortgagor, or borrower under a financing document and receiving or applying to receive revenues from bonds issued under this chapter.

NEW SECTION. Sec. 11. Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) 'Committee' means the Washington state self-employment loan program committee.

(2) 'Department' means the department of trade and economic development.

(3) 'Director' means the director of the department of trade and economic development.

(4) 'Local development organization' means a nonprofit organization that operates within an area, demonstrates a commitment to long-term economic development efforts, and makes a demonstrable effort to assist in the employment of unemployed and underemployed residents in the area.

(5) 'Low-income individual' means any person:

(a) Whose personal income is no greater than fifty percent of the median personal income for the county where the person resides or who is a member of a family whose income is no greater than fifty percent of the median family income for the county where the person resides.

In establishing income eligibility under this subsection, the department shall refer to the income limits for very low-income families adjusted by family size established by the federal department of housing and urban development pursuant to the housing and community development act, P.L. 100-242; or

(b) Eligible to receive public assistance as defined in RCW 74.04.005 or is eligible to receive food stamps.

NEW SECTION. Sec. 12. The Washington state self-employment loan program committee is established within the business assistance center of the department.

(1) The committee shall have seven members. The director shall appoint the members, subject to the following requirements:

(a) One member shall be experienced in community-based economic development and have skills in providing community services through a local development organization;

(b) Two members shall be from philanthropic entities with a history of service or funding to community-based economic development organizations;

(c) One member shall be from a financial institution and be experienced in small business finance and in providing technical assistance to new businesses;

(d) One member shall be from an educational institution with a history of providing education and training for new small business owners; and

(e) Two members shall be small business owners. One of the small businesses shall be a minority or woman-owned business.

In making these appointments, the director shall give careful consideration to ensure that the various geographic regions of the state are represented and that members will be regularly available for meetings and will have a commitment to working with local government entities and local development organizations.

(2) Each member appointed by the director shall serve a term of two years. A person appointed to fill a vacancy of a member shall be appointed in a like manner and shall serve for only the unexpired term. A member is eligible for reappointment. A member may be removed by the director only for cause.

(3) The director shall designate a member of the board as its chairperson. The committee may elect other officers it deems appropriate. Four members of the committee constitute a quorum and four affirmative votes are necessary for the transaction of business or the exercise of any power or function of the committee.

(4) The members of the committee shall serve without compensation, but are entitled to reimbursement for actual and necessary expenses incurred in the performance of official duties in accordance with RCW 43.03.050 and 43.03.060.

(5) Members shall not be liable to the state, to the fund, or to any other person as a result of their activities, whether ministerial or discretionary, as members except for willful dishonesty or intentional violations of the law. The department may purchase liability insurance for members and may indemnify these persons against the claims of others.

NEW SECTION. Sec. 13. Subject to the restrictions contained in this chapter, the committee is authorized to solicit and approve applications of local development organizations for funds which the local organization will use within a self-employment program as a revolving loan fund to finance the small businesses of low-income individuals within their jurisdiction.

NEW SECTION. Sec. 14. The committee shall approve those applications for funds that meet the minimum standards set forth in this chapter and that will best serve the intent of this chapter to provide self-employment for low-income persons in Washington state.

(1) The committee shall not approve any application for more than sixty thousand dollars.

(2) In the first year of each biennium, the committee may approve distribution of up to one-half of the fund appropriated to carry out the purposes of this chapter, with the remaining funds distributed in the second year.

(3) The committee may approve only one application from a single organization for each biennium.

NEW SECTION. Sec. 15. An application to the committee shall include, but is not limited to:

(1) A detailed description of the need for a self-employment program in the area served by the applicant organization, including economic conditions and other characteristics of the community which the program would address;

(2) A detailed description of the applicant organization and its capacity to administer a self-employment program that includes a revolving loan fund. Relevant information may include the organization's standing in the community, its experience with low-income persons and in business training and development, its fiscal record, its relationship with other community organizations and governmental entities, and its staff resources;

(3) A detailed description of the self-employment program into which the revolving loan fund will be incorporated, including, but not limited to, a description of:

(a) The criteria and procedure by which program participants will be selected, explaining any particular groups that will be targeted and why;

(b) The personal and business training that will be provided program participants, including curriculum, schedule, training providers, and how this training will meet the unique needs of the community's low-income individuals wishing to become self-employed;

(c) The loan process, including the criteria and procedure by which applicants will be screened, general terms of the loans, and the means by which the organization will facilitate timely repayment; and

(d) Any oversight, social support, and follow-up assistance to be provided program participants who have been trained or provided loans.

(4) Any other information the committee deems necessary to fully evaluate an organization's ability to carry out the purpose of this chapter.

NEW SECTION. Sec. 16. Any local development organization receiving funds under this chapter shall:

(1) Use the funds only in a revolving loan fund to finance the businesses of low-income individuals participating in the organization's self-employment program;

(2) Provide no loan out of these funds of more than five thousand dollars;

(3) Charge a reasonable rate of interest on loans provided out of these funds, using interest payments received for program administrative costs;

(4) Annually submit to the committee a detailed report on the progress and status of the self-employment program and loan fund including, but not limited to:

(a) A description and explanation of any changes in the program from the original application;

(b) The number and characteristics of participants in the program, including their training status;

(c) The current employment status of those who have completed training;

(d) The number and size of loans provided, the terms of the loans, and their repayment status;

(e) A self-evaluation detailing the strengths and weaknesses of the program and what the local development organization will do to improve the program in the following year;

(f) Any other information the committee deems necessary to:

(i) Evaluate the effectiveness of the program in carrying out the intent of this chapter; and

(ii) Determine the program characteristics that have contributed to or detracted from such effectiveness.

NEW SECTION. Sec. 17. If the committee finds that an organization to whom funds were distributed under this chapter is unable to meet the intent of the chapter, the committee may require that such funds be returned to the department for redistribution by the committee.

NEW SECTION. Sec. 18. The department shall:

(1) Provide adequate and appropriate staff, technical assistance, and other support to the committee;

(2) Maintain a record of committee proceedings;

(3) Work with local development organizations to promote applications to the committee for funds; and

(4) Adopt rules appropriate for the committee to carry out its authority under this chapter.

NEW SECTION. Sec. 19. Community colleges, the office of the superintendent of public instruction, the employment security department, the department of community development, and the department of social and health services, when requested by local development organizations, shall provide appropriate support, cooperation, and training resources in the design and implementation of self-employment programs under this chapter.

NEW SECTION. Sec. 20. The department shall biennially report to the appropriate standing committees of the legislature on the progress and status of the self-employment loan program. The report shall include sufficient data to evaluate program effectiveness, including, but not limited to, a compilation and summary of the annual reports submitted by local organizations pursuant to section 16(4) of this act.

NEW SECTION. Sec. 21. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 22. (1) Sections 2 through 6 of this act are each added to chapter 43.31 RCW.

(2) Sections 11 through 20 of this act shall constitute a new chapter in Title 43 RCW.

NEW SECTION. Sec. 23. If specific funding for the purposes of sections 11 through 20 of this act, referencing this act by bill number, is not provided by June 30, 1989, in the omnibus appropriations act, sections 11 through 20 of this act shall be null and void.

NEW SECTION. Sec. 24. The sum of one hundred fifteen thousand dollars, or as much thereof as may be necessary, is appropriated for the biennium ending June 30, 1991, from the general fund to the department of trade and economic development for the purposes of sections 2 through 6 of this act."

On page 1, line 1 of the title, after "development;" strike the remainder of the title and insert "amending RCW 43.160.060 and 43.160.020; adding a new section to chapter 42.17 RCW; adding new sections to chapter 43.31 RCW; adding a new section to chapter 43.170 RCW; adding a new chapter to Title 43 RCW; creating new sections; and making an appropriation."

Signed by Senators Lee, Smitherman, Anderson; Representatives Cantwell, Wineberry, Doty.

MOTION

Mr. Jesernig moved that the House adopt the Report of the Conference Committee on Substitute Senate Bill No. 5241 and grant the committee the powers of Free Conference.

POINT OF ORDER

Mr. Nelson: Thank you, Mr. Speaker. I would ask that the Speaker rule on whether or not this bill, as recommended by Conference Committee, is within the scope and object of the underlying bill.

ANNOUNCEMENT BY THE SPEAKER

The Speaker (Mr. O'Brien presiding) announced that further action on Substitute Senate Bill No. 5241 would be deferred.

MESSAGE FROM THE SENATE

April 21, 1989

Mr. Speaker:

The Senate receded from its position on ENGROSSED HOUSE BILL NO. 2155, and passed the bill without the Senate amendment to page 28, line 20, and the same is herewith transmitted.

W. D. Naismith, Assistant Secretary.

FINAL PASSAGE OF HOUSE BILL WITHOUT CERTAIN SENATE AMENDMENT

The Speaker (Mr. O'Brien presiding) stated the question before the House to be the final passage of Engrossed House Bill NO. 2155 without certain Senate amendment.

Mr. Appelwick spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 2155 without certain Senate amendment, and the bill passed the House by the following vote: Yeas, 97; excused, 1.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Baugher, Beck, Belcher, Betrozoff, Bowman, Braddock, Brekke, Bristol, Brooks, Brough, Brumsickle, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Fraser, Fuhrman, Grant, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Inslée, Jacobsen, Jesernig, Jones, King P, King R, Kremen, Leonard, Locke, May, McLean, Meyers R, Miller, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Padden, Patrick, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith, Sommers D, Sommers H, Spanel, Sprengle, Tate, Todd, Valle, Van Luven, Vekich, Walk, Walker, Wang, Wilson K, Wilson S, Wineberry, Winsley, Wolfe, Wood, Youngsman, Zellinsky, and Mr. Speaker - 97.

Excused: Representative Gallagher - 1.

Engrossed House Bill No. 2155 as Senate amended but without certain Senate amendment, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE GOVERNOR

April 21, 1989

To the Honorable, the House
of Representatives of the
State of Washington
Ladies and Gentlemen:

I have the honor to advise you that on April 21, 1989, Governor Gardner approved the following House Bill entitled:

HOUSE BILL NO. 1385: Relating to mergers, rehabilitation, and liquidation of insurance entities.

Sincerely,
Terry Sebring, Counsel.

MESSAGE FROM THE SENATE

April 22, 1989

Mr. Speaker:

The Senate has adopted the report of the Conference Committee on ENGROSSED SUBSTITUTE HOUSE BILL NO. 2137, and has granted said committee the powers of Free Conference. The Report of the Conference Committee is herewith transmitted.

W. D. Naismith, Assistant Secretary.

REPORT OF CONFERENCE COMMITTEE

April 21, 1989

Mr. Speaker:

We of your Conference Committee to whom was referred ENGROSSED SUBSTITUTE HOUSE BILL NO. 2137, establishing targeted sectors for economic development, have had the same under consideration and we report that we are unable to agree, and we respectfully request the powers of Free Conference to amend the bill as follows:

Reject the Senate Committee on Economic Development & Labor amendments (For committee amendments, see Journal, 100th Day, April 18, 1989.) adopted on April 10, 1989, and

Adopt the following amendments:

Strike everything after the enacting clause and insert the following:

NEW SECTION, Sec. 1. (1) The legislature finds that the future health of certain sectors of Washington state's economy is at risk in the face of increasing global competition. The service and aerospace industries have responded well to this increasing global competition. However, certain traditional industries, such as forest products and agriculture, have experienced some decline. Significant public and private resources are being directed toward restoring the vitality of these industries.

(2) The legislature finds that, in addition to these industries, there are a number of emerging sectors in the state economy which offer real promise. These include biotechnology and food processing. In the next decade, these emerging sectors can be among the state's strongest, most stable sectors able to successfully compete in the global market. It is the purpose of sections 1 through 6 of this act to help these emerging sectors by encouraging a broader base and support for their development. It is also the purpose of this act to ensure that more specific direction is given to the department in developing its programs and that the impact of resources the department directs toward targeted sectors is better measured.

(3) The legislature also finds that the state must work in partnership with the private sector to enhance economic development, whether restoring the vitality of declining industries or developing new industries with good economic potential. In order for the public and private efforts to be most successful, the state, particularly the department, must clearly articulate: (a) Its goals and objectives; (b) its appraisal of the sector that led to the goals and objectives; (c) its choice of strategy for achieving the goals and objectives; (d) its implementation plans and timetables; and (e) its evaluation criteria and process. The department must work with the private sector and the legislature in the analysis, the setting of goals, the choice of strategy, and the evaluation process so that all parties have input into and understand how the problem is being defined and how the problem is being solved.

NEW SECTION, Sec. 2. (1) The department shall establish targeted sector programs in the areas of biotechnology and food processing. The purpose of these programs shall be to analyze the current state of the targeted sector and develop an action plan and program for each targeted sector to increase the sales of products from these sectors nationally and internationally. The department shall also develop an evaluation process to measure the effectiveness of the targeted sector programs. The targeted sector programs are intended to significantly increase the jobs and capital investment in these sectors through a well-conceived and implemented marketing plan.

(2) A targeted sector program within the department shall:

(a) Administer the targeted sector programs established in subsection (1) of this section;

(b) Work with the advisory committee and subcommittees created in section 4 of this act to appraise each targeted sector, develop alternatives to assist in the development of the sector, choose a strategy for assisting the targeted sector, and evaluate the strategy and its implementation for effectiveness; and

(c) Work with other state agencies, local governments, and the private sector.

NEW SECTION, Sec. 3. (1) The department may contract with public or private organizations, such as the international marketing program for agricultural products and trade or the northwest policy center, to appraise the targeted sector to determine the current state of the sector prior to the department undertaking program development or marketing under section

2 of this act. In making this appraisal, the department shall consider, but shall not be limited to, the following: (a) The strengths and weaknesses of the sector; (b) the opportunities and risks in the sector; (c) any emerging products, processes and market niches in the sector; (d) the commercialization of technology related to the sector; (e) the availability of capital in the sector; (f) the education and training needs in the sector; (g) the infrastructure development in the sector; (h) the number of employees and businesses in the sector; and (i) the role the state should play in the long-term development of the sector.

(2) The department shall base its marketing strategy and action plan for each targeted sector on the appraisal of the sector under subsection (1) of this section. Where needs are identified in the appraisal of the sector but are beyond the scope of the department's program or ability to accomplish without additional resources, the department shall provide clear recommendations to the legislature regarding an action plan the state should implement to address these identified needs.

NEW SECTION, Sec. 4. (1) The department shall establish an advisory committee for its targeted sector program. The advisory committee shall provide policy direction regarding:

- (a) The appraisal process;
 - (b) Program development;
 - (c) Program implementation; and
 - (d) The evaluation criteria and process for the target sector programs.
- (2) The advisory committee shall include:

(a) At the discretion of the house of representatives and the senate, four legislators, one from each caucus in the house of representatives appointed by the speaker of the house, and one from each caucus in the senate appointed by the president of the senate;

(b) Three members of the department of agriculture food products processing advisory committee appointed by the chairperson of this advisory committee;

(c) Three members of the Washington state biotechnology association appointed by the chairperson of this association; and

(d) Other members appointed by the director, such as industry experts, financing experts, venture capitalists, patent attorneys, and marketing experts, representing a variety of interests and geographic areas.

The chairperson of the advisory committee shall be appointed by the director and shall serve as chairperson at the discretion of the director.

(3) The advisory committee shall create a subcommittee for each targeted sector. The members of each subcommittee, except as provided otherwise in this subsection, shall be appointed by the chairperson of the advisory committee in consultation with the advisory committee; the subcommittees may include persons who are not members of the advisory committee. The subcommittee for each targeted sector shall include persons with expertise in that sector. Each of the members appointed to the advisory committee under subsection (2)(b) of this section shall also serve on the subcommittee for the food processing targeted sector; each of the members appointed to the advisory committee under subsection (2)(c) of this section shall also serve on the subcommittee for the biotechnology targeted sector.

(4) The advisory committee and subcommittees shall provide policy and program direction to the targeted sector program created under section 2(2) of this act, and shall consider the role of other state agencies and the private sector in advising the department.

(5) The members of the advisory committee and the subcommittees shall serve two-year terms. The legislative members may be reimbursed for travel expenses under RCW 44.04.120. Other members may be reimbursed for their travel expenses under RCW 43.03.050 and 43.03.060.

NEW SECTION, Sec. 5. The department shall also establish a targeted sector program in manufactured forest products. This program shall be part of the targeted sector program established under section 2(2) of this act, and the department shall conduct an appraisal, as described in section 3 of this act, for the manufactured forest products targeted sector. Three members of the evergreen partnership appointed by the director of the evergreen partnership shall be included in the advisory committee established under section 4 of this act, and these persons shall also be part of the subcommittee on the manufactured forest products targeted sector. The department shall also report on the manufactured forest products targeted sector as part of its reporting duties under section 9 of this act.

NEW SECTION, Sec. 6. The business assistance center of the department of trade and economic development, in consultation with the Washington state institute for public policy and the northwest policy center shall review the establishment of an industrial extension grant program in targeted sectors. The department shall conduct this review to the extent existing resources permit.

NEW SECTION, Sec. 7. The department, in reviewing the establishment of the industrial extension program, shall identify:

- (1) The manner in which the program should be structured and funded;
- (2) The scope of services that should be provided; and
- (3) The availability of possible grant recipients that could provide services under the program.

NEW SECTION. Sec. 8. The business assistance center shall examine mechanisms for the establishment of flexible manufacturing networks or consortia in targeted sectors through which small firms cooperatively access modernization, marketing, training and other services. The department shall conduct this study to the extent existing resources permit.

NEW SECTION. Sec. 9. By January 10th of each year the department shall report in writing on its targeted sector programs to the trade and economic development committee in the house of representatives and the economic development and labor committee in the senate. The department shall report on each element of the targeted sector program, including: (1) Appraisal of the sector; (2) alternatives for assisting in the growth and development of the sector; (3) the choice of the strategy and the rationale behind that choice; (4) the implementation of the strategy; and (5) the evaluation of the targeted sector program. The department shall also make current information available on a regular basis to the legislature and the private sector regarding its targeted sector programs.

The business assistance center shall report by January 1, 1990, to the senate economic development and labor committee and house of representatives trade and economic development committee on its findings and recommendations on the establishment of an industrial extension program and flexible manufacturing networks or consortia program.

NEW SECTION. Sec. 10. The department shall work with industry trade groups, local governments and local economic development organizations in implementing the target sector programs. The department shall seek and utilize nonstate funds to help carry out these programs.

NEW SECTION. Sec. 11. Sections 1 through 10 of this act are each added to chapter 43.31 RCW."

On page 1, line 1 of the title, after "development:" strike the remainder of the title and insert "and adding new sections to chapter 43.31 RCW."

Signed by Senators Lee, McMullen, Amondson; Representatives Cantwell, G. Fisher, Doty.

MOTION

On motion of Mr. Jesernig, the Report of the Conference Committee on Engrossed Substitute House Bill No. 2137 was adopted and the committee was granted the powers of Free Conference.

MESSAGE FROM THE SENATE

April 22, 1989

Mr. Speaker:

The Senate has adopted the report of the Free Conference Committee on ENGROSSED SUBSTITUTE HOUSE BILL NO. 1028, and passed the bill as amended by the Free Conference Committee, and the same is herewith transmitted.

W. D. Naismith, Assistant Secretary.

REPORT OF FREE CONFERENCE COMMITTEE

April 20, 1989

Mr. Speaker:

We of your Free Conference Committee to whom was referred ENGROSSED SUBSTITUTE HOUSE BILL NO. 1028, changing requirements for fishing licenses, have had the same under consideration and we recommend that the bill be amended as proposed in the request for Free Conference and that the bill do pass as amended by the Free Conference Committee.

(See Report of Conference Committee on Engrossed Substitute House Bill No. 1028, 103rd Day, April 21, 1989, Afternoon Session.)

Signed by Senators Metcalf, Owen, Anderson; Representatives R. King, Morris, S. Wilson.

MOTION

Mr. R. King moved that the House adopt the Report of the Free Conference Committee on Engrossed Substitute House Bill No. 1028. The motion was carried.

FINAL PASSAGE OF HOUSE BILL AS AMENDED BY FREE CONFERENCE COMMITTEE

The Speaker (Mr. O'Brien presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 1028 as amended by Free Conference Committee.

Mr. R. King spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1028 as amended by Free Conference Committee, and the bill passed the House by the following vote: Yeas, 97; excused, 1.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Baugher, Beck, Belcher, Betrozoff, Bowman, Braddock, Brekke, Bristow, Brooks, Brough, Brumsickle, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Fraser, Fuhrman, Grant, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Inslee, Jacobsen, Jesernig, Jones, King P, King R, Kremen, Leonard, Locke, May, McLean, Meyers R, Miller, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Padden, Patrick, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith, Sommers D, Sommers H, Spanel, Sprengle, Tate, Todd, Valle, Van Luven, Vekich, Walk, Walker, Wang, Wilson K, Wilson S, Wineberry, Winsley, Wolfe, Wood, Youngsman, Zellinsky, and Mr. Speaker - 97.

Excused: Representative Gallagher - 1.

Engrossed Substitute House Bill No. 1028 as amended by Free Conference Committee, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE SENATE

April 21, 1989

Mr. Speaker:

The Senate has adopted the report of the Conference Committee on SUBSTITUTE SENATE BILL NO. 5221, and granted said committee powers of Free Conference.

W. D. Naismith, Assistant Secretary.

REPORT OF FREE CONFERENCE COMMITTEE

April 21, 1989

Mr. Speaker:

We of your Free Conference Committee to whom was referred SUBSTITUTE SENATE BILL NO. 5221, establishing the advance college payment program, have had the same under consideration and we recommend that the bill be amended as proposed in the request for Free Conference and that the bill do pass as amended by the Free Conference Committee.

(See Report of Conference Committee on Substitute Senate Bill No. 5221, 103rd Day, April 21, 1989, Afternoon Session.)

Signed by Senators Rinehart, Saling, Patterson; Representatives Spanel, Van Luven, H. Myers.

MOTION

Mr. Jacobsen moved that the House adopt the Report of the Free Conference Committee on Substitute Senate Bill No. 5221.

Ms. Spanel spoke in favor of the motion, and it was carried.

FINAL PASSAGE OF SENATE BILL
AS AMENDED BY FREE CONFERENCE COMMITTEE

The Speaker (Mr. O'Brien presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 5221 as amended by Free Conference Committee.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5221 as amended by Free Conference Committee, and the bill passed the House by the following vote: Yeas, 97; excused, 1.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Baugher, Beck, Belcher, Betrozoff, Bowman, Braddock, Brekke, Bristow, Brooks, Brough, Brumsickle, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Fraser, Fuhrman, Grant, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Inslee, Jacobsen, Jesernig, Jones, King P, King R, Kremen, Leonard, Locke, May, McLean, Meyers R, Miller, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Padden, Patrick, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Schoon, Scott,

Silver, Smith, Sommers D, Sommers H, Spanel, Sprengle, Tate, Todd, Valle, Van Luven, Vekich, Walk, Walker, Wang, Wilson K, Wilson S, Wineberry, Winsley, Wolfe, Wood, Youngsman, Zellinsky, and Mr. Speaker - 97.

Excused: Representative Gallagher - 1.

Substitute Senate Bill No. 5221 as amended by Free Conference Committee, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE SENATE

April 22, 1989

Mr. Speaker:

The Senate has adopted the report of the Conference Committee on SECOND SUBSTITUTE SENATE BILL NO. 6051, and granted said committee powers of Free Conference.

W. D. Naismith, Assistant Secretary.

REPORT OF FREE CONFERENCE COMMITTEE

April 20, 1989

Mr. Speaker:

We of your Free Conference Committee to whom was referred SECOND SUBSTITUTE SENATE BILL NO. 6051, promoting employer involvement in the development of child care services and facilities, have had the same under consideration and we recommend that the bill be amended as proposed in the request for Free Conference and that the bill do pass as amended by the Free Conference Committee.

(See Report of Conference Committee on Second Substitute Senate Bill No. 6051, 103rd Day, April 21, 1989, Afternoon Session.)

Signed by Senators Anderson, Cantu; Representatives Moyer, Wineberry, Cantwell.

MOTION

Ms. Cantwell moved that the House adopt the Report of the Free Conference Committee on Second Substitute Senate House Bill No. 6051. The motion was carried.

FINAL PASSAGE OF SENATE BILL AS AMENDED BY FREE CONFERENCE COMMITTEE

The Speaker (Mr. O'Brien presiding) stated the question before the House to be the final passage of Second Substitute Senate Bill No. 6051 as amended by Free Conference Committee.

ROLL CALL

The Clerk called the roll on the final passage of Second Substitute Senate Bill No. 6051 as amended by Free Conference Committee, and the bill passed the House by the following vote: Yeas, 97; excused, 1.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Baugher, Beck, Belcher, Betrozoff, Bowman, Braddock, Brekke, Bristow, Brooks, Brough, Brumsickle, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Fraser, Fuhrman, Grant, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Insee, Jacobsen, Jesernig, Jones, King P, King R, Kremen, Leonard, Locke, Mary, McLean, Meyers R, Miller, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Padden, Patrick, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith, Sommers D, Sommers H, Spanel, Sprengle, Tate, Todd, Valle, Van Luven, Vekich, Walk, Walker, Wang, Wilson K, Wilson S, Wineberry, Winsley, Wolfe, Wood, Youngsman, Zellinsky, and Mr. Speaker - 97.

Excused: Representative Gallagher - 1.

Second Substitute Senate Bill No. 6051 as amended by Free Conference Committee, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE SENATE

April 21, 1989

Mr. Speaker:

The Senate insists on its position, refuses to concur in the House amendments to ENGROSSED SENATE BILL NO. 5185, and once again requests a conference thereon. The President had appointed the following members as conferees: Senators Smith, Wojahn and Bailey, and the same is herewith transmitted.

W. D. Naismith, Assistant Secretary.

MOTION

Ms. Haugen moved that the House adhere to its position regarding the House amendments to Engrossed Senate Bill No. 5185 and once again ask the Senate to concur therein. The motion was carried.

There being no objection, the House advanced to the eighth order of business.

RESOLUTION

HOUSE FLOOR RESOLUTION NO. 89-4680, by Representatives Rasmussen, Ferguson, Winsley, Tate, Betzoff, Anderson, Moyer, D. Sommers, Smith, Day, Walker, Chandler, Wineberry, Holland, Brumsickle, Wood, Nealey, Beck, Ballard, Walk, Leonard, Prentice, Doty, Fraser, Kremen, Zellinsky, Rector, Basich, Cantwell, Scott, Morris, Crane, Appelwick, Grant, Dorn, P. King, Jesernig, Spanel, H. Sommers, Jacobsen, Sprenkle, Pruitt, R. King, Heavey, Phillips, G. Fisher, Nelson, Vekich, Inslee, Wang, Todd, Hine, Cole, Baugher, Belcher, Bowman, Braddock, Brekke, Bristow, Brooks, Brough, Cooper, Dellwo, Ebersole, R. Fisher, Fuhrman, Gallagher, Hankins, Hargrove, Haugen, Horn, Jones, J. King, Locke, May, McLean, R. Meyers, Miller, H. Myers, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Raiter, Rayburn, Rust, Sayan, Schmidt, Schoon, Silver, Valle, Van Luven, K. Wilson, S. Wilson, Wolfe and Youngsman

WHEREAS, Ice hockey has come to be regarded in the Puget Sound area as an entertaining and exciting sport through the thrilling play of the semiprofessional Seattle Thunderbirds; and

WHEREAS, The Thunderbirds have shown that ice hockey has popular support in the King and Pierce County areas; and

WHEREAS, Every major professional sport, except ice hockey, is represented in the Seattle-Tacoma area; and

WHEREAS, The public in this region has convincingly shown that it can and will enthusiastically and financially support professional sports; and

WHEREAS, Metropolitan areas, both larger and smaller than Seattle and Tacoma, successfully support thriving National Hockey League franchises across America; and

WHEREAS, A National Hockey League expansion team in the Seattle-Tacoma area would bolster the region's economy, increase tourism and enhance the area's prestige;

NOW, THEREFORE, BE IT RESOLVED, That the House of Representatives hopes that, through the efforts of business and community leaders, a National Hockey League expansion franchise can be brought to the Puget Sound area in the near future.

Ms. Rasmussen moved adoption of the resolution. Representatives Rasmussen, Prentice and Ferguson spoke in favor of the resolution.

On motion of Mr. Ferguson, the rules were suspended and the names of all members of the House of Representatives were added as sponsors of the resolution.

House Floor Resolution No. 89-4680 was adopted.

The Speaker (Mr. O'Brien presiding) declared the House to be at ease until 1:30 p.m.

AFTERNOON SESSION

The Speaker called the House to order at 1:40 p.m.

MESSAGES FROM THE SENATE

April 22, 1989

Mr. Speaker:

The Senate has adopted the report of the Conference Committee on ENGROSSED SUBSTITUTE SENATE BILL NO. 5288, and passed the bill as recommended by the Conference Committee.

W. D. Naismith, Assistant Secretary.

April 22, 1989

Mr. Speaker:

The Senate has adopted the report of the Free Conference Committee on SECOND SUBSTITUTE SENATE BILL NO. 5375, and passed the bill as amended by the Free Conference Committee.

W. D. Naismith, Assistant Secretary.

April 22, 1989

Mr. Speaker:

The Senate has adopted the report of the Free Conference Committee on ENGROSSED SUBSTITUTE SENATE BILL NO. 5759, and passed the bill as amended by the Free Conference Committee.

W. D. Naismith, Assistant Secretary.

April 22, 1989

Mr. Speaker:

The Senate has adopted the report of the Free Conference Committee on SUBSTITUTE SENATE BILL NO. 5827, and passed the bill as amended by the Free Conference Committee.

W. D. Naismith, Assistant Secretary.

April 22, 1989

Mr. Speaker:

The Senate has adopted the report of the Free Conference Committee on ENGROSSED SENATE BILL NO. 5833, and passed the bill as amended by the Free Conference Committee.

W. D. Naismith, Assistant Secretary.

MESSAGE FROM THE SENATE

April 22, 1989

Mr. Speaker:

The Senate has adopted the report of the Free Conference Committee on ENGROSSED SUBSTITUTE HOUSE BILL NO. 1133, and passed the bill as amended by the Free Conference Committee, and the same is herewith transmitted.

W. D. Naismith, Assistant Secretary.

REPORT OF FREE CONFERENCE COMMITTEE

April 20, 1989

Mr. Speaker:

We of your Free Conference Committee to whom was referred ENGROSSED SUBSTITUTE HOUSE BILL NO. 1133, regarding employer involvement in child care, have had the same under consideration and we recommend that the bill be amended as proposed in the request for Free Conference and that the bill do pass as amended by the Free Conference Committee.

(See Report of Conference Committee on Engrossed Substitute House Bill No. 1133, 103rd Day, April 21, 1989, Afternoon Session.)

Signed by Senators Cantu, Niemi, Anderson; Representatives Cantwell, Wineberry, Moyer.

MOTION

Ms. Cantwell moved that the House adopt the Report of the Free Conference Committee on Engrossed Substitute House Bill No. 1133. The motion was carried.

FINAL PASSAGE OF HOUSE BILL
AS AMENDED BY FREE CONFERENCE COMMITTEE

The Speaker (Mr. O'Brien presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 1133 as amended by Free Conference Committee.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1133 as amended by Free Conference Committee, and the bill passed the House by the following vote: Yeas, 97; excused, 1.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Baugher, Beck, Belcher, Betzoff, Bowman, Braddock, Brekke, Bristow, Brooks, Brough, Brumsickle, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Fraser, Fuhrman, Grant, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Inslee, Jacobsen, Jesernig, Jones, King P, King R, Kremen, Leonard, Locke, May, McLean, Meyers R, Miller, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Padden, Patrick, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith, Sommers D, Sommers H, Spanel, Sprenkle, Tate, Todd, Valle, Van Luven, Vekich, Walk, Walker, Wang, Wilson K, Wilson S, Wineberry, Winsley, Wolfe, Wood, Youngsman, Zellinsky, and Mr. Speaker - 97.

Excused: Representative Gallagher - 1.

Engrossed Substitute House Bill No. 1133 as amended by Free Conference Committee, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE SENATE

April 22, 1989

Mr. Speaker:

The Senate has adopted the report of the Conference Committee on ENGROSSED SUBSTITUTE HOUSE BILL NO. 1635, and has granted said committee the powers of Free Conference. The Report of the Conference Committee is herewith transmitted.

W. D. Naismith, Assistant Secretary.

REPORT OF CONFERENCE COMMITTEE

April 21, 1989

Mr. Speaker:

We of your Conference Committee to whom was referred ENGROSSED SUBSTITUTE HOUSE BILL NO. 1635, making changes to support enforcement provisions, have had the same under consideration and we report that we are unable to agree, and we respectfully request the powers of Free Conference to amend the bill as follows:

Adopt the Senate Committee on Law & Justice striking amendment as amended (For committee amendments, see Journal, 97th Day, April 15, 1989.) with the following changes:

On page 1, line 21, after "States" strike ", except for actions to collect past due child support"

On page 19, line 22, after "entered" strike "by the court"

On page 20, line 20, after "children;" strike "and" and insert "(and)"

On page 20, line 22, after "address" strike "." and insert "((:));"

On page 20, after line 22, insert the following:

(j) That any parent owing a duty of child support shall be obligated to provide health insurance coverage for his or her child if coverage that can be extended to cover the child is or becomes available to that parent through employment or is union-related as provided under RCW 26.09.105;

(k) That if proof of health insurance coverage is not provided within twenty days, the obligee or the department may seek direct enforcement of the coverage through the obligor's

employer or union without further notice to the obligor as provided under chapter 26.18 RCW; and

(1) The reasons for not ordering health insurance coverage if the order fails to require such coverage."

On page 26, line 21, after "court," strike "the custody and guardianship of the child, visitation privileges with the child," and insert "~~((the custody and guardianship of the child, visitation privileges with the child:))~~"

On page 27, line 17, after "parties" insert ", except that a parenting plan shall not be required unless requested by a party"

On page 47, line 20, after "court" strike "may" and insert "((may)) shall"

On page 47, line 22, after "pay" strike "an amount determined pursuant to the schedule adopted under RCW 26.19.040" and insert "((an amount determined pursuant to the schedule adopted under RCW 26.19.040)) child support. If child support is ordered, the court shall determine each parent's child support obligation pursuant to RCW 26.19.020"

On page 47, after line 26, strike all material through "parent" on page 48, line 16 and insert the following:

"(2) A parent obligated to pay child support may file a motion for an accounting of how the support is being spent by the receiving parent. The parent filing the motion must meet the following conditions prior to filing the motion:

(a) The parent filing the motion must be obligated to pay at least fifty percent of the basic child support obligation for both parents;

(b) If support is owed for one child, the parent must be obligated to pay at least three hundred dollars per month in child support; for two children, the parent must be obligated to pay at least five hundred twenty-five dollars per month in child support; for three or more children, the parent must be obligated to pay at least six hundred sixty dollars per month in child support; and

(c) The parent must be current in all child support payments.

(3)(a) The motion for an accounting must be accompanied by an affidavit setting forth facts demonstrating that the parent receiving support is not spending a substantial portion of the child support for the direct or indirect benefit of the child. The motion, affidavit, and notice of hearing shall be served on the parent receiving support. The only issue at the preliminary hearing on the motion shall be whether there is reasonable cause to believe that the support is directly or indirectly benefiting the child.

(b) If the court determines at the preliminary hearing that the motion and affidavit establish reasonable cause to believe that a substantial portion of the support is not directly or indirectly benefiting the child the court may: (i) Set a show cause hearing on the motion and affidavit; or (ii) order the parents to mediate the issue with a court commissioner, family court commissioner, or other appropriate person. The court's order shall be in writing and shall set forth the facts which establish reasonable cause. The parent receiving support may be required to produce at the show cause hearing such documentation as the court determines is necessary to resolve the issue and which is reasonably available to the parent. The parent receiving support shall not be required to provide documentation for expenditures for more than six months prior to the time of the filing of the motion.

(c) If the court determines at the preliminary hearing that the motion and affidavit do not establish reasonable cause to believe that a substantial portion of the support is directly or indirectly benefiting the child, the court shall order the parent filing the motion and affidavit to pay costs and statutory attorneys' fees to the parent receiving the support.

The court may award reasonable attorneys' fees to the parent receiving support if the court determines that:

(1) The motion was brought in bad faith, for harassment, or frivolously; or

(2) The motion was based on material statements of fact which were false.

(4) If at the show cause hearing on the motion and affidavit the parent obligated to pay support demonstrates by a preponderance of the evidence that a substantial portion of the support is not directly or indirectly benefiting the child, the court shall enter an appropriate order directing the parent receiving the support to spend the child support to benefit the child. The court may order the child support payments to be paid to a protective payee for the benefit of the child. The only issue at the hearing on the motion shall be whether the parent receiving support is spending support to directly or indirectly benefit the child.

(5) A motion and affidavit for an accounting of child support expenditures may not be filed more than once every twelve months."

On page 51, line 2, beginning with "reporting" strike all material through "violation" and insert "month for each subsequent violation after the warning has been given. All violations within a single month shall be considered a single violation for purposes of assessing the penalty"

On page 51, line 35, after "reimburse" strike "the legislative budget committee and"

Signed by Senators Pullen, Owen, Nelson; Representatives Appellwick, Belcher, Padden.

MOTION

On motion of Mr. Jesernig, the Report of the Conference Committee on Engrossed Substitute House Bill No. 1635 was adopted and the committee was granted the powers of Free Conference.

MESSAGE FROM THE SENATE

April 22, 1989

Mr. Speaker:

The Senate has adopted the report of the Free Conference Committee on SUBSTITUTE HOUSE BILL NO. 1254, and passed the bill as amended by the Free Conference Committee, and the same is herewith transmitted.

W. D. Naismith, Assistant Secretary.

REPORT OF FREE CONFERENCE COMMITTEE

April 20, 1989

Mr. Speaker:

We of your Free Conference Committee to whom was referred SUBSTITUTE HOUSE BILL NO. 1254, providing immunity from civil liability law, have had the same under consideration and we recommend that the bill be amended as proposed in the request for Free Conference and that the bill do pass as amended by the Free Conference Committee.

(See Report of Conference Committee on Substitute House Bill No. 1254, 103rd Day, April 21, 1989, Afternoon Session.)

Signed by Senators Pullen, Sutherland; Representatives Appelwick, H. Myers, Padden.

MOTION

Mr. Crane moved that the House adopt the Report of the Free Conference Committee on Substitute House Bill No. 1254.

Mr. Crane spoke in favor of the motion, and it was carried.

FINAL PASSAGE OF HOUSE BILL
AS AMENDED BY FREE CONFERENCE COMMITTEE

The Speaker (Mr. O'Brien presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1254 as amended by Free Conference Committee.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1254 as amended by Free Conference Committee, and the bill passed the House by the following vote: Yeas, 97; excused, 1.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Baugher, Beck, Belcher, Betrozoff, Bowman, Braddock, Brekke, Bristow, Brooks, Brough, Brumsickle, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Fraser, Fuhrman, Grant, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Insole, Jacobsen, Jesernig, Jones, King P, King R, Kremen, Leonard, Locke, May, McLean, Meyers R, Miller, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Padden, Patrick, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith, Sommers D, Sommers H, Spanel, Sprenkle, Tate, Todd, Valle, Van Luven, Vekich, Walk, Walker, Wang, Wilson K, Wilson S, Wineberry, Winsley, Wolfe, Wood, Youngsman, Zellinsky, and Mr. Speaker - 97.

Excused: Representative Gallagher - 1.

Substitute House Bill No. 1254 as amended by Free Conference Committee, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

There being no objection, the House reverted to the sixth order of business.

SECOND READING

MOTION

Mr. Heavey moved that the House immediately consider Engrossed Senate Concurrent Resolution No. 8403 on the second reading calendar. The motion was carried.

ENGROSSED SENATE CONCURRENT RESOLUTION NO. 8403, by Senators West, Smitherman, Lee, Warnke, McMullen and Fleming

Providing for a joint select committee on employer-employee relations.

The resolution was read the second time.

Mr. Vekich moved adoption of the following amendments:

On page 1, beginning on line 18, after "That a" strike "joint select committee" and insert "legislative task force"

On page 1, line 21, after "sector. The" strike "committee" and insert "task force"

On page 1, line 27, after "That the" strike "committee" and insert "task force"

On page 2, line 8, after "with the" strike "committee" and insert "task force"

On page 2, line 10, after "That the" strike "committee" and insert "task force"

Representatives Vekich and Patrick spoke in favor of adoption of the amendments, and they were adopted.

With consent of the House, the rules were suspended, the second reading considered the third, and the resolution was placed on final passage.

Engrossed Senate Concurrent Resolution No. 8403 as amended by the House was adopted.

REPORT OF CONFERENCE COMMITTEE

April 22, 1989

Mr. Speaker:

We of your Conference Committee to whom was referred SENATE BILL NO. 5926, requiring development of contingency plans relating to the Hanford facility's low-level radioactive waste, have had the same under consideration and we report that we are unable to agree, and we respectfully request the powers of Free Conference to amend the bill as follows:

Adopt the House striking amendment (For amendments, see Journal, 82nd Day, March 31, 1989.) with the following changes:

On page 1, at the beginning of line 16, strike "become dependent upon the" and insert "received"

On page 4, line 16, after "account" insert "Moneys which on the effective date of this act are in the perpetual maintenance account shall be transferred to the perpetual surveillance and maintenance account."

On page 6, after line 32, insert "NEW SECTION. Sec. 3. A new section is added to chapter 43.145 RCW to read as follows:

No costs shall be paid for or reimbursed by the state of Washington for the participation of other member states in the Northwest low-level waste compact for meetings of the compact held outside the state of Washington."

On page 7, line 7, after "43.200.080;" insert "adding a new section to chapter 43.145 RCW;"

Signed by Senators Benitz, Williams, Bluechel; Representatives Nelson, Jesernig, Hankins.

MOTION

On motion of Mr. Jesernig, the Report of the Conference Committee on Senate Bill No. 5926 was adopted and the committee was granted the powers of Free Conference.

There being no objection, the House advanced to the eighth order of business.

RESOLUTION

HOUSE FLOOR RESOLUTION NO. 89-4692, by Representatives Todd, Crane, Baugher, Rayburn, Rasmussen and Dorn

WHEREAS, There are more than one hundred fifty-six thousand horses, donkeys and mules in the State of Washington and Washington ranks ninth in the nation in the number of horses; and

WHEREAS, Horse-related businesses are a source of full-time and part-time employment for many Washington residents; and

WHEREAS, Horses are part of a large, highly diverse and vital industry that contributes more than four hundred forty-one million dollars annually to the state's economy; and

WHEREAS, Horse racing is the number two spectator sport in the United States, second only to baseball, and more than one million five hundred thousand spectators attend horse races in Washington each year; and

WHEREAS, Wagers placed on horse races in Washington total more than two hundred four million dollars each year and contribute millions in tax revenues to the state; and

WHEREAS, Almost twelve thousand people are licensed by the Washington Horse Racing Commission to work in the horse racing industry; and

WHEREAS, More than seven thousand youths are enrolled in 4-H horse projects throughout Washington and Washington ranks third in the United States in the number of 4-H members participating in horse activities; and

WHEREAS, Equine sporting events in Washington include racing, polo, horse shows, draft horse pulls, mule and donkey events, dressage, jumping, gymkhana, trail riding and rodeos, among others; and

WHEREAS, The overall economic outlook of the Washington horse industry is good, but horse owners face challenges in the years ahead from restrictive zoning, development pressures and potential losses of trails and recreational lands; and

WHEREAS, Horses contribute to the quality of life in our communities, help the state retain its rural agricultural character and scenic beauty and attract visitors; and

WHEREAS, Horses are a source of recreation, relaxation and entertainment for owners and spectators of all ages; and

WHEREAS, Eighty percent of the state's horses are found in Western Washington; and

WHEREAS, The Enumclaw Plateau has been a center of equestrian activity and has recently experienced significant growth in the horse industry; and

WHEREAS, The horses in the Enumclaw Plateau are owned for personal, recreational use, commercial riding, professional sports competition, breeding, racing and work;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State House of Representatives recognize the contribution that Enumclaw Plateau equestrians make to the economy of the State of Washington and to the enjoyment of its citizens; and

BE IT FURTHER RESOLVED, That the House of Representatives designate the Enumclaw Plateau the 1989 Horse Capital of Washington; and

BE IT FURTHER RESOLVED, That copies of this Resolution be transmitted by the Chief Clerk of the House of Representatives to the Mayor of Enumclaw and the Enumclaw City Council.

Mr. Todd moved adoption of the resolution. Representatives Todd, Crane, Schoon and Sayan spoke in favor of the resolution.

House Floor Resolution No. 89-4692 was adopted.

REPORT OF CONFERENCE COMMITTEE

April 22, 1989

Mr. Speaker:

We of your Conference Committee to whom was referred ENGROSSED SUBSTITUTE SENATE BILL NO. 5911, providing for the sale of state timber, have had the same under consideration and we report that we are unable to agree, and we respectfully request the powers of Free Conference to amend the bill as follows:

Reject all previous amendments; and

Adopt the following amendments:

Strike everything after the enacting clause and insert the following:

***NEW SECTION.** Sec. 1. The forest resources of Washington are among the most valuable of the state's resources. They provide significant opportunities for employment, education, and enjoyment, and they support a variety of uses. These forest resources are increasingly affected by pressure from a variety of sources, which will result in changes in current management practices for the resources and in changes in the economies that are dependent on these resources.

The legislature desires to develop forest management policies that anticipate emerging issues and assure a response which will protect and enhance those economic and ecological systems that are dependent on the resources. The legislature also desires to obtain information which enables better decision-making and to identify courses of action which will assist counties in receiving a reliable flow of income from county forest lands. The legislature finds that it is in the best interests of the state and the counties to establish a process which encourages the counties, through their boards of county commissioners or county councils, to share in the decision-making relating to the sale of timber from forest board lands as they seek to assure the economic stability of their communities.

Further, the legislature finds that recent management decisions concerning federally-owned forested lands have significantly reduced the amount of timber available to small businesses with facilities in Washington. This reduction has caused and will increasingly cause economic hardship in counties where a significant portion of the population is employed in the timber industry. In these counties, the rate of unemployment among residents previously employed in the timber industry has risen drastically and will continue to rise. This will put an increasing burden on the counties to provide necessary financial and social support to these residents.

This section shall expire June 30, 1994.

NEW SECTION. Sec. 2. A new section is added to chapter 76.12 RCW to read as follows:

(1) Whenever the board of county commissioners or the county council of any county determines that it is in the best interests of the county as a trust beneficiary and that it would help to ensure the economic viability of that county, the county may petition the board of natural resources to reserve, for the purposes described in this section, a portion of the timber to be sold in any given year from forest lands which have been acquired from that county by the state under to RCW 76.12.030. The county shall specify what portion of such timber is to be reserved, and the portion reserved may be up to one hundred percent of such timber.

(2) (a) Timber reserved under this section shall be made available for sale to enterprises which meet all of the following criteria: (i) At least fifty percent by volume of the timber purchased by the enterprise in the previous three years was state-owned or federally-owned; (ii) at least eighty-five percent by volume of the timber purchased by the enterprise in the previous year was processed in Washington state; and (iii) the enterprise operates facilities in Washington which manufacture lumber, plywood, veneer, posts, poles, pilings, shakes, or shingles. For purposes of these criteria, 'processed' means manufactured into lumber, plywood, veneer, posts, poles, pilings, shakes, or shingles.

(b) Once the board of natural resources has accepted the petition of a county to reserve a portion of timber pursuant to this section, the department shall compile a list of enterprises which meet the criteria listed in (a) of this subsection. An enterprise must petition the department for inclusion in the list of eligible enterprises, and must include with the petition certified records sufficient to establish that the enterprise meets the criteria listed in (a) of this subsection. If an enterprise purchases a processing facility, the enterprise may incorporate the records of that facility in its petition for inclusion in the list of eligible enterprises. The department shall establish by rule what types of records are acceptable for purposes of establishing eligibility. Timber reserved under this section shall be sold only to enterprises contained in the list of eligible firms prepared by the department.

(c) For each sale of timber under this section, the department shall require the purchaser to: (i) Submit annually, until all unprocessed timber is accounted for, a certified report on the disposition of any unprocessed timber harvested from the sale, including a description of unprocessed timber which is sold, exchanged, or otherwise disposed of to another enterprise and a description of the relationship with the other enterprise; (ii) submit annually, until all unprocessed timber from the sale is accounted for, a certified report on the sale of any unprocessed timber from private lands which is exported or sold for export; and (iii) maintain records of all such transactions involving unprocessed timber, and to make such records available for inspection and verification by the department for up to three years after the sale is terminated.

(d) For purposes of this section, 'enterprise' means any business concern and its affiliates, as that term is defined in 13 C.F.R. 121.3, in effect as of January 1, 1988.

(3) If a county petitions the board of natural resources to reserve timber as provided in this section, the use of the forest board land trust assets for the purposes of this act shall be deemed

to be consistent with the trust mandate imposed on the management of lands acquired pursuant to RCW 76.12.030.

(4) A petition to reserve a portion of timber may be revoked by the board of county commissioners or county council. Notice of such revocation shall be delivered to the board of natural resources. The board of natural resources shall not unreasonably deny such a request. Such revocation shall not impair any sale of timber which is approved by the board of natural resources before the board receives the notice.

(5) This section shall expire June 30, 1994.

NEW SECTION. Sec. 3. By December 1, 1990, and annually thereafter until December 1, 1994, the board of natural resources shall report to the appropriate legislative committees on the amount of reserved timber sold pursuant to section 2 of this act. The report shall identify the quantity of the reserved timber which was not exported out-of-state in the form of raw logs, and shall identify the quantity which was processed into final products within the state. The report shall also identify which counties have elected to reserve timber pursuant to this section, and shall identify any rules which have been adopted in the last year for the implementation of this section.

NEW SECTION. Sec. 4. (1) The Olympic institute for old growth forest and ocean research and education is hereby created. The institute shall be located in the western portion of the Olympic Peninsula. Its purpose shall be to demonstrate innovative management methods which successfully integrate environmental and economic interests into pragmatic management of forest and ocean resources. The institute shall combine research and educational opportunities with experimental forestry, oceans management, and traditional management knowledge into an overall program which demonstrates that management based on sound economic principles is made superior when combined with new methods of management based on ecological principles. The institute shall be jointly supported by the college of forest resources and the college of ocean and fishery science.

(2) There is hereby appropriated from the general fund to the University of Washington the sum of one hundred fifty thousand dollars, or as much thereof as may be necessary, for the biennium ending June 30, 1991, for the purpose of preparing a development plan for the institute. The development plan shall involve policy makers from state, federal, tribal, business, and environmental interests in the preparation of management plans and as it develops programs and shall be guided by the recommendation of the old growth commission appointed by the commissioner of public lands.

NEW SECTION. Sec. 5. The department of natural resources shall conduct a study of state-owned hardwood forests. The study shall include, but is not limited to: A comprehensive inventory of state-owned hardwood forests and a qualitative assessment of those stands, research into reforestation of hardwoods on state lands, and an analysis of management policies for increasing the supply of commercially harvestable hardwoods on state lands.

NEW SECTION. Sec. 6. (1) The department of trade and economic development shall contract with the northwest policy center at the University of Washington to study the economy of areas of the state impacted by substantial reductions in timber harvested from federal lands. The study shall:

- (a) Include an analysis of the present economy of the areas;
- (b) Identify the social, economic, and employment effects associated with withdrawals of land from commercial timber production;
- (c) Contain an assessment of possible changes to local economies and the state economy if forest lands continue to produce resources under existing management methods without additional land withdrawals from timber production by legislative decisions;
- (d) Contain an assessment of the impact of anticipated technological changes in the forest products industry, possible structural changes in the forest products industry, possible investments in new or existing industries, and known impacts from previous withdrawals of land from timber production; and
- (e) Evaluate potential methods for increasing the economic development of the areas, including the creation or enhancement of high value-added production.

The study shall give emphasis to recommendations for future economic development. The department of trade and economic development and the northwest policy center shall report findings to the governor and to the appropriate legislative committees on December 1, 1990.

(2) The sum of two hundred thousand dollars, or as much thereof as may be necessary, is appropriated from the general fund to the department of trade and economic development for the biennium ending June 30, 1991, for the purposes of subsection (1) of this section.

NEW SECTION. Sec. 7. (1) The department of community development shall provide technical and financial assistance to communities adversely impacted by reductions in timber harvested from federal lands. This assistance shall include the formation and implementation of community economic development plans. The department of community development shall utilize existing state technical and financial assistance programs, and shall aid communities in seeking private and federal financial assistance for the purposes of this section. The department may contract for services provided for under this section.

(2) The sum of four hundred fifty thousand dollars, or as much thereof as may be necessary, is appropriated from the general fund to the department of community development for the biennium ending June 30, 1991, for the purposes of subsection (1) of this section.

NEW SECTION. Sec. 8. If by October 1, 1989, the United States congress makes an appropriation to the United States forest service for a Washington state forest inventory and timber supply study, the department of natural resources shall conduct an inventory and prepare a report on the timber supply in Washington state. The report shall identify the quantity of timber present now and the quantity of timber that may be available from forest lands in the future using various assumptions of landowner management, including changes in the forest land base, amount of capital invested in timber management, and expected harvest age. This report shall categorize the results according to region of the state, land ownership, land productivity, and according to major timber species.

The report shall contain an estimate of the acreage and volume of old growth and other timber on lands restricted from commercial timber harvesting due to state or federal decisions, such as national parks, wilderness areas, national recreation areas, scenic river designations, natural areas, geologic areas, or other land allocations which restrict or limit timber harvesting activities. The department shall determine the definition of old growth for the purposes of this section.

State appropriations for these purposes in the 1989-91 budget may be expended if needed for project planning and design. The report shall be submitted to the appropriate committees of the senate and the house of representatives by June 1, 1991.

NEW SECTION. Sec. 9. The board of natural resources shall offer for sale the sustainable harvest as identified in the 1984-1993 forest land management program, or as subsequently revised. In the event that decisions made by entities other than the department cause a decrease in the sustainable harvest the department shall offer additional timber sales from state-managed lands.

NEW SECTION. Sec. 10. By September 1, 1989, and quarterly thereafter, the office of the governor and the commissioner of public lands shall jointly report to the appropriate committees of the senate and the house of representatives on the response of the state to any decisions by the federal government, the court system, or other developments affecting the availability of timber for harvest or processing in Washington state.

NEW SECTION. Sec. 11. By August 1, 1989, the governor and the commissioner of public lands shall jointly develop an official state response on United States forest service management plans for the national forests within the state, as required by the national environmental policy act. Such response shall be submitted to the United States forest service immediately and would supersede any previously submitted agency positions. The responses shall also be submitted to the appropriate standing committees of the senate and the house of representatives.

NEW SECTION. Sec. 12. (1) A joint select committee on domestic timber processing is established consisting of six members appointed in the following manner:

(a) Three members shall be from the senate, two from the majority caucus and one from the minority caucus, appointed by the president of the senate; and

(b) Three members shall be from the house of representatives, two from the majority caucus and one from the minority caucus, appointed by the speaker of the house of representatives. The chair shall be selected by the committee from among its members.

Committee members shall receive no compensation, but shall, to the extent funds are available, be reimbursed for their expenses while attending any meetings in the same manner as legislators engaged in interim committee business as specified in RCW 44.04.120. The committee shall be staffed by senate committee services and the office of program research.

(2) The joint select committee on domestic timber processing shall:

(a) Review other state's legislative actions on domestic processing and log exports;
(b) Develop recommendations on possible state responses to possible federal legislation on log exports;

(c) Review mill closures or reduction in production due to lack of timber supply;

(d) Work in concert with the Washington state congressional delegation in developing domestic processing laws and programs;

(e) Review the positive and negative aspects of state and private log export policy on the state's economy and on the state's citizens;

(f) Review present federal policy of permitting substitution of state logs for private logs;

(g) Analyze the impact of log exports on timber supply as well as on all aspects of finished timber products and the supply of wood chips;

(h) Request the department of natural resources to provide upon request, all available information relating to state timber harvest, timber bidding procedures, export sales, and market analyses;

(i) Study all aspects of domestic timber processing;

(j) Analyze the effect of domestic timber processing on timber supply;

(k) Analyze the effect of domestic timber processing on the state's economy;

(l) Recommend methods to encourage greater domestic timber processing; and

(m) Prepare legislation for introduction to the legislature for the 1990 legislative session.

The committee shall report its findings and any recommendations for legislation to the appropriate legislative committees of the senate and house of representatives by January 1, 1990.

(3) This section shall expire June 30, 1991.

NEW SECTION. Sec. 13. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect July 1, 1989."

On page 1, line 1 of the title, after "lands;" strike the remainder of the title and insert "adding a new section to chapter 76.12 RCW; creating new sections; making appropriations; providing an effective date; and declaring an emergency."

Signed by Senators Amondson, McMullen; Representatives Belcher, Raiter, Fuhrman.

MOTION

On motion of Mr. Jesernig, the Report of the Conference Committee on Engrossed Substitute Senate Bill No. 5911 was adopted and the committee was granted the powers of Free Conference.

RESOLUTION

HOUSE FLOOR RESOLUTION NO. 89-4693, by Representatives Anderson, Sryan, Jones, Heavey, Braddock and Fuhrman

WHEREAS, The House of Representatives and the Senate are concerned with the health and well-being of veterans in Washington State; and

WHEREAS, Millions of gallons of herbicides/pesticides, such as Agent Orange, were sprayed over Vietnamese land and American soldiers during an eight-year period beginning in 1962; and

WHEREAS, Vietnam veterans have been determined to have been exposed to a variety of toxic chemicals during their tour of duty including Agent Orange, Arsenic and DDT; and

WHEREAS, Current studies have not determined the role of Agent Orange and other pesticides in the postwar ailments of veterans and the birth defects in their children and grandchildren; and

WHEREAS, The Veterans Administration has released a report stating that Vietnam veterans exposed to Agent Orange have a fifty-eight percent higher death rate from lung cancer and a one hundred-ten percent higher death rate from non-Hodgkin's lymphomas; and

WHEREAS, The Independent Agent Orange Network, "BRAVO," the Brotherhood Rally of All Veterans Organizations, and the United Veterans of America are working toward treatment and compensation for veterans and their families with chemically related diseases;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State House of Representatives express its sympathy to those Vietnam veterans who were exposed to toxic chemicals, such as Agent Orange, and express its concern for the danger of possible birth defects to their children and grandchildren; and

BE IT FURTHER RESOLVED, That the House of Representatives encourage all efforts, including those of the veterans community, to promulgate further studies on the long-term effects of this serious health hazard.

Mr. Anderson moved adoption of the resolution. Representatives Anderson, Fuhrman and Heavey spoke in favor of the resolution.

House Floor Resolution No. 89-4693 was adopted.

MESSAGE FROM THE SENATE

April 22, 1989

Mr. Speaker:

The Senate has adopted the report of the Conference Committee on SUBSTITUTE SENATE BILL NO. 5289, and has granted said committee powers of Free Conference Committee.

W. D. Naismith, Assistant Secretary.

REPORT OF FREE CONFERENCE COMMITTEE

April 21, 1989

Mr. Speaker:

We of your Free Conference Committee to whom was referred SUBSTITUTE SENATE BILL NO. 5289, authorizing the formation of regional fisheries enhancement groups, have had the same under consideration and we recommend that the bill be amended as proposed in the request for Free Conference and that the bill do pass as amended by the Free Conference Committee.

(See Report of Conference Committee on Substitute Senate Bill No. 5289, 103rd Day, April 21, 1989, Afternoon Session.)

Signed by Senators Metcalf, Owen, Anderson; Representatives R. King, Basich, S. Wilson.

MOTION

Mr. R. King moved that the House adopt the Report of the Free Conference Committee on Substitute Senate Bill No. 5289.

POINT OF ORDER

Ms. Spanel: Mr. Speaker, I would like a ruling on the scope and object of this bill as amended by Free Conference Committee.

ANNOUNCEMENT BY THE SPEAKER

The Speaker (Mr. O'Brien presiding) deferred further consideration of Substitute Senate Bill No. 5289.

The Speaker (Mr. O'Brien presiding) declared the House to be at ease.
The Speaker called the House to order.

SIGNED BY THE SPEAKER

The Speaker announced he was signing:

SUBSTITUTE SENATE BILL NO. 5018,
SUBSTITUTE SENATE BILL NO. 5035,
SUBSTITUTE SENATE BILL NO. 5048,
SUBSTITUTE SENATE BILL NO. 5071,
SUBSTITUTE SENATE BILL NO. 5085,
SUBSTITUTE SENATE BILL NO. 5108,
SENATE BILL NO. 5121,
SUBSTITUTE SENATE BILL NO. 5144,
SENATE BILL NO. 5172,
SUBSTITUTE SENATE BILL NO. 5173,
SUBSTITUTE SENATE BILL NO. 5184,
SUBSTITUTE SENATE BILL NO. 5191,
SUBSTITUTE SENATE BILL NO. 5196,
SENATE BILL NO. 5233,
SUBSTITUTE SENATE BILL NO. 5265,
SUBSTITUTE SENATE BILL NO. 5305,
SUBSTITUTE SENATE BILL NO. 5315,
SUBSTITUTE SENATE BILL NO. 5357,
SUBSTITUTE SENATE BILL NO. 5369,
SUBSTITUTE SENATE BILL NO. 5443,
SENATE BILL NO. 5466,
SUBSTITUTE SENATE BILL NO. 5474,
SENATE BILL NO. 5492,
SUBSTITUTE SENATE BILL NO. 5499,
SENATE BILL NO. 5536,
SUBSTITUTE SENATE BILL NO. 5543,
SUBSTITUTE SENATE BILL NO. 5560,
SUBSTITUTE SENATE BILL NO. 5561,
SUBSTITUTE SENATE BILL NO. 5566,
SUBSTITUTE SENATE BILL NO. 5591,
SUBSTITUTE SENATE BILL NO. 5663,
SUBSTITUTE SENATE BILL NO. 5713.

SENATE BILL NO. 5736,
 SUBSTITUTE SENATE BILL NO. 5776,
 SUBSTITUTE SENATE BILL NO. 5810,
 SUBSTITUTE SENATE BILL NO. 5819,
 SUBSTITUTE SENATE BILL NO. 5850,
 SUBSTITUTE SENATE BILL NO. 5859,
 SUBSTITUTE SENATE BILL NO. 5866,
 SUBSTITUTE SENATE BILL NO. 5889,
 SENATE BILL NO. 5950,
 SUBSTITUTE SENATE BILL NO. 5984,
 SENATE BILL NO. 5991,
 SENATE BILL NO. 6005,
 SUBSTITUTE SENATE BILL NO. 6009,
 SUBSTITUTE SENATE BILL NO. 6033,
 SENATE BILL NO. 6076,
 SUBSTITUTE SENATE JOINT RESOLUTION NO. 8202,
 SENATE CONCURRENT RESOLUTION NO. 8412,
 SENATE CONCURRENT RESOLUTION NO. 8415.

MESSAGE FROM THE SENATE

April 22, 1989

Mr. Speaker:

The Senate has adopted the report of the Second Conference Committee on ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1793, and has granted said committee the powers of Free Conference. The Report of the Second Conference Committee is herewith transmitted.

W. D. Naismith, Assistant Secretary.

REPORT OF SECOND CONFERENCE COMMITTEE

April 22, 1989

Mr. Speaker:

We of your Second Conference Committee to whom was referred ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1793, creating the Omnibus Alcohol and Controlled Substance Act of 1989, have had the same under consideration and we report that we are unable to agree, and we respectfully request the powers of Free Conference to amend the bill as follows:

Reject the Senate Committee on Ways & Means amendments as amended (For committee amendments, see Journal, 94th Day, April 12, 1989.) adopted on March 29, 1989, and

Adopt the following amendments:

Strike everything after the enacting clause and insert the following:

*INDEX

Part I. Criminal Penalties

- A. Crimes and Penalties
- B. Juvenile Offenders Structured Residential Program
- C. Juvenile Driver's License Revocation

Part II. Prevention, Investigation, and Procedure

- A. One-Party Consent
- B. Monitoring of Inmate Telephone Calls
- C. Property Forfeiture
- D. Off-Limits Orders
- E. Drug Site Cleanup
- F. Keg Registration
- G. Special Narcotics Enforcement Unit
- H. State-wide Drug Prosecution Assistance Program
- I. Neighborhood Blight
- J. School Official Searches of Student Lockers

Part III. Social Programs and Education

- A. Involuntary Treatment
- B. Drug and Alcohol Abuse Prevention and Early Intervention in Schools
- C. Community Mobilization

Part IV. Appropriations

Part V. Revenue Provisions

Part VI. Miscellaneous

PART I
CRIMINAL PENALTIES
SUBPART A
CRIMES AND PENALTIES

Sec. 101. Section 2, chapter 115, Laws of 1983 as last amended by section 1, chapter 218, Laws of 1988 and RCW 9.94A.310 are each amended to read as follows:

(1) TABLE 1
Sentencing Grid

SERIOUSNESS SCORE	OFFENDER SCORE									
	0	1	2	3	4	5	6	7	8	9 or more
XIV	Life Sentence without Parole/Death Penalty									
XIII	23y4m 240- 320	24y4m 250- 333	25y4m 261- 347	26y4m 271- 361	27y4m 281- 374	28y4m 291- 388	30y4m 312- 416	32y10m 338- 450	36y 370- 493	40y 411- 548
XII	12y 123- 164	13y 134- 178	14y 144- 192	15y 154- 205	16y 165- 219	17y 175- 233	19y 195- 260	21y 216- 288	25y 257- 342	29y 298- 397
XI	6y 62- 82	6y9m 69- 92	7y6m 77- 102	8y3m 85- 113	9y 93- 123	9y9m 100- 133	12y6m 129- 171	13y6m 139- 185	15y6m 159- 212	17y6m 177- 240
X	5y 51- 68	5y6m 57- 75	6y 62- 82	6y6m 67- 89	7y 72- 96	7y6m 77- 102	9y6m 98- 130	10y6m 108- 144	12y6m 129- 171	14y6m 149- 198
IX	3y 31- 41	3y6m 36- 48	4y 41- 54	4y6m 46- 61	5y 51- 68	5y6m 57- 75	7y6m 77- 102	8y6m 87- 116	10y6m 108- 144	12y6m 129- 171
VIII	2y 21- 27	2y6m 26- 34	3y 31- 41	3y6m 36- 48	4y 41- 54	4y6m 46- 61	6y6m 67- 89	7y6m 77- 102	8y6m 87- 116	10y6m 108- 144
VII	18m 15- 20	2y 21- 27	2y6m 26- 34	3y 31- 41	3y6m 36- 48	4y 41- 54	5y6m 57- 75	6y6m 67- 89	7y6m 77- 102	8y6m 87- 116
VI	13m 12+- 14	18m 15- 20	2y 21- 27	2y6m 26- 34	3y 31- 41	3y6m 36- 48	4y6m 46- 61	5y6m 57- 75	6y6m 67- 89	7y6m 77- 102
V	9m 6- 12	13m 12+- 14	15m 13- 17	18m 15- 20	2y2m 22- 29	3y2m 33- 43	4y 41- 54	5y 51- 68	6y 62- 82	7y 72- 96
IV	6m 3- 9	9m 6- 12	13m 12+- 14	15m 13- 17	18m 15- 20	2y2m 22- 29	3y2m 33- 43	4y2m 43- 57	5y2m 53- 70	6y2m 63- 84
III	2m 1- 3	5m 3- 8	8m 4- 12	11m 9- 12	14m 12+- 16	20m 17- 22	2y2m 22- 29	3y2m 33- 43	4y2m 43- 57	5y 51- 68
II	0-90 Days	4m 2- 6	6m 3- 9	8m 4- 12	13m 12+- 14	16m 14- 18	20m 17- 22	2y2m 22- 29	3y2m 33- 43	4y2m 43- 57
I	0-60	0-90	3m 2-	4m 2-	5m 3-	8m 4-	13m 12+-	16m 14-	20m 17-	2y2m 22-

SERIOUSNESS
SCORE

OFFENDER SCORE

0	1	2	3	4	5	6	7	8	9 or more
Days	Days	5	6	8	12.	14	18	22	29

NOTE: Numbers in the first horizontal row of each seriousness category represent sentencing midpoints in years(y) and months(m). Numbers in the second and third rows represent presumptive sentencing ranges in months, or in days if so designated. 12+ equals one year and one day.

(2) For persons convicted of the anticipatory offenses of criminal attempt, solicitation, or conspiracy under chapter 9A.28 RCW, the presumptive sentence is determined by locating the sentencing grid sentence range defined by the appropriate offender score and the seriousness level of the completed crime, and multiplying the range by 75 percent.

(3) The following additional times shall be added to the presumptive sentence if the offender or an accomplice was armed with a deadly weapon as defined in this chapter and the offender is being sentenced for one of the crimes listed in this subsection. If the offender or an accomplice was armed with a deadly weapon and the offender is being sentenced for an anticipatory offense under chapter 9A.28 RCW to commit one of the crimes listed in this subsection, the following times shall be added to the presumptive range determined under section (2) of this section:

(a) 24 months for Rape 1 (RCW 9A.44.040), Robbery 1 (RCW 9A.56.200), or Kidnapping 1 (RCW 9A.40.020)

(b) 18 months for Burglary 1 (RCW 9A.52.020)

(c) 12 months for Assault 2 (RCW 9A.36.020 or 9A.36.021), Escape 1 (RCW 9A.76.110), Kidnapping 2 (RCW 9A.40.030), Burglary 2 of a building other than a dwelling (RCW 9A.52.030), Theft of Livestock 1 or 2 (RCW 9A.56.080), or any drug offense.

(4) An additional twenty-four months shall be added to the presumptive sentence for any ranked offense involving a violation of chapter 69.50 RCW if the offense was also a violation of section 112 of this 1989 act.

Sec. 102, Section 2, chapter 62, Laws of 1988, section 12, chapter 145, Laws of 1988, section 2, chapter 218, Laws of 1988 and RCW 9.94A.320 are each reenacted and amended to read as follows:

TABLE 2
CRIMES INCLUDED WITHIN EACH SERIOUSNESS LEVEL

XIV	Aggravated Murder 1 (RCW 10.95.020)
XIII	Murder 1 (RCW 9A.32.030) Homicide by abuse (RCW 9A.32.055)
XII	Murder 2 (RCW 9A.32.050)
XI	Assault 1 (RCW 9A.36.011)
X	Kidnapping 1 (RCW 9A.40.020) Rape 1 (RCW 9A.44.040) Rape of a Child 1 (RCW 9A.44.073) Damaging building, etc., by explosion with threat to human being (RCW 70.74.280(1)) Over 18 and deliver heroin or narcotic from Schedule I or II to someone under 18 ((and 3 years junior)) (RCW 69.50.406)
IX	Leading Organized Crime (RCW 9A.82.060(1)(a)) Robbery 1 (RCW 9A.56.200) Manslaughter 1 (RCW 9A.32.060) Explosive devices prohibited (RCW 70.74.180) Endangering life and property by explosives with threat to human being (RCW 70.74.270) Over 18 and deliver narcotic from Schedule III, IV, or V or a nonnarcotic from Schedule I-V to someone under 18 and 3 years junior (RCW 69.50.406) Sexual Exploitation, Under 16 (RCW 9.68A.040(2)(a)) Inciting Criminal Profiteering (RCW 9A.82.060(1)(b))
VIII	Arson 1 (RCW 9A.48.020) Rape 2 (RCW 9A.44.050) Rape of a Child 2 (RCW 9A.44.076) Child Molestation 1 (RCW 9A.44.083) Promoting Prostitution 1 (RCW 9A.88.070) Selling heroin for profit (RCW 69.50.410) <u>Manufacture, deliver, or possess with intent to deliver heroin or cocaine (RCW 69.50.401(a)(1)(i))</u> <u>Manufacture, deliver, or possess with intent to deliver methamphetamine (RCW 69.50.401(a)(1)(ii))</u>

- VII Burglary 1 (RCW 9A.52.020)
 Vehicular Homicide (RCW 46.61.520)
 Introducing Contraband 1 (RCW 9A.76.140)
 Indecent Liberties (with forcible compulsion) (RCW 9A.44.100(1)(a))
 Sexual Exploitation, Under 18 (RCW 9.68A.040(2)(b))
 Dealing in depictions of minor engaged in sexually explicit conduct (RCW 9.68A.050)
 Sending, bringing into state depictions of minor engaged in sexually explicit conduct (RCW 9.68A.060)
- VI Bribery (RCW 9A.68.010)
 Manslaughter 2 (RCW 9A.32.070)
 Child Molestation 2 (RCW 9A.44.086)
 Intimidating a Juror/Witness (RCW 9A.72.110, 9A.72.130)
 Damaging building, etc., by explosion with no threat to human being (RCW 70.74.280(2))
 Endangering life and property by explosives with no threat to human being (RCW 70.74.270)
 Indecent Liberties (without forcible compulsion) (RCW 9A.44.100(1)(b))
 Incest 1 (RCW 9A.64.020(1))
 Selling for profit (controlled or counterfeit) any controlled substance (except heroin) (RCW 69.50.410)
 Manufacture, deliver, or possess with intent to deliver (~~heroin~~ or) narcotics from Schedule I or II (except heroin or cocaine) (RCW 69.50.401(a)(1)(i))
 Intimidating a Judge (RCW 9A.72.160)
- V Criminal Mistreatment 1 (RCW 9A.42.020)
 Rape 3 (RCW 9A.44.060)
 Kidnapping 2 (RCW 9A.40.030)
 Extortion 1 (RCW 9A.56.120)
 Incest 2 (RCW 9A.64.020(2))
 Perjury 1 (RCW 9A.72.020)
 Extortionate Extension of Credit (RCW 9A.82.020)
 Advancing money or property for extortionate extension of credit (RCW 9A.82.030)
 Extortionate Means to Collect Extensions of Credit (RCW 9A.82.040)
 Rendering Criminal Assistance 1 (RCW 9A.76.070)
- IV Theft of Livestock 1 (RCW 9A.56.080)
 Robbery 2 (RCW 9A.56.210)
 Assault 2 (RCW 9A.36.021)
 Escape 1 (RCW 9A.76.110)
 Arson 2 (RCW 9A.48.030)
 Rape of a Child 3 (RCW 9A.44.079)
 Bribing a Witness/Bribe Received by Witness (RCW 9A.72.090, 9A.72.100)
 Malignant Harassment (RCW 9A.36.080)
 Willful Failure to Return from Furlough (RCW 72.66.060)
 Hit and Run -- Injury Accident (RCW 46.52.020(4))
 Vehicular Assault (RCW 46.61.522)
 Manufacture, deliver, or possess with intent to deliver narcotics from Schedule III, IV, or V or nonnarcotics from Schedule I-V (except marijuana or methamphetamines) (RCW 69.50.401(a)(1)(ii) through (iv))
 Influencing Outcome of Sporting Event (RCW 9A.82.070)
 Use of Proceeds of Criminal Profiteering (RCW 9A.82.080 (1) and (2))
 Knowingly Trafficking in Stolen Property (RCW 9A.82.050(2))
- III Criminal mistreatment 2 (RCW 9A.42.030)
 Sexual Misconduct with a Minor 1 (RCW 9A.44.093)
 Child Molestation 3 (RCW 9A.44.089)
 Extortion 2 (RCW 9A.56.130)
 Unlawful Imprisonment (RCW 9A.40.040)
 Assault 3 (RCW 9A.36.031)
 Unlawful possession of firearm or pistol by felon (RCW 9.41.040)
 Harassment (RCW 9A.46.020)
 Promoting Prostitution 2 (RCW 9A.88.080)
 Willful Failure to Return from Work Release (RCW 72.65.070)
 Introducing Contraband 2 (RCW 9A.76.150)
 Communication with a Minor for Immoral Purposes (RCW 9.68A.090)
 Patronizing a Juvenile Prostitute (RCW 9.68A.100)
 Escape 2 (RCW 9A.76.120)
 Perjury 2 (RCW 9A.72.030)
 Intimidating a Public Servant (RCW 9A.76.180)
 Tampering with a Witness (RCW 9A.72.120)

- Manufacture, deliver, or possess with intent to deliver marijuana (RCW 69.50.401(a)(1)(ii))
- Recklessly Trafficking in Stolen Property (RCW 9A.82.050(1))
- Theft of livestock 1 (RCW 9A.56.080)
- II Malicious Mischief 1 (RCW 9A.48.070)
- Possession of Stolen Property 1 (RCW 9A.56.150)
- Theft 1 (RCW 9A.56.030)
- Burglary 2 (RCW 9A.52.030)
- Possession of controlled substance that is either heroin or narcotics from Schedule I or II (RCW 69.50.401(d))
- Possession of phencyclidine (PCP) (RCW 69.50.401(d))
- Create, deliver, or possess a counterfeit controlled substance (RCW 69.50.401(b))
- Computer Trespass 1 (RCW 9A.52.110)
- Reckless Endangerment 1 (RCW 9A.36.--- (section 109 of this 1989 act))
- I Theft 2 (RCW 9A.56.040)
- Possession of Stolen Property 2 (RCW 9A.56.160)
- Forgery (RCW 9A.60.020)
- Taking Motor Vehicle Without Permission (RCW 9A.56.070)
- Vehicle Prowl 1 (RCW 9A.52.095)
- Attempting to Elude a Pursuing Police Vehicle (RCW 46.61.024)
- Malicious Mischief 2 (RCW 9A.48.080)
- Reckless Burning 1 (RCW 9A.48.040)
- Unlawful Issuance of Checks or Drafts (RCW 9A.56.060)
- Unlawful Use of Food Stamps (RCW 9.91.140 (2) and (3))
- False Verification for Welfare (RCW 74.08.055)
- Forged Prescription (RCW 69.41.020)
- Forged Prescription for a Controlled Substance (RCW 69.50.403)
- Possess Controlled Substance that is a Narcotic from Schedule III, IV, or V or Non-narcotic from Schedule I-V (except phencyclidine) (RCW 69.50.401(d))

Sec. 103. Section 7, chapter 115, Laws of 1983 as last amended by section 12, chapter 153, Laws of 1988 and by section 3, chapter 157, Laws of 1988 and RCW 9.94A.360 are each reenacted and amended to read as follows:

The offender score is measured on the horizontal axis of the sentencing grid. The offender score rules are as follows:

The offender score is the sum of points accrued under this section rounded down to the nearest whole number.

(1) A prior conviction is a conviction which exists before the date of sentencing for the offense for which the offender score is being computed. Convictions entered or sentenced on the same date as the conviction for which the offender score is being computed shall be deemed 'other current offenses' within the meaning of RCW 9.94A.400.

(2) Except as provided in subsection (4) of this section, class A prior felony convictions shall always be included in the offender score. Class B prior felony convictions shall not be included in the offender score, if since the last date of release from confinement (including full-time residential treatment) pursuant to a felony conviction, if any, or entry of judgment and sentence, the offender had spent ten consecutive years in the community without being convicted of any felonies. Class C prior felony convictions shall not be included in the offender score if, since the last date of release from confinement (including full-time residential treatment) pursuant to a felony conviction, if any, or entry of judgment and sentence, the offender had spent five consecutive years in the community without being convicted of any felonies. Serious traffic convictions shall not be included in the offender score if, since the last date of release from confinement (including full-time residential treatment) pursuant to a felony conviction, if any, or entry of judgment and sentence, the offender spent five years in the community without being convicted of any serious traffic or felony traffic offenses. This subsection applies to both adult and juvenile prior convictions.

(3) Out-of-state convictions for offenses shall be classified according to the comparable offense definitions and sentences provided by Washington law.

(4) Include class A juvenile felonies only if the offender was 15 or older at the time the juvenile offense was committed. Include class B and C juvenile felony convictions only if the offender was 15 or older at the time the juvenile offense was committed and the offender was less than 23 at the time the offense for which he or she is being sentenced was committed.

(5) Score prior convictions for felony anticipatory offenses (attempts, criminal solicitations, and criminal conspiracies) the same as if they were convictions for completed offenses.

(6) In the case of multiple prior convictions, for the purpose of computing the offender score, count all convictions separately, except:

(a) Prior adult offenses which were found, under RCW 9.94A.400(1)(a), to encompass the same criminal conduct, shall be counted as one offense, the offense that yields the highest offender score. The current sentencing court shall determine with respect to other prior adult offenses for which sentences were served concurrently whether those offenses shall be counted

as one offense or as separate offenses, and if the court finds that they shall be counted as one offense, then the offense that yields the highest offender score shall be used;

(b) Juvenile prior convictions entered or sentenced on the same date shall count as one offense, the offense that yields the highest offender score; and

(c) In the case of multiple prior convictions for offenses committed before July 1, 1986, for the purpose of computing the offender score, count all adult convictions served concurrently as one offense, and count all juvenile convictions entered on the same date as one offense. Use the conviction for the offense that yields the highest offender score.

(7) If the present conviction is one of the anticipatory offenses of criminal attempt, solicitation, or conspiracy, count each prior conviction as if the present conviction were for a completed offense.

(8) If the present conviction is for a nonviolent offense and not covered by subsection (12) or (13) of this section, count one point for each adult prior felony conviction and one point for each juvenile prior violent felony conviction and 1/2 point for each juvenile prior nonviolent felony conviction.

(9) If the present conviction is for a violent offense and not covered in subsection (10), (11), (12), or (13) of this section, count two points for each prior adult and juvenile violent felony conviction, one point for each prior adult nonviolent felony conviction, and 1/2 point for each prior juvenile nonviolent felony conviction.

(10) If the present conviction is for Murder 1 or 2, Assault 1, Kidnaping 1, Homicide by Abuse, or Rape 1, count three points for prior adult and juvenile convictions for crimes in these categories, two points for each prior adult and juvenile violent conviction (not already counted), one point for each prior adult nonviolent felony conviction, and 1/2 point for each prior juvenile nonviolent felony conviction.

(11) If the present conviction is for Burglary 1, count prior convictions as in subsection (9) of this section; however count two points for each prior adult Burglary 2 conviction, and one point for each prior juvenile Burglary 2 conviction.

(12) If the present conviction is for a felony traffic offense count two points for each adult or juvenile prior conviction for Vehicular Homicide or Vehicular Assault; for each felony offense or serious traffic offense, count one point for each adult and 1/2 point for each juvenile prior conviction.

(13) If the present conviction is for a drug offense count ~~((two))~~ three points for each adult prior felony drug offense conviction and ~~((one))~~ two points for each juvenile drug offense. All other adult and juvenile felonies are scored as in subsection (9) of this section if the current drug offense is violent, or as in subsection (8) of this section if the current drug offense is nonviolent.

(14) If the present conviction is for Willful Failure to Return from Furlough, RCW 72.66.060, or Willful Failure to Return from Work Release, RCW 72.65.070, count only prior escape convictions in the offender score. Count adult prior escape convictions as one point and juvenile prior escape convictions as 1/2 point.

(15) If the present conviction is for Escape 1, RCW 9A.76.110, or Escape 2, RCW 9A.76.120, count adult prior convictions as one point and juvenile prior convictions as 1/2 point.

(16) If the present conviction is for Burglary 2, count priors as in subsection (8) of this section; however, count two points for each adult and juvenile prior Burglary 1 conviction, two points for each adult prior Burglary 2 conviction, and one point for each juvenile prior Burglary 2 conviction.

(17) If the present conviction is for an offense committed while the offender was under community placement, add one point.

Sec. 104. Section 69.50.401, chapter 308, Laws of 1971 ex. sess. as last amended by section 4, chapter 458, Laws of 1987 and RCW 69.50.401 are each amended to read as follows:

(a) Except as authorized by this chapter, it is unlawful for any person to manufacture, deliver, or possess with intent to manufacture or deliver, a controlled substance.

(1) Any person who violates this subsection with respect to:

(i) a controlled substance classified in Schedule I or II which is a narcotic drug, is guilty of a crime and upon conviction may be imprisoned for not more than ten years, or (A) fined not more than twenty-five thousand dollars if the crime involved less than two kilograms of the drug, or both such imprisonment and fine; or (B) if the crime involved two or more kilograms of the drug, then fined not more than one hundred thousand dollars for the first two kilograms and not more than fifty dollars for each gram in excess of two kilograms, or both such imprisonment and fine;

(ii) any other controlled substance classified in Schedule I, II, or III, is guilty of a crime and upon conviction may be imprisoned for not more than five years, fined not more than ten thousand dollars, or both;

(iii) a substance classified in Schedule IV, is guilty of a crime and upon conviction may be imprisoned for not more than five years, fined not more than ten thousand dollars, or both;

(iv) a substance classified in Schedule V, is guilty of a crime and upon conviction may be imprisoned for not more than five years, fined not more than ten thousand dollars, or both.

(b) Except as authorized by this chapter, it is unlawful for any person to create, deliver, or possess a counterfeit substance.

(1) Any person who violates this subsection with respect to:

(i) a counterfeit substance classified in Schedule I or II which is a narcotic drug, is guilty of a crime and upon conviction may be imprisoned for not more than ten years, fined not more than twenty-five thousand dollars, or both;

(ii) any other counterfeit substance classified in Schedule I, II, or III, is guilty of a crime and upon conviction may be imprisoned for not more than five years, fined not more than ten thousand dollars, or both;

(iii) a counterfeit substance classified in Schedule IV, is guilty of a crime and upon conviction may be imprisoned for not more than five years, fined not more than ten thousand dollars, or both;

(iv) a counterfeit substance classified in Schedule V, is guilty of a crime and upon conviction may be imprisoned for not more than five years, fined not more than ten thousand dollars, or both.

(c) It is unlawful, except as authorized in this chapter and chapter 69.41 RCW, for any person to offer, arrange, or negotiate for the sale, gift, delivery, dispensing, distribution, or administration of a controlled substance to any person and then sell, give, deliver, dispense, distribute, or administer to that person any other liquid, substance, or material in lieu of such controlled substance. Any person who violates this subsection is guilty of a crime and upon conviction may be imprisoned for not more than five years, fined not more than ten thousand dollars, or both.

(d) It is unlawful for any person to possess a controlled substance unless the substance was obtained directly from, or pursuant to, a valid prescription or order of a practitioner while acting in the course of his professional practice, or except as otherwise authorized by this chapter. Any person who violates this subsection is guilty of a crime, and upon conviction may be imprisoned for not more than five years, fined not more than ten thousand dollars, or both, except as provided for in subsection (e) of this section.

(e) Except as provided for in subsection (a)(1)(ii) of this section any person found guilty of possession of forty grams or less of marijuana shall be guilty of a misdemeanor.

(f) It is unlawful to compensate, threaten, solicit, or in any other manner involve a person under the age of eighteen years in a transaction unlawfully to manufacture, sell, or deliver a controlled substance. A violation of this subsection shall be punished as a class C felony punishable in accordance with RCW 9A.20.021.

This section shall not apply to offenses defined and punishable under the provisions of RCW 69.50.410.

NEW SECTION. Sec. 105. A new section is added to chapter 69.50 RCW to read as follows:

A person who is convicted of a misdemeanor violation of any provision of this chapter shall be punished by imprisonment for not less than twenty-four consecutive hours, and by a fine of not less than two hundred fifty dollars. On a second or subsequent conviction, the fine shall not be less than five hundred dollars. These fines shall be in addition to any other fine or penalty imposed. Unless the court finds that the imposition of the minimum imprisonment will pose a substantial risk to the defendant's physical or mental well-being or that local jail facilities are in an overcrowded condition, the minimum term of imprisonment shall not be suspended or deferred. If the court finds such risk or overcrowding exists, it shall sentence the defendant to a minimum of forty hours of community service. If a minimum term of imprisonment is suspended or deferred, the court shall state in writing the reason for granting the suspension or deferral and the facts upon which the suspension or deferral is based. Unless the court finds the person to be indigent, the minimum fine shall not be suspended or deferred.

NEW SECTION. Sec. 106. A new section is added to chapter 69.50 RCW to read as follows:

(1) Every person convicted of a felony violation of RCW 69.50.401, 69.50.402, 69.50.403, 69.50.406, 69.50.407, 69.50.410, or 69.50.415 shall be fined one thousand dollars in addition to any other fine or penalty imposed. Unless the court finds the person to be indigent, this additional fine shall not be suspended or deferred by the court.

(2) On a second or subsequent conviction for violation of any of the laws listed in subsection (1) of this section, the person shall be fined two thousand dollars in addition to any other fine or penalty imposed. Unless the court finds the person to be indigent, this additional fine shall not be suspended or deferred by the court.

NEW SECTION. Sec. 107. A new section is added to chapter 69.50 RCW to read as follows:

It is unlawful for any person to deliver, or possess with intent to deliver, hypodermic syringes, needles, or other objects used, intended for use, or designed for use in parenterally injecting controlled substances into the human body, knowing or under circumstances where the person reasonably should know that such syringes, needles, or other objects will be used or are intended to be used to unlawfully introduce a controlled substance into the human body. Any person who violates this section is guilty of a misdemeanor. The department of social and health services shall conduct a study of needle exchange programs that are operating in other states and countries. The study shall examine the documented effectiveness of such programs, the estimated number of drug addicts participating in such programs, the estimated number of

drug addicts who have participated in a testing, counseling, and education program as a result of the needle exchange program, the extent to which participation in a drug treatment program is a voluntary or mandated component of the needle exchange programs, the number of participants who have tested HIV positive, who administers such needle exchange programs, and the costs to administer and operate the program. The department of social and health services shall report back to the legislature by December 1, 1989.

NEW SECTION. Sec. 108. The legislature finds that increased trafficking in illegal drugs has increased the likelihood of 'drive-by shootings.' It is the intent of the legislature in sections 102, 109, and 110 of this act to categorize such reckless and criminal activity into a separate crime and to provide for an appropriate punishment.

NEW SECTION. Sec. 109. A new section is added to chapter 9A.36 RCW to read as follows:

(1) A person is guilty of reckless endangerment in the first degree when he or she recklessly discharges a firearm in a manner which creates a substantial risk of death or serious physical injury to another person and the discharge is either from a motor vehicle or from the immediate area of a motor vehicle that was used to transport the shooter or the firearm to the scene of the discharge.

(2) A person who unlawfully discharges a firearm from a moving motor vehicle may be inferred to have engaged in reckless conduct, unless the discharge is shown by evidence satisfactory to the trier of fact to have been made without such recklessness.

(3) Reckless endangerment in the first degree is a class C felony.

Sec. 110. Section 9A.36.050, chapter 260, Laws of 1975 1st ex. sess. and RCW 9A.36.050 are each amended to read as follows:

(1) A person is guilty of reckless endangerment in the second degree when he recklessly engages in conduct not amounting to reckless endangerment in the first degree but which creates a substantial risk of death or serious physical injury to another person.

(2) Reckless endangerment in the second degree is a gross misdemeanor.

Sec. 111. Section 10, chapter 270, Laws of 1984 as amended by section 11, chapter 455, Laws of 1985 and RCW 9A.82.100 are each amended to read as follows:

(1) (a) A person who sustains injury to his or her person, business, or property by an act of criminal profiteering that is part of a pattern of criminal profiteering activity or by a violation of RCW 9A.82.060 or 9A.82.080 may file an action in superior court for the recovery of damages and the costs of the suit, including reasonable investigative and attorney's fees.

(b) The attorney general or county prosecuting attorney may file an action: (i) On behalf of those persons injured or, respectively, on behalf of the state or county if the entity has sustained damages, or (ii) to prevent, restrain, or remedy a pattern of criminal profiteering activity or a violation of RCW 9A.82.060 or 9A.82.080.

(c) An action for damages filed by or on behalf of an injured person, the state, or the county shall be for the recovery of damages and the costs of the suit, including reasonable investigative and attorney's fees.

(d) In an action filed to prevent, restrain, or remedy a pattern of criminal profiteering activity or a violation of RCW 9A.82.060 or 9A.82.080, the court, upon proof of the violation, may impose a civil penalty not exceeding two hundred fifty thousand dollars, in addition to awarding the cost of the suit, including reasonable investigative and attorney's fees.

(2) The superior court has jurisdiction to prevent, restrain, and remedy a pattern of criminal profiteering or a violation of RCW 9A.82.060 or 9A.82.080 after making provision for the rights of all innocent persons affected by the violation and after hearing or trial, as appropriate, by issuing appropriate orders.

(3) Prior to a determination of liability, orders issued under subsection (2) of this section may include, but are not limited to, entering restraining orders or prohibitions or taking such other actions, including the acceptance of satisfactory performance bonds, in connection with any property or other interest subject to damages, forfeiture, or other restraints pursuant to this section as the court deems proper. The orders may also include attachment, receivership, or injunctive relief in regard to personal or real property pursuant to Title 7 RCW. In shaping the reach or scope of receivership, attachment, or injunctive relief, the superior court shall provide for the protection of bona fide interests in property, including community property, of persons who were not involved in the violation of this chapter, except to the extent that such interests or property were acquired or used in such a way as to be subject to forfeiture under RCW 9A.82.100(4)(f).

(4) Following a determination of liability, orders may include, but are not limited to:

(a) Ordering any person to divest himself or herself of any interest, direct or indirect, in any enterprise.

(b) Imposing reasonable restrictions on the future activities or investments of any person, including prohibiting any person from engaging in the same type of endeavor as the enterprise engaged in, the activities of which affect the laws of this state, to the extent the Constitutions of the United States and this state permit.

(c) Ordering dissolution or reorganization of any enterprise.

(d) Ordering the payment of actual damages sustained to those persons injured by a violation of RCW 9A.82.060 or 9A.82.080 or an act of criminal profiteering that is part of a pattern of

criminal profiteering, and in the court's discretion, increasing the payment to an amount not exceeding three times the actual damages sustained.

(e) Ordering the payment of all costs and expenses of the prosecution and investigation of a pattern of criminal profiteering activity or a violation of RCW 9A.82.060 or 9A.82.080, civil and criminal, incurred by the state or county, including any costs of defense provided at public expense, as appropriate to the state general fund or the antiprofitteering revolving fund of the county.

(f) Ordering forfeiture first as restitution to any person damaged by an act of criminal profiteering that is part of a pattern of criminal profiteering then to the state general fund or antiprofitteering revolving fund of the county, as appropriate, to the extent not already ordered to be paid in other damages, of the following:

(i) Any property or other interest acquired or maintained in violation of RCW 9A.82.060 or 9A.82.080 to the extent of the investment of funds, and any appreciation or income attributable to the investment, from a violation of RCW 9A.82.060 or 9A.82.080.

(ii) Any property, contractual right, or claim against property used to influence any enterprise that a person has established, operated, controlled, conducted, or participated in the conduct of, in violation of RCW 9A.82.060 or 9A.82.080.

(iii) All proceeds traceable to or derived from an offense included in the pattern of criminal profiteering activity and all moneys, negotiable instruments, securities, and other things of value significantly used or intended to be used significantly to facilitate commission of the offense.

(g) Ordering payment to the state general fund or antiprofitteering revolving fund of the county, as appropriate, of an amount equal to the gain a person has acquired or maintained through an offense included in the definition of criminal profiteering.

(5) In addition to or in lieu of an action under this section, the attorney general or county prosecuting attorney may file an action for forfeiture to the state general fund or antiprofitteering revolving fund of the county, as appropriate, to the extent not already ordered paid pursuant to this section, of the following:

(a) Any interest acquired or maintained by a person in violation of RCW 9A.82.060 or 9A.82.080 to the extent of the investment of funds obtained from a violation of RCW 9A.82.060 or 9A.82.080 and any appreciation or income attributable to the investment.

(b) Any property, contractual right, or claim against property used to influence any enterprise that a person has established, operated, controlled, conducted, or participated in the conduct of, in violation of RCW 9A.82.060 or 9A.82.080.

(c) All proceeds traceable to or derived from an offense included in the pattern of criminal profiteering activity and all moneys, negotiable instruments, securities, and other things of value significantly used or intended to be used significantly to facilitate the commission of the offense.

(6) A defendant convicted in any criminal proceeding is precluded in any civil proceeding from denying the essential allegations of the criminal offense proven in the criminal trial in which the defendant was convicted. For the purposes of this subsection, a conviction shall be deemed to have occurred upon a verdict, finding, or plea of guilty, notwithstanding the fact that appellate review of the conviction and sentence has been or may be sought. If a subsequent reversal of the conviction occurs, any judgment that was based upon that conviction may be reopened upon motion of the defendant.

(7) The initiation of civil proceedings under this section shall be commenced within three years after discovery of the pattern of criminal profiteering activity or after the pattern should reasonably have been discovered.

(8) The attorney general or county prosecuting attorney may, in a civil action brought pursuant to this section, file with the clerk of the superior court a certificate stating that the case is of special public importance. A copy of that certificate shall be furnished immediately by the clerk to the presiding chief judge of the superior court in which the action is pending and, upon receipt of the copy, the judge shall immediately designate a judge to hear and determine the action. The judge so designated shall promptly assign the action for hearing, participate in the hearings and determination, and cause the action to be expedited.

(9) The standard of proof in actions brought pursuant to this section is the preponderance of the evidence test.

(10) A person other than the attorney general or county prosecuting attorney who files an action under this section shall serve notice and one copy of the pleading on the attorney general within thirty days after the action is filed with the superior court. The notice shall identify the action, the person, and the person's attorney. Service of the notice does not limit or otherwise affect the right of the state to maintain an action under this section or intervene in a pending action nor does it authorize the person to name the state or the attorney general as a party to the action.

(11) Except in cases filed by a county prosecuting attorney, the attorney general may, upon timely application, intervene in any civil action or proceeding brought under this section if the attorney general certifies that in the attorney general's opinion the action is of special

public importance. Upon intervention, the attorney general may assert any available claim and is entitled to the same relief as if the attorney general had instituted a separate action.

(12) In addition to the attorney general's right to intervene as a party in any action under this section, the attorney general may appear as amicus curiae in any proceeding in which a claim under this section has been asserted or in which a court is interpreting RCW 9A.82.010, 9A.82.080, 9A.82.090, 9A.82.110, or 9A.82.120, or this section.

(13) A private civil action under this section does not limit any other civil or criminal action under this chapter or any other provision. Private civil remedies provided under this section are supplemental and not mutually exclusive.

(14) Upon motion by the defendant, the court may authorize the sale or transfer of assets subject to an order or lien authorized by this chapter for the purpose of paying actual attorney's fees and costs of defense. The motion shall specify the assets for which sale or transfer is sought and shall be accompanied by the defendant's sworn statement that the defendant has no other assets available for such purposes. No order authorizing such sale or transfer may be entered unless the court finds that the assets involved are not subject to possible forfeiture under RCW 9A.82.100(4)(f). Prior to disposition of the motion, the court shall notify the state of the assets sought to be sold or transferred and shall hear argument on the issue of whether the assets are subject to forfeiture under RCW 9A.82.100(4)(f). Such a motion may be made from time to time and shall be heard by the court on an expedited basis.

(15) In an action brought under subsection (1) (a) and (b)(1) of this section, either party has the right to a jury trial.

NEW SECTION, Sec. 112. A new section is added to chapter 69.50 RCW to read as follows:

(a) Any person who violates RCW 69.50.401(a) by manufacturing, selling, delivering, or possessing with the intent to manufacture, sell, or deliver a controlled substance listed under that subsection to a person in a school or on a school bus or within one thousand feet of a school bus route stop designated by the school district or within one thousand feet of the perimeter of the school grounds is punishable by a fine of up to twice the fine otherwise authorized by this chapter, but not including twice the fine authorized by RCW 69.50.406, or by imprisonment of up to twice the imprisonment otherwise authorized by this chapter, but not including twice the imprisonment authorized by RCW 69.50.406, or by both such fine and imprisonment.

(b) It is not a defense to a prosecution for a violation of this section that the person was unaware that the prohibited conduct took place while in a school or school bus or within one thousand feet of the school or school bus route stop.

(c) It is not a defense to a prosecution for a violation of this section or any other prosecution under this chapter that persons under the age of eighteen were not present in the school, the school bus, or at the school bus route stop at the time of the offense or that school was not in session.

(d) It is an affirmative defense to a prosecution for a violation of this section that the prohibited conduct took place entirely within a private residence, that no person under eighteen years of age or younger was present in such private residence at any time during the commission of the offense, and that the prohibited conduct did not involve delivering, manufacturing, selling, or possessing with the intent to manufacture, sell, or deliver any controlled substance in RCW 69.50.401(a) for profit. The affirmative defense established in this section shall be proved by the defendant by a preponderance of the evidence. This section shall not be construed to establish an affirmative defense with respect to a prosecution for an offense defined in any other section of this chapter.

(e) In a prosecution under this section, a map produced or reproduced by any municipal, school district, or county engineer for the purpose of depicting the location and boundaries of the area on or within one thousand feet of any property used for a school or school bus route stop, or a true copy of such a map, shall under proper authentication, be admissible and shall constitute prima facie evidence of the location and boundaries of those areas if the governing body of the municipality, school district, or county has adopted a resolution or ordinance approving the map as the official location and record of the location and boundaries of the area on or within one thousand feet of the school or school bus route stop. Any map approved under this section or a true copy of the map shall be filed with the clerk of the municipality or county, and shall be maintained as an official record of the municipality or county. This section shall not be construed as precluding the prosecution from introducing or relying upon any other evidence or testimony to establish any element of the offense. This section shall not be construed as precluding the use or admissibility of any map or diagram other than the one which has been approved by the governing body of a municipality, school district, or county if the map or diagram is otherwise admissible under court rule.

(f) As used in this section the following terms have the meanings indicated unless the context clearly requires otherwise:

(1) 'School' has the meaning under RCW 28A.01.055 or 28A.01.060. The term 'school' also includes a private school approved under RCW 28A.02.201;

(2) 'School bus' means a school bus as defined by the superintendent of public instruction by rule which is owned and operated by any school district and all school buses which are

privately owned and operated under contract or otherwise with any school district in the state for the transportation of students. The term does not include buses operated by common carriers in the urban transportation of students such as transportation of students through a municipal transportation system; and

(3) 'School bus route stop' means a school bus stop as designated on maps submitted by school districts to the office of the superintendent of public instruction.

Sec. 113. Section 210, chapter 518, Laws of 1987 and RCW 28A.120.040 are each amended to read as follows:

The superintendent of public instruction, through the state clearinghouse for education information, shall collect and disseminate to all school districts and other interested parties information about effective substance abuse programs and the penalties for manufacturing, selling, delivering, or possessing controlled substances on or within one thousand feet of a school or school bus route stop under section 112 of this 1989 act and distributing a controlled substance to a person under the age of eighteen under RCW 69.50.406.

NEW SECTION. Sec. 114. Sections 101 through 111 of this act apply to crimes committed on or after July 1, 1989.

SUBPART B

JUVENILE OFFENDERS STRUCTURED RESIDENTIAL PROGRAM

NEW SECTION. Sec. 115. A new section is added to chapter 13.40 RCW to read as follows:

(1) It is the intent of the legislature to establish a program that will benefit both the community and juvenile offenders by promoting the offenders' personal development and self-discipline, thereby making them more effective participants in society.

(2) Within available funds, the department of social and health services shall develop a juvenile offenders structured residential program for selected juvenile offenders. The program shall provide intensive training and rehabilitative programs for juvenile offenders. The department shall adopt rules for the operation, access, and successful completion of such programs.

(3) In order to serve significant portions of the sixty percent of juvenile justice clients in need of treatment for substance abuse, the department of social and health services shall, within available funds, provide enhancements to the eighteen county detention facilities in the state. The enhancement shall be used to develop an intensive, inpatient treatment component within the structure of county detention programs, to be modeled after the exodus program currently operated by the department's division of juvenile rehabilitation.

(4) In order to serve youth returning from institutional treatment programs who seek help for substance abuse, the department of social and health services shall, within available funds, enhance substance abuse services and coordination for each of six service regions to ensure effective use of existing and new services created by this act, including direct service and consultation.

(5) No juvenile who suffers from any mental or physical problem which could endanger his or her health or drastically affect his or her performance in the program shall be admitted to or retained in the program.

(6) The department shall complete a study of the effectiveness of programs of the type created in this section by December 31, 1992.

(7) This section shall expire on July 1, 1993.

SUBPART C

JUVENILE DRIVER'S LICENSE REVOCATION

Sec. 116. Section 2, chapter 148, Laws of 1988 and RCW 13.40.265 are each amended to read as follows:

(1) (a) If a juvenile (~~under eighteen years of age, but~~) thirteen years of age or (~~over~~) older is found by juvenile court to have committed an offense that is a violation of chapter 66.44, 69.41, 69.50, or 69.52 RCW, the court shall notify the department of licensing within twenty-four hours after entry of the judgment.

(b) Except as otherwise provided in (c) of this subsection, (~~a court~~) upon petition of a juvenile who has been found by the court to have committed an offense that is a violation of chapter 66.44, 69.41, 69.50, or 69.52 RCW, the court may at any time the court deems appropriate notify the department of licensing that the juvenile's driving privileges should be reinstated.

(c) (~~The court shall not notify the department that the juvenile's driving privileges should be reinstated for a period of ninety days after the entry of the judgment if it is the first order issued with respect to the juvenile under RCW 46.20.265, or for a period of one year after the issuance of the order if it is the second or subsequent such order issued with respect to the juvenile~~) If the offense is the juvenile's first violation of chapter 66.44, 69.41, 69.50, or 69.52 RCW, the juvenile may not petition the court for reinstatement of the juvenile's privilege to drive revoked pursuant to RCW 46.20.265 until ninety days after the date the juvenile turns sixteen or ninety days after the judgment was entered, whichever is later. If the offense is the juvenile's second or subsequent violation of chapter 66.44, 69.41, 69.50, or 69.52 RCW, the juvenile may not petition the court for reinstatement of the juvenile's privilege to drive revoked pursuant to RCW 46.20.265 until the date the juvenile turns seventeen or one year after the date judgment was entered, whichever is later.

(2) (a) If a juvenile enters into a diversion agreement with a diversion unit pursuant to RCW 13.40.080 concerning an offense that is a violation of chapter 66.44, 69.41, 69.50, or 69.52 RCW, the diversion unit shall notify the department of licensing within twenty-four hours after the diversion agreement is signed.

(b) If a diversion unit has notified the department pursuant to (a) of this subsection, the diversion unit shall notify the department of licensing when the juvenile has completed the agreement.

Sec. 117. Section 7, chapter 148, Laws of 1988 and RCW 46.20.265 are each amended to read as follows:

(1) In addition to any other authority to revoke driving privileges under this chapter, the department shall revoke all driving privileges of a juvenile when the department receives notice from a court pursuant to RCW 13.40.265, 66.44.365, 69.41.065, 69.50.420, or 69.52.070 or from a diversion unit pursuant to RCW 13.40.265. The revocation shall be imposed without hearing.

(2) The driving privileges of the juvenile revoked under subsection (1) of this section shall be revoked in the following manner:

(a) Upon receipt of the first notice, the department shall impose a revocation for one year, or until the juvenile reaches seventeen years of age, whichever is longer.

(b) Upon receipt of a second or subsequent notice, the department shall impose a revocation for ~~(one)~~ two years or until the juvenile reaches eighteen years of age, whichever is longer.

(3) If the department receives notice from a court that the juvenile's privilege to drive should be reinstated, the department shall immediately reinstate any driving privileges that have been revoked under this section.

(4) ~~(a) If the department receives notice pursuant to RCW 13.40.265(2)(b) from a diversion unit that a juvenile has completed a diversion agreement for which the juvenile's driving privileges were revoked, the department shall reinstate any driving privileges revoked under this section as provided in (b) of this subsection. ((The department shall not reinstate driving privileges earlier than ninety days after the date the juvenile entered into a diversion agreement for the first violation of chapter 66.44, 69.41, 69.50, or 69.52 RCW and not earlier than one year after the date the juvenile entered into a diversion agreement for a second or subsequent violation of chapter 66.44, 69.41, 69.50, or 69.52 RCW.))~~

(b) If the diversion agreement was for the juvenile's first violation of chapter 66.44, 69.41, 69.50, or 69.52 RCW, the department shall not reinstate the juvenile's privilege to drive until the later of ninety days after the date the juvenile turns sixteen or ninety days after the juvenile entered into a diversion agreement for the offense. If the diversion agreement was for the juvenile's second or subsequent violation of chapter 66.44, 69.41, 69.50, or 69.52 RCW, the department shall not reinstate the juvenile's privilege to drive until the later of the date the juvenile turns seventeen or one year after the juvenile entered into the second or subsequent diversion agreement.

Sec. 118. Section 3, chapter 148, Laws of 1988 and RCW 66.44.365 are each amended to read as follows:

(1) If a juvenile ~~((under eighteen years of age, but thirteen or over.))~~ thirteen years of age or older and under the age of eighteen is found by a court to have committed any offense that is a violation of this chapter, the court shall notify the department of licensing within twenty-four hours after entry of the judgment.

(2) Except as otherwise provided in subsection (3) of this section, ~~((the court.))~~ upon petition of a juvenile ~~((who has been found by the court to have committed an offense that is a violation of this chapter.))~~ whose privilege to drive has been revoked pursuant to RCW 46.20.265, the court may notify the department of licensing that the juvenile's privilege to drive should be reinstated.

(3) ~~((The court shall not notify the department that the juvenile's driving privileges should be reinstated for a period of ninety days after the entry of the judgment if it is the first revocation with respect to the juvenile under this section or RCW 46.20.265, or for a period of one year after the issuance of the order if it is the second or subsequent such revocation issued with respect to the juvenile))~~ If the conviction is for the juvenile's first violation of this chapter or chapter 69.41, 69.50, or 69.52 RCW, a juvenile may not petition the court for reinstatement of the juvenile's privilege to drive revoked pursuant to RCW 46.20.265 until the later of ninety days after the date the juvenile turns sixteen or ninety days after the judgment was entered. If the conviction was for the juvenile's second or subsequent violation of this chapter or chapter 69.41, 69.50, or 69.52 RCW, the juvenile may not petition the court for reinstatement of the juvenile's privilege to drive revoked pursuant to RCW 46.20.265 until the later of the date the juvenile turns seventeen or one year after the date judgment was entered.

Sec. 119. Section 4, chapter 148, Laws of 1988 and RCW 69.41.065 are each amended to read as follows:

(1) If a juvenile ~~((under eighteen years of age, but thirteen or over.))~~ thirteen years of age or older and under the age of twenty-one is found by a court to have committed any offense

that is a violation of this chapter, the court shall notify the department of licensing within twenty-four hours after entry of the judgment.

(2) Except as otherwise provided in subsection (3) of this section, ~~((the court;))~~ upon petition of a juvenile ~~((who has been found by the court to have committed an offense that is a violation of this chapter;))~~ whose privilege to drive has been revoked pursuant to RCW 46.20.265, the court may notify the department of licensing that the juvenile's privilege to drive should be reinstated.

(3) ~~((The court shall not notify the department that the juvenile's driving privileges should be reinstated for a period of ninety days after the entry of the judgment if it is the first revocation with respect to the juvenile under this section or RCW 46.20.265, or for a period of one year after the issuance of the order if it is the second or subsequent such revocation issued with respect to the juvenile))~~ If the conviction is for the juvenile's first violation of this chapter or chapter 66.44, 69.50, or 69.52 RCW, the juvenile may not petition the court for reinstatement of the juvenile's privilege to drive revoked pursuant to RCW 46.20.265 until the later of ninety days after the date the juvenile turns sixteen or ninety days after the judgment was entered. If the conviction was for the juvenile's second or subsequent violation of this chapter or chapter 66.44, 69.50, or 69.52 RCW, the juvenile may not petition the court for reinstatement of the juvenile's privilege to drive revoked pursuant to RCW 46.20.265 until the later of the date the juvenile turns seventeen or one year after the date judgment was entered.

Sec. 120. Section 5, chapter 148, Laws of 1988 and RCW 69.50.420 are each amended to read as follows:

(1) If a juvenile ~~((under eighteen years of age, but thirteen or over;))~~ thirteen years of age or older and under the age of twenty-one is found by a court to have committed any offense that is a violation of this chapter, the court shall notify the department of licensing within twenty-four hours after entry of the judgment.

(2) Except as otherwise provided in subsection (3) of this section, ~~((the court;))~~ upon petition of a juvenile ~~((who has been found by the court to have committed an offense that is a violation of this chapter;))~~ whose privilege to drive has been revoked pursuant to RCW 46.20.265, the court may at any time the court deems appropriate notify the department of licensing to reinstate the juvenile's privilege to drive.

(3) ~~((The court shall not notify the department that the juvenile's privilege to drive should be reinstated for a period of ninety days after the entry of the judgment if it is the first revocation issued with respect to the juvenile under this section or RCW 46.20.265, or for a period of one year after the entry of the judgment if it is the second or subsequent such revocation issued with respect to the juvenile))~~ If the conviction is for the juvenile's first violation of this chapter or chapter 66.44, 69.41, or 69.52 RCW, the juvenile may not petition the court for reinstatement of the juvenile's privilege to drive revoked pursuant to RCW 46.20.265 until the later of ninety days after the date the juvenile turns sixteen or ninety days after the judgment was entered. If the conviction was for the juvenile's second or subsequent violation of this chapter or chapter 66.44, 69.41, or 69.52 RCW, the juvenile may not petition the court for reinstatement of the juvenile's privilege to drive revoked pursuant to RCW 46.20.265 until the later of the date the juvenile turns seventeen or one year after the date judgment was entered.

Sec. 121. Section 6, chapter 148, Laws of 1988 and RCW 69.52.070 are each amended to read as follows:

(1) If a juvenile ~~((under eighteen years of age, but thirteen or over;))~~ thirteen years of age or older and under the age of twenty-one is found by a court to have committed any offense that is a violation of this chapter, the court shall notify the department of licensing within twenty-four hours after entry of the judgment.

(2) Except as otherwise provided in subsection (3) of this section, ~~((the court;))~~ upon petition of a juvenile ~~((who has been found by the court to have committed an offense that is a violation of this chapter;))~~ whose privilege to drive has been revoked pursuant to RCW 46.20.265, the court may at any time the court deems appropriate notify the department of licensing to reinstate the juvenile's privilege to drive.

(3) ~~((The court shall not notify the department that the juvenile's privilege to drive should be reinstated for a period of ninety days after the entry of the judgment if it is the first revocation issued with respect to the juvenile under this section or RCW 46.20.265, or for a period of one year after the entry of the judgment if it is the second or subsequent such revocation issued with respect to the juvenile))~~ If the conviction is for the juvenile's first violation of this chapter or chapter 66.44, 69.41, or 69.50 RCW, the juvenile may not petition the court for reinstatement of the juvenile's privilege to drive revoked pursuant to RCW 46.20.265 until the later of ninety days after the date the juvenile turns sixteen or ninety days after the judgment was entered. If the conviction was for the juvenile's second or subsequent violation of this chapter or chapter 66.44, 69.41, or 69.50 RCW, the juvenile may not petition the court for reinstatement of the juvenile's privilege to drive revoked pursuant to RCW 46.20.265 until the later of the date the juvenile turns seventeen or one year after the date judgment was entered.

PART II
PREVENTION, INVESTIGATION, AND PROCEDURE
SUBPART A
ONE-PARTY CONSENT

NEW SECTION, Sec. 201. A new section is added to chapter 9.73 RCW to read as follows:

The legislature finds that the unlawful manufacturing, selling, and distributing of controlled substances is becoming increasingly prevalent and violent. Attempts by law enforcement officers to prevent the manufacture, sale, and distribution of drugs is resulting in numerous life-threatening situations since drug dealers are using sophisticated weapons and modern technological devices to deter the efforts of law enforcement officials to enforce the controlled substance statutes. Dealers of unlawful drugs are employing a wide variety of violent methods to realize the enormous profits of the drug trade.

Therefore, the legislature finds that conversations regarding illegal drug operations should be intercepted, transmitted, and recorded in certain circumstances without prior judicial approval in order to protect the life and safety of law enforcement personnel and to enhance prosecution of drug offenses, and that that interception and transmission can be done without violating the constitutional guarantees of privacy.

NEW SECTION, Sec. 202. A new section is added to chapter 9.73 RCW to read as follows:

(1) If a police commander or officer above the rank of first line supervisor has reasonable suspicion that the safety of the consenting party is in danger, law enforcement personnel may, for the sole purpose of protecting the safety of the consenting party, intercept, transmit, or record a private conversation or communication concerning the unlawful manufacture, delivery, sale, or possession with intent to manufacture, deliver, or sell, controlled substances as defined in chapter 69.50 RCW, or legend drugs as defined in chapter 69.41 RCW, or imitation controlled substances as defined in chapter 69.52 RCW.

(2) Before any interception, transmission, or recording of a private conversation or communication pursuant to this section, the police commander or officer making the determination required by subsection (1) of this section shall complete a written authorization which shall include (a) the date and time the authorization is given; (b) the persons, including the consenting party, expected to participate in the conversation or communication, to the extent known; (c) the expected date, location, and approximate time of the conversation or communication; and (d) the reasons for believing the consenting party's safety will be in danger.

(3) A monthly report shall be filed by the law enforcement agency with the administrator for the courts indicating the number of authorizations made under this section, the date and time of each authorization, and whether an interception, transmission, or recording was made with respect to each authorization.

(4) Any information obtained pursuant to this section is inadmissible in any civil or criminal case in all courts of general or limited jurisdiction in this state, except:

(a) With the permission of the person whose communication or conversation was intercepted, transmitted, or recorded without his or her knowledge;

(b) In a civil action for personal injury or wrongful death arising out of the same incident, where the cause of action is based upon an act of physical violence against the consenting party; or

(c) In a criminal prosecution, arising out of the same incident for a serious violent offense as defined in RCW 9.94A.030 in which a party who consented to the interception, transmission, or recording was a victim of the offense.

(5) Nothing in this section bars the admission of testimony of a participant in the communication or conversation unaided by information obtained pursuant to this section.

(6) The authorizing agency shall immediately destroy any written, transcribed, or recorded information obtained from an interception, transmission, or recording authorized under this section unless the agency determines there has been a personal injury or death or a serious violent offense which may give rise to a civil action or criminal prosecution in which the information may be admissible under subsection (4) (b) or (c) of this section.

(7) Nothing in this section authorizes the interception, recording, or transmission of a telephonic communication or conversation.

NEW SECTION, Sec. 203. A new section is added to chapter 9.73 RCW to read as follows:

In each superior court judicial district in class AA and A counties there shall be available twenty-four hours a day at least one superior court or district court judge or magistrate designated to receive telephonic requests for authorizations that may be issued pursuant to this chapter. The presiding judge of each such superior court in conjunction with the district court judges in that superior court judicial district shall establish a coordinated schedule of rotation for all of the superior and district court judges and magistrates in the superior court judicial district for purposes of ensuring the availability of at least one judge or magistrate at all times. During the period that each judge or magistrate is designated, he or she shall be equipped with an electronic paging device when not present at his or her usual telephone. It shall be the designated judge's or magistrate's responsibility to ensure that all attempts to reach him or her

for purposes of requesting authorization pursuant to this chapter are forwarded to the electronic page number when the judge or magistrate leaves the place where he or she would normally receive such calls.

NEW SECTION. Sec. 204. A new section is added to chapter 9.73 RCW to read as follows:

(1) As part of a bona fide criminal investigation, the chief law enforcement officer of a law enforcement agency or his or her designee above the rank of first line supervisor may authorize the interception, transmission, or recording of a conversation or communication by officers under the following circumstances:

(a) At least one party to the conversation or communication has consented to the interception, transmission, or recording;

(b) Probable cause exists to believe that the conversation or communication involves the unlawful manufacture, delivery, sale, or possession with intent to manufacture, deliver, or sell, controlled substances as defined in chapter 69.50 RCW, or legend drugs as defined in chapter 69.41 RCW, or imitation controlled substances as defined in chapter 69.52 RCW; and

(c) A written report has been completed as required by subsection (2) of this section.

(2) The agency's chief officer or designee authorizing an interception, transmission, or recording under subsection (1) of this section, shall prepare and sign a written report at the time of authorization indicating:

(a) The circumstances that meet the requirements of subsection (1) of this section;

(b) The names of the authorizing and consenting parties, except that in those cases where the consenting party is a confidential informant, the name of the confidential informant need not be divulged;

(c) The names of the officers authorized to intercept, transmit, and record the conversation or communication;

(d) The identity of the particular person or persons, if known, who may have committed or may commit the offense;

(e) The details of the particular offense or offenses that may have been or may be committed and the expected date, location, and approximate time of the conversation or communication; and

(f) Whether there was an attempt to obtain authorization pursuant to RCW 9.73.090(2) and, if there was such an attempt, the outcome of the attempt.

(3) An authorization under this section is valid in all jurisdictions within Washington state and for the interception of communications from additional persons if the persons are brought into the conversation or transaction by the nonconsenting party or if the nonconsenting party or such additional persons cause or invite the consenting party to enter another jurisdiction.

(4) The recording of any conversation or communication under this section shall be done in such a manner that protects the recording from editing or other alterations.

(5) An authorization made under this section is valid for no more than twenty-four hours from the time it is signed by the authorizing officer, and each authorization shall independently meet all of the requirements of this section. The authorizing officer shall sign the written report required under subsection (2) of this section, certifying the exact date and time of his or her signature. An authorization under this section may be extended not more than twice for an additional consecutive twenty-four hour period based upon the same probable cause regarding the same suspected transaction. Each such extension shall be signed by the authorizing officer.

(6) Within fifteen days after the signing of an authorization that results in any interception, transmission, or recording of a conversation or communication pursuant to this section, the law enforcement agency which made the interception, transmission, or recording shall submit a report including the original authorization under subsection (2) of this section to a judge of a court having jurisdiction which report shall identify (a) the persons, including the consenting party, who participated in the conversation, and (b) the date, location, and approximate time of the conversation.

In those cases where the consenting party is a confidential informant, the name of the confidential informant need not be divulged.

A monthly report shall be filed by the law enforcement agency with the administrator for the courts indicating the number of authorizations granted, the date and time of each authorization, interceptions made, arrests resulting from an interception, and subsequent invalidations.

(7)(a) Within two judicial days of receipt of a report under subsection (6) of this section, the court shall make an ex parte review of the authorization, but not of the evidence, and shall make a determination whether the requirements of subsection (1) of this section were met. If the court determines that any of the requirements of subsection (1) of this section were not met, the court shall order that any recording and any copies or transcriptions of the conversation or communication be destroyed. Destruction of recordings, copies, or transcriptions shall be stayed pending any appeal of a finding that the requirements of subsection (1) of this section were not met.

(b) Absent a continuation under (c) of this subsection, six months following a determination under (a) of this subsection that probable cause did not exist, the court shall cause a notice to

be mailed to the last known address of any nonconsenting party to the conversation or communication that was the subject of the authorization. The notice shall indicate the date, time, and place of any interception, transmission, or recording made pursuant to the authorization. The notice shall also identify the agency that sought the authorization and shall indicate that a review under (a) of this subsection resulted in a determination that the authorization was made in violation of this section.

(c) An authorizing agency may obtain six-month extensions to the notice requirement of (b) of this subsection in cases of active, ongoing criminal investigations that might be jeopardized by sending the notice.

(8) In any subsequent judicial proceeding, evidence obtained through the interception or recording of a conversation or communication pursuant to this section shall be admissible only if:

(a) The court finds that the requirements of subsection (1) of this section were met and the evidence is used in prosecuting an offense listed in subsection (1)(b) of this section; or

(b) The evidence is admitted with the permission of the person whose communication or conversation was intercepted, transmitted, or recorded; or

(c) The evidence is admitted in a prosecution for a 'serious violent offense' as defined in RCW 9.94A.030 in which a party who consented to the interception, transmission, or recording was a victim of the offense; or

(d) The evidence is admitted in a civil suit for personal injury or wrongful death arising out of the same incident, in which a party who consented to the interception, transmission, or recording was a victim of a serious violent offense as defined in RCW 9.94A.030.

Nothing in this subsection bars the admission of testimony of a party or eyewitness to the intercepted, transmitted, or recorded conversation or communication when that testimony is unaided by information obtained solely by violation of RCW 9.73.030.

(9) Any determination of invalidity of an authorization under this section shall be reported by the court to the office of the administrator for the courts.

(10) Any person who intentionally intercepts, transmits, or records or who intentionally authorizes the interception, transmission, or recording of a conversation or communication in violation of this section, is guilty of a class C felony punishable according to chapter 9A.20 RCW.

(11) An authorizing agency is liable for twenty-five thousand dollars in exemplary damages, in addition to any other damages authorized by this chapter or by other law, to a person whose conversation or communication was intercepted, transmitted, or recorded pursuant to an authorization under this section if:

(a) In a review under subsection (7) of this section, or in a suppression of evidence proceeding, it has been determined that the authorization was made without the probable cause required by subsection (1)(b) of this section; and

(b) The authorization was also made without a reasonable suspicion that the conversation or communication would involve the unlawful acts identified in subsection (1)(b) of this section.

Sec. 205, Section 1, chapter 48, Laws of 1970 ex. sess. as last amended by section 2, chapter 38, Laws of 1986 and RCW 9.73.090 are each amended to read as follows:

(1) The provisions of RCW 9.73.030 through 9.73.080 shall not apply to police, fire, emergency medical service, emergency communication center, and poison center personnel in the following instances:

(a) Recording incoming telephone calls to police and fire stations, licensed emergency medical service providers, emergency communication centers, and poison centers;

(b) Video and/or sound recordings may be made of arrested persons by police officers responsible for making arrests or holding persons in custody before their first appearance in court. Such video and/or sound recordings shall conform strictly to the following:

(i) The arrested person shall be informed that such recording is being made and the statement so informing him shall be included in the recording;

(ii) The recording shall commence with an indication of the time of the beginning thereof and terminate with an indication of the time thereof;

(iii) At the commencement of the recording the arrested person shall be fully informed of his constitutional rights, and such statements informing him shall be included in the recording;

(iv) The recordings shall only be used for valid police or court activities.

(2) It shall not be unlawful for a law enforcement officer acting in the performance of the officer's official duties to intercept, record, or disclose an oral communication or conversation where the officer is a party to the communication or conversation or one of the parties to the communication or conversation has given prior consent to the interception, recording, or disclosure: PROVIDED, That prior to the interception, transmission, or recording the officer shall obtain written or telephonic authorization from a judge or magistrate, who shall approve the interception, recording, or disclosure of communications or conversations with a nonconsenting party for a reasonable and specified period of time, if there is probable cause to believe that the nonconsenting party has committed, is engaged in, or is about to commit a felony: PROVIDED HOWEVER, That if such authorization is given by telephone the authorization and officer's statement justifying such authorization must be electronically recorded by the judge or

magistrate on a recording device in the custody of the judge or magistrate at the time transmitted and the recording shall be retained in the court records and reduced to writing as soon as possible thereafter.

Any recording or interception of a communication or conversation incident to a lawfully recorded or intercepted communication or conversation pursuant to this subsection shall be lawful and may be divulged.

All recordings of communications or conversations made pursuant to this subsection shall be retained for as long as any crime may be charged based on the events or communications or conversations recorded.

(3) Communications or conversations authorized to be intercepted, recorded, or disclosed by this section shall not be inadmissible under RCW 9.73.050.

(4) Authorizations issued under subsection (2) of this section shall be effective for not more than seven days, after which period the issuing authority may ~~((upon application of the officer who secured the original authorization))~~ renew or continue the authorization for ~~((an))~~ additional periods not to exceed seven days.

(5) If the judge or magistrate determines that there is probable cause to believe that the communication or conversation concerns the unlawful manufacture, delivery, sale, or possession with intent to manufacture, deliver, or sell, controlled substances as defined in chapter 69.50 RCW, or legend drugs as defined in chapter 69.41 RCW, or imitation controlled substances as defined in chapter 69.52 RCW, the judge or magistrate may authorize the interception, transmission, recording, or disclosure of communications or conversations under subsection (2) of this section even though the true name of the nonconsenting party, or the particular time and place for the interception, transmission, recording, or disclosure, is not known at the time of the request, if the authorization describes the nonconsenting party and subject matter of the communication or conversation with reasonable certainty under the circumstances. Any such communication or conversation may be intercepted, transmitted, recorded, or disclosed as authorized notwithstanding a change in the time or location of the communication or conversation after the authorization has been obtained or the presence of or participation in the communication or conversation by any additional party not named in the authorization.

Authorizations issued under this subsection shall be effective for not more than fourteen days, after which period the issuing authority may renew or continue the authorization for an additional period not to exceed fourteen days.

NEW SECTION. Sec. 206. A new section is added to chapter 9.73 RCW to read as follows:

(1) The attorney general shall have concurrent authority and power with the prosecuting attorneys to investigate violations of sections 201 through 204 of this act or RCW 9.73.090 and initiate and conduct prosecutions of any violations upon request of any of the following:

(a) The person who was the nonconsenting party to the intercepted, transmitted, or recorded conversation or communication; or

(b) The county prosecuting attorney of the jurisdiction in which the offense has occurred.

(2) The request shall be communicated in writing to the attorney general.

Sec. 207. Section 5, chapter 363, Laws of 1977 ex. sess. and RCW 9.73.120 are each amended to read as follows:

(1) Within thirty days after the expiration of an authorization or an extension or renewal thereof issued pursuant to RCW 9.73.090(2) as now or hereafter amended, the issuing or denying judge shall make a report to the administrator for the courts stating that:

(a) An authorization, extension or renewal was applied for;

(b) The kind of authorization applied for;

(c) The authorization was granted as applied for, was modified, or was denied;

(d) The period of recording authorized by the authorization and the number and duration of any extensions or renewals of the authorization;

(e) The offense specified in the authorization or extension or renewal of authorization;

(f) The identity of the person authorizing the application and of the investigative or law enforcement officer and agency for whom it was made; ~~((and))~~

(g) Whether an arrest resulted from the communication which was the subject of the authorization; and

(h) The character of the facilities from which or the place where the communications were to be recorded.

(2) In addition to reports required to be made by applicants pursuant to federal law, all judges of the superior court authorized to issue authority pursuant to this chapter shall make annual reports on the operation of this chapter to the administrator for the courts. The reports by the judges shall contain (a) the number of applications made; (b) the number of authorizations issued; (c) the respective periods of such authorizations; (d) the number and duration of any renewals thereof; (e) the crimes in connection with which the conversations were sought; (f) the names of the applicants; and (g) such other and further particulars as the administrator for the courts may require.

The chief justice of the supreme court shall annually report to the governor and the legislature on such aspects of the operation of this chapter as he deems appropriate including any

recommendations he may care to make as to legislative changes or improvements to effectuate the purposes of this chapter and to assure and protect individual rights.

NEW SECTION. Sec. 208. A new section is added to chapter 9.73 RCW to read as follows:

The administrator for the courts shall not later than January 2, 1991, report to the house of representatives judiciary committee and the senate law and justice committee on the number of authorizations made under sections 202 and 204 of this act and RCW 9.73.090, categorized according to whether the authorization was judicial or nonjudicial. The report shall also show the number of authorizations denied, the number of arrests resulting from the authorizations, the offenses charged, and the number of convictions resulting from the arrests. The administrator for the courts shall use the reports submitted pursuant to sections 202 and 204 of this act and RCW 9.73.090 together with inquiries to the appropriate law enforcement agencies and courts to prepare the report.

Sec. 209. Section 6, chapter 93, Laws of 1967 ex. sess and RCW 9.73.080 are each amended to read as follows:

Except as otherwise provided in this chapter, any person who ((shall)) violates RCW 9.73-.030 ((shall be)) is guilty of a gross misdemeanor.

SUBPART B

MONITORING OF INMATE TELEPHONE CALLS

NEW SECTION. Sec. 210. A new section is added to chapter 9.73 RCW to read as follows:

(1) RCW 9.73.030 through 9.73.080 shall not apply to employees of the department of corrections in the following instances: Intercepting, recording, or divulging any telephone calls from an inmate or resident of a state correctional facility. For the purposes of this section, 'state correctional facility' means a facility that is under the control and authority of the department of corrections, and used for the incarceration, treatment, or rehabilitation of convicted felons.

(2) All personal calls made by inmates shall be collect calls only. The calls will be 'operator announcement' type calls. The operator shall notify the receiver of the call that the call is coming from a prison inmate, and that it will be recorded and may be monitored.

(3) The department of corrections shall adhere to the following procedures and restrictions when intercepting, recording, or divulging any telephone calls from an inmate or resident of a state correctional facility as provided for by this section:

(a) Before the implementation of this section, all inmates or residents of a state correctional facility shall be notified in writing that, as of the effective date of this section, their telephone conversations may be intercepted, recorded, and/or divulged.

(b) Unless otherwise provided for in this section, after intercepting or recording a telephone conversation, only the superintendent and his or her designee shall have access to that recording.

(c) The contents of an intercepted and recorded telephone conversation shall be divulged only as is necessary to safeguard the orderly operation of the correctional facility, in response to a court order, or in the prosecution or investigation of any crime.

(d) All telephone conversations that are recorded under this section, unless being used in the ongoing investigation or prosecution of a crime, or as is necessary to assure the orderly operation of the correctional facility, shall be destroyed one year after the intercepting and recording.

(4) So as to safeguard the sanctity of the attorney-client privilege, the department of corrections shall not intercept, record, or divulge any conversation between an inmate or resident and an attorney. The department shall develop policies and procedures to implement this section.

SUBPART C

PROPERTY FORFEITURE

NEW SECTION. Sec. 211. The legislature finds that: Drug offenses and crimes resulting from illegal drug use are destructive to society; the nature of drug trafficking results in many property crimes and crimes of violence; state and local governmental agencies incur immense expenses in the investigation, prosecution, adjudication, incarceration, and treatment of drug-related offenders and the compensation of their victims; drug-related offenses are difficult to eradicate because of the profits derived from the criminal activities, which can be invested in legitimate assets and later used for further criminal activities; and the forfeiture of real assets where a substantial nexus exists between the commercial production or sale of the substances and the real property will provide a significant deterrent to crime by removing the profit incentive of drug trafficking, and will provide a revenue source that will partially defray the large costs incurred by government as a result of these crimes. The legislature recognizes that seizure of real property is a very powerful tool and should not be applied in cases in which a manifest injustice would occur as a result of forfeiture of an innocent spouse's community property interest.

Sec. 212. Section 15, chapter 2, Laws of 1983 as last amended by section 2, chapter 282, Laws of 1988 and RCW 69.50.505 are each amended to read as follows:

(a) The following are subject to seizure and forfeiture and no property right exists in them:

(1) All controlled substances which have been manufactured, distributed, dispensed, ((or)) acquired, or possessed in violation of this chapter or chapter 69.41 or 69.52 RCW;

(2) All raw materials, products, and equipment of any kind which are used, or intended for use, in manufacturing, compounding, processing, delivering, importing, or exporting any controlled substance in violation of this chapter or chapter 69.41 or 69.52 RCW;

(3) All property which is used, or intended for use, as a container for property described in paragraphs (1) or (2);

(4) All conveyances, including aircraft, vehicles, or vessels, which are used, or intended for use, in any manner to facilitate the sale of property described in paragraphs (1) or (2), ~~((but))~~ except that:

(i) No conveyance used by any person as a common carrier in the transaction of business as a common carrier is subject to forfeiture under this section unless it appears that the owner or other person in charge of the conveyance is a consenting party or privy to a violation of this chapter or chapter 69.41 or 69.52 RCW;

(ii) No conveyance is subject to forfeiture under this section by reason of any act or omission established by the owner thereof to have been committed or omitted without ~~((his))~~ the owner's knowledge or consent;

(iii) A forfeiture of a conveyance encumbered by a bona fide security interest is subject to the interest of the secured party if the secured party neither had knowledge of nor consented to the act or omission; and

(iv) When the owner of a conveyance has been arrested under this chapter or chapter 69.41 or 69.52 RCW the conveyance in which the person is arrested may not be subject to forfeiture unless it is seized or process is issued for its seizure within ten days of the owner's arrest;

(5) All books, records, and research products and materials, including formulas, microfilm, tapes, and data which are used, or intended for use, in violation of this chapter or chapter 69.41 or 69.52 RCW;

(6) All drug paraphernalia; ~~((and))~~

(7) All moneys, negotiable instruments, securities, or other tangible or intangible property of value furnished or intended to be furnished by any person in exchange for a controlled substance in violation of this chapter or chapter 69.41 or 69.52 RCW, all tangible or intangible personal property, proceeds, or assets acquired in whole or in part with proceeds traceable to ~~((such))~~ an exchange or series of exchanges in violation of this chapter or chapter 69.41 or 69.52 RCW, and all moneys, negotiable instruments, and securities used or intended to be used to facilitate any violation of this chapter or chapter 69.41 or 69.52 RCW: PROVIDED, That a forfeiture of money, negotiable instruments, securities, or other tangible or intangible property encumbered by a bona fide security interest is subject to the interest of the secured party if, at the time the security interest was created, the secured party neither had knowledge of nor consented to the act or omission: PROVIDED FURTHER, That no personal property may be forfeited under this paragraph, to the extent of the interest of an owner, by reason of any act or omission which that owner establishes was committed or omitted without the owner's knowledge or consent; and

(8) All real property, including any right, title, and interest in the whole of any lot or tract of land, and any appurtenances or improvements which are being used with the knowledge of the owner for the manufacturing, compounding, processing, delivery, importing, or exporting of any controlled substance, or which have been acquired in whole or in part with proceeds traceable to an exchange or series of exchanges in violation of this chapter or chapter 69.41 or 69.52 RCW, if such activity is not less than a class C felony and a substantial nexus exists between the commercial production or sale of the controlled substance and the real property: PROVIDED, That:

(i) No property may be forfeited pursuant to this subsection, to the extent of the interest of an owner, by reason of any act or omission committed or omitted without the owner's knowledge or consent;

(ii) The bona fide gift of a controlled substance, legend drug, or imitation controlled substance shall not result in the forfeiture of real property;

(iii) The possession of marijuana shall not result in the forfeiture of real property unless the marijuana is possessed for commercial purposes, the amount possessed is five or more plants or one pound or more of marijuana, and a substantial nexus exists between the possession of marijuana and the real property. In such a case, the intent of the offender shall be determined by the preponderance of the evidence, including the offender's prior criminal history, the amount of marijuana possessed by the offender, the sophistication of the activity or equipment used by the offender, and other evidence which demonstrates the offender's intent to engage in commercial activity;

(iv) The unlawful sale of marijuana or a legend drug shall not result in the forfeiture of real property unless the sale was forty grams or more in the case of marijuana or one hundred dollars or more in the case of a legend drug, and a substantial nexus exists between the unlawful sale and the real property; and

(v) A forfeiture of real property encumbered by a bona fide security interest is subject to the interest of the secured party if the secured party, at the time the security interest was created, neither had knowledge of nor consented to the act or omission.

(b) Real or personal property subject to forfeiture under this chapter may be seized by any board inspector or law enforcement officer of this state upon process issued by any superior court having jurisdiction over the property. Seizure of real property shall include the filing of a lis pendens by the seizing agency. Real property seized under this section shall not be transferred or otherwise conveyed until ninety days after seizure or until a judgment of forfeiture is entered, whichever is later: PROVIDED, That real property seized under this section may be transferred or conveyed to any person or entity who acquires title by foreclosure or deed in lieu of foreclosure of a security interest. Seizure of personal property without process may be made if:

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

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

(3) A board inspector or law enforcement officer has probable cause to believe that the property is directly or indirectly dangerous to health or safety; or

(4) The board inspector or law enforcement officer has probable cause to believe that the property was used or is intended to be used in violation of this chapter.

(c) In the event of seizure pursuant to subsection (b), proceedings for forfeiture shall be deemed commenced by the seizure. The law enforcement agency under whose authority the seizure was made shall cause notice to be served within fifteen days following the seizure on the owner of the property seized and the person in charge thereof and any person having any known right or interest therein, including any community property interest, of the seizure and intended forfeiture of the seized property. Service of notice of seizure of real property shall be made according to the rules of civil procedure. However, the state may not obtain a default judgment with respect to real property against a party who is served by substituted service absent an affidavit stating that a good faith effort has been made to ascertain if the defaulted party is incarcerated within the state, and that there is no present basis to believe that the party is incarcerated within the state. The notice of seizure in other cases may be served by any method authorized by law or court rule including but not limited to service by certified mail with return receipt requested. Service by mail shall be deemed complete upon mailing within the fifteen day period following the seizure.

(d) If no person notifies the seizing law enforcement agency in writing of the person's claim of ownership or right to possession of items specified in subsection (a)(4) ((or)), (a)(7), or (a)(8) of this section within forty-five days of the seizure in the case of personal property and ninety days in the case of real property, the item seized shall be deemed forfeited. The community property interest in real property of a person whose spouse committed a violation giving rise to seizure of the real property may not be forfeited if the person did not participate in the violation.

(e) If any person notifies the seizing law enforcement agency in writing of the person's claim of ownership or right to possession of items specified in subsection (a)(2), (a)(3), (a)(4) ((or)), (a)(5), (a)(6), (a)(7), or (a)(8) of this section within forty-five days of the seizure in the case of personal property and ninety days in the case of real property, the person or persons shall be afforded a reasonable opportunity to be heard as to the claim or right. The hearing shall be before the chief law enforcement officer of the seizing agency or the chief law enforcement officer's designee, except where the seizing agency is a state agency as defined in RCW 34.12.020(4), the hearing shall be before the chief law enforcement officer of the seizing agency or an administrative law judge appointed under chapter 34.12 RCW, except that any person asserting a claim or right may remove the matter to a court of competent jurisdiction if the aggregate value of the article or articles involved is more than five hundred dollars. The court to which the matter is to be removed shall be the district court when such aggregate value is ten thousand dollars or less of personal property. A hearing before the seizing agency and any appeal therefrom shall be under Title 34 RCW. In a court hearing between two or more claimants to the article or articles involved, the prevailing party shall be entitled to a judgment for costs and reasonable attorney's fees. In cases involving personal property, the burden of producing evidence shall be upon the person claiming to be the lawful owner or the person claiming to have the lawful right to possession of ((items specified in subsection (a)(4) or (a)(7) of this section)) the property. In cases involving real property, the burden of producing evidence shall be upon the law enforcement agency. The burden of proof that the seized real property is subject to forfeiture shall be upon the law enforcement agency. The seizing law enforcement agency shall promptly return the article or articles to the claimant upon a determination by the administrative law judge or court that the claimant is the present lawful owner or is lawfully entitled to possession thereof of items specified in subsection (a)(2), (a)(3), (a)(4) ((or)), (a)(5), (a)(6), (a)(7), or (a)(8) of this section.

(f) When property is forfeited under this chapter the board or seizing law enforcement agency may:

(1) Retain it for official use or upon application by any law enforcement agency of this state release such property to such agency for the exclusive use of enforcing the provisions of this chapter:

(2) (i) Sell that which is not required to be destroyed by law and which is not harmful to the public. The proceeds and all moneys forfeited under this title shall be used for payment of all proper expenses of the investigation leading to the seizure, including any money delivered to the subject of the investigation by the law enforcement agency, and of the proceedings for forfeiture and sale, including expenses of seizure, maintenance of custody, advertising, actual costs of the prosecuting or city attorney, and court costs. Money remaining after the payment of all expenses shall be distributed as follows:

(A) ((Seventy-five)) Twenty-five percent of the money derived from the forfeiture of real property and seventy-five percent of the money derived from the forfeiture of personal property shall be deposited in the general fund of the state, county, and/or city of the seizing law enforcement agency and shall be used exclusively for the expansion or improvement of law enforcement services. These services may include the creation of reward funds for the purpose of rewarding informants who supply information leading to the arrest, prosecution and conviction of persons who violate laws relating to controlled substances. Such moneys shall not supplant preexisting funding sources; ((and))

(B) Twenty-five percent of money derived from the forfeiture of real property and twenty-five percent of money derived from the forfeiture of personal property shall be remitted to the state treasurer for deposit in the public safety and education account established in RCW 43.08.250;

(C) Until July 1, 1995, fifty percent of money derived from the forfeiture of real property shall be remitted to the state treasurer for deposit in the drug enforcement and education account under section 401 of this 1989 act, on and after July 1, 1995, the fifty percent of the money shall be remitted in the same manner as the twenty-five percent of the money remitted under (2)(i)(A) of this subsection; and

(D) If an investigation involves a seizure of moneys and proceeds having an aggregate value of less than five thousand dollars, the moneys and proceeds may be deposited in total in the general fund of the governmental unit of the seizing law enforcement agency and shall be appropriated exclusively for the expansion of narcotics enforcement services. Such moneys shall not supplant preexisting funding sources.

(ii) Money deposited according to this section must be deposited within ninety days of the date of final disposition of either the administrative seizure or the judicial seizure;

(3) Request the appropriate sheriff or director of public safety to take custody of the property and remove it for disposition in accordance with law; or

(4) Forward it to the drug enforcement administration for disposition.

(g) Controlled substances listed in Schedule I, II, III, IV, and V that are possessed, transferred, sold, or offered for sale in violation of this chapter are contraband and shall be seized and summarily forfeited to the state. Controlled substances listed in Schedule I, II, III, IV, and V, which are seized or come into the possession of the board, the owners of which are unknown, are contraband and shall be summarily forfeited to the board.

(h) Species of plants from which controlled substances in Schedules I and II may be derived which have been planted or cultivated in violation of this chapter, or of which the owners or cultivators are unknown, or which are wild growths, may be seized and summarily forfeited to the board.

(i) The failure, upon demand by a board inspector or law enforcement officer, of the person in occupancy or in control of land or premises upon which the species of plants are growing or being stored to produce an appropriate registration or proof that he is the holder thereof constitutes authority for the seizure and forfeiture of the plants.

(j) Upon the entry of an order of forfeiture of real property, the court shall forward a copy of the order to the assessor of the county in which the property is located. Orders for the forfeiture of real property shall be entered by the superior court, subject to court rules. Such an order shall be filed by the seizing agency in the county auditor's records in the county in which the real property is located.

SUBPART D OFF-LIMITS ORDERS

NEW SECTION. Sec. 213. The legislature finds that drug abuse is escalating at an alarming rate. New protections need to be established to address this drug crisis which is threatening every stratum of our society. Prohibiting known drug traffickers from frequenting areas for continuous drug activity is one means of addressing this pervasive problem.

NEW SECTION. Sec. 214. Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter:

(1) 'Applicant' means any person who owns, occupies, or has a substantial interest in property, or who is a neighbor to property which is adversely affected by drug trafficking, including:

(a) A 'family or household member' as defined by RCW 10.99.020(1), who has a possessory interest in a residence as an owner or tenant, at least as great as a known drug trafficker's interest;

(b) An owner or lessor;

(c) An owner, tenant, or resident who lives or works in a designated PADT area; or

(d) A city or prosecuting attorney for any jurisdiction in this state where drug trafficking is occurring.

(2) 'Drug' or 'drugs' means a controlled substance as defined in chapter 69.50 RCW or an 'imitation controlled substance' as defined in RCW 69.52.020.

(3) 'Known drug trafficker' means any person who has been convicted of a drug offense in this state, another state, or federal court who subsequently has been arrested for a drug offense in this state. For purposes of this definition, 'drug offense' means a felony violation of chapter 69.50 or 69.52 RCW or equivalent law in another jurisdiction that involves the manufacture, distribution, or possession with intent to manufacture or distribute, of a controlled substance or imitation controlled substance.

(4) 'Off-limits orders' means an order issued by a superior or district court in the state of Washington that enjoins known drug traffickers from entering or remaining in a designated PADT area.

(5) 'Protected against drug trafficking area' or 'PADT area' means any specifically described area, public or private, contained in an off-limits order. The perimeters of a PADT area shall be defined using street names and numbers and shall include all real property contained therein, where drug sales, possession of drugs, pedestrian or vehicular traffic attendant to drug activity, or other activity associated with drug offenses confirms a pattern associated with drug trafficking. The area may include the full width of streets, alleys and sidewalks on the perimeter, common areas, planting strips, parks and parking areas within the area described using the streets as boundaries.

NEW SECTION. Sec. 215. A court may enter an off-limits order enjoining a known drug trafficker who has been associated with drug trafficking in an area that the court finds to be a PADT area, from entering or remaining in a designated PADT area for up to one year. This relief may be ordered pursuant to applications for injunctive relief or as part of a criminal proceeding as follows:

(1) In a civil action, including an action brought under this chapter;

(2) In a nuisance abatement action pursuant to chapter 7.43 RCW;

(3) In an eviction action to exclude known drug traffickers or tenants who were evicted for allowing drug trafficking to occur on the premises which were the subject of the eviction action;

(4) As a condition of pretrial release of a known drug trafficker awaiting trial on drug charges. The order shall be in effect until the time of sentencing or dismissal of the criminal charges; or

(5) As a condition of sentencing of any known drug trafficker convicted of a drug offense. The order may include all periods of community placement or community supervision.

NEW SECTION. Sec. 216. Upon the filing of an application for an off-limits order under section 215 (1), (2), or (3) of this act, the court shall set a hearing fourteen days from the filing of the application, or as soon thereafter as the hearing can be scheduled. If the respondent has not already been served with a summons, the application shall be served on the respondent not less than five court days before the hearing. If timely service cannot be made, the court may set a new hearing date.

NEW SECTION. Sec. 217. Upon filing an application for an off-limits order under this chapter, an applicant may obtain an ex parte temporary off-limits order, with or without notice, only upon a showing that serious or irreparable harm will result to the applicant if the temporary off-limits order is not granted. An ex parte temporary off-limits order shall be effective for a fixed period not to exceed fourteen days, but the court may reissue the order upon a showing of good cause. A hearing on a one-year off-limits order, as provided in this chapter, shall be set for fourteen days from the issuance of the temporary order. The respondent shall be personally served with a copy of the temporary off-limits order along with a copy of the application and notice of the date set for the full hearing. At the hearing, if the court finds that respondent is a known drug trafficker who has engaged in drug trafficking in a particular area, and that the area is associated with a pattern of drug activities, the court shall issue a one-year off-limits order prohibiting the respondent from having any contact with the PADT area. At any time within three months before the expiration of the order, the applicant may apply for a renewal of the order by filing a new petition under this chapter.

NEW SECTION. Sec. 218. In granting a temporary off-limits order or a one-year off-limits order, the court shall have discretion to grant additional relief as the court considers proper to achieve the purposes of this chapter. The PADT area defined in any off-limits order must be reasonably related to the area or areas impacted by the unlawful drug activity as described by the applicant in any civil action under section 215 (1), (2), or (3) of this act. The court in its discretion may allow a respondent, who is the subject of any order issued under section 214 of this act as part of a civil or criminal proceeding, to enter an off-limits area or areas for health or employment reasons, subject to conditions prescribed by the court. Upon request, a certified copy of the order shall be provided to the applicant by the clerk of the court.

NEW SECTION. Sec. 219. A temporary off-limits order or a one-year off-limits order may not issue under this chapter except upon the giving of a bond or security by the applicant. The court shall set the bond or security in the amount the court deems proper, but not less than one

thousand dollars, for the payment of costs and damages that may be incurred by any party who is found to have been wrongfully restrained or enjoined. A bond or security shall not be required of the state of Washington, municipal corporations, or political subdivisions of the state of Washington.

NEW SECTION. Sec. 220. Nothing in this chapter shall preclude a party from appearing in person or by counsel.

NEW SECTION. Sec. 221. A copy of an off-limits order granted under this chapter shall be forwarded by the court to the local law enforcement agency with jurisdiction over the PADT area specified in the order on or before the next judicial day following issuance of the order. Upon receipt of the order, the law enforcement agency shall promptly enter it into an appropriate law enforcement information system.

NEW SECTION. Sec. 222. Any person who willfully disobeys an off-limits order issued under this chapter shall be subject to criminal penalties as provided in this chapter and may also be found in contempt of court and subject to penalties under chapter 7.20 RCW.

NEW SECTION. Sec. 223. (1) Any person who willfully disobeys an off-limits order issued under this chapter shall be guilty of a gross misdemeanor.

(2) Any person who willfully disobeys an off-limits order in violation of the terms of the order and who also either:

(a) Enters or remains in a PADT area that is within one thousand feet of any school; or

(b) Is convicted of a second or subsequent violation of this chapter, is guilty of a class C felony.

NEW SECTION. Sec. 224. The superior courts shall have jurisdiction of all civil actions and all felony criminal proceedings brought under this chapter. Courts of limited jurisdiction shall have jurisdiction of all misdemeanor and gross misdemeanor criminal actions brought under this chapter.

NEW SECTION. Sec. 225. For the purposes of this chapter, an action may be brought in any county in which any element of the alleged drug trafficking activities occurred.

NEW SECTION. Sec. 226. Upon application, notice to all parties, and a hearing, the court may modify the terms of an off-limits order. When an order is terminated, modified, or amended before its expiration date, the clerk of the court shall forward, on or before the next judicial day, a true copy of the amended order to the law enforcement agency specified in the order. Upon receipt of an order, the law enforcement agency shall promptly enter it into an appropriate law enforcement information system.

NEW SECTION. Sec. 227. Sections 213 through 226 of this act shall constitute a new chapter in Title 10 RCW.

SUBPART E

DRUG SITE CLEANUP

NEW SECTION. Sec. 228. A new section is added to chapter 69.50 RCW to read as follows:

Law enforcement agencies who during the official investigation or enforcement of any illegal drug manufacturing facility come in contact with or are aware of any substances suspected of being hazardous as defined in section 2(5), chapter 2, Laws of 1989 (Initiative Measure No. 97), shall notify the department of ecology for the purpose of securing a contractor to identify, clean-up, store, and dispose of suspected hazardous substances, except for those random and representative samples obtained for evidentiary purposes. The department of ecology shall make every effort to recover costs from the parties responsible for the suspected hazardous substance. All recoveries shall be deposited in the account or fund from which contractor payments are made.

The department of ecology may adopt rules to carry out its responsibilities under this section. The department of ecology shall consult with law enforcement agencies prior to adopting any rule or policy relating to this section.

SUBPART F

KEG REGISTRATION

NEW SECTION. Sec. 229. Only licensees holding a class A or B license in combination with a class E license may sell malt liquor in kegs or other containers capable of holding four gallons or more of liquid. Any person who sells or offers for sale the contents of kegs or other containers containing four gallons or more of malt liquor, or leases kegs or other containers that will hold four gallons of malt liquor, to consumers who are not licensed under chapter 66.24 RCW shall do the following for any transaction involving the container:

(1) Require the purchaser of the malt liquor to sign a declaration and receipt for the keg or other container or beverage in substantially the form provided in section 231 of this act;

(2) Require the purchaser to provide one piece of identification pursuant to RCW 66.16.040;

(3) Require the purchaser to sign a sworn statement, under penalty of perjury, that:

(a) The purchaser is of legal age to purchase, possess, or use malt liquor;

(b) The purchaser will not allow any person under the age of twenty-one years to consume the beverage except as provided by RCW 66.44.270;

(c) The purchaser will not remove, obliterate, or allow to be removed or obliterated, the identification required under section 231 of this act to be affixed to the container;

(4) Require the purchaser to state the particular address where the malt liquor will be consumed, or the particular address where the keg or other container will be physically located; and

(5) Require the purchaser to maintain a copy of the declaration and receipt next to or adjacent to the keg or other container, in no event a distance greater than five feet, and visible without a physical barrier from the keg, during the time that the keg or other container is in the purchaser's possession or control.

NEW SECTION, Sec. 230. Any person who purchases the contents of kegs or other containers containing four gallons or more of malt liquor, or purchases or leases the container shall:

(1) Sign a declaration and receipt for the keg or other container or beverage in substantially the form provided in section 231 of this act;

(2) Provide one piece of identification pursuant to RCW 66.16.040;

(3) Be of legal age to purchase, possess, or use malt liquor;

(4) Not allow any person under the age of twenty-one to consume the beverage except as provided by RCW 66.44.270;

(5) Not remove, obliterate, or allow to be removed or obliterated, the identification required under rules adopted by the board;

(6) Not move, keep, or store the keg or its contents, except for transporting to and from the distributor, at any place other than that particular address declared on the receipt and declaration; and

(7) Maintain a copy of the declaration and receipt next to or adjacent to the keg or other container, in no event a distance greater than five feet, and visible without a physical barrier from the keg, during the time that the keg or other container is in the purchaser's possession or control.

NEW SECTION, Sec. 231. The board shall adopt rules requiring retail licensees to affix appropriate identification on all containers of four gallons or more of malt liquor for the purpose of tracing the purchasers of such containers. The rules may provide for identification to be done on a state-wide basis or on the basis of smaller geographical areas.

The board shall develop and make available forms for the declaration and receipt required by section 229 of this act.

It is unlawful for any person to sell or offer for sale kegs or other containers containing four gallons or more of malt liquor to consumers who are not licensed under chapter 66.24 RCW if the kegs or containers are not identified in compliance with rules adopted by the board.

NEW SECTION, Sec. 232. (1) Except as provided in subsection (2) of this section, the violation of any provisions of sections 229 through 231 of this act is punishable by a fine of not more than five hundred dollars.

(2) Except as provided in RCW 66.44.270, a person who intentionally furnishes a keg or other container containing four or more gallons of malt liquor to a minor is liable, on conviction, for a first offense for a penalty of not more than five hundred dollars, or for imprisonment for not more than two months, or both; for a second offense for a penalty of not more than five hundred dollars or imprisonment for not more than six months, or both; and for a third or subsequent offense for a penalty of not more than five hundred dollars or imprisonment for more than one year, or both.

NEW SECTION, Sec. 233. The state of Washington fully occupies and preempts the entire field of keg registration. Cities, towns, and counties or other municipalities may enact only those laws and ordinances relating to keg registration that are consistent with this chapter. Such local ordinances shall have the same or lesser penalties as provided for by state law. Local laws and ordinances that are inconsistent with, more restrictive than, or exceed the requirements of state law shall not be enacted and are preempted and repealed, regardless of the nature of the code, charter, or home rule status of the city, town, county, or municipality.

NEW SECTION, Sec. 234. Sections 229 through 233 of this act are each added to chapter 66.28 RCW.

SUBPART G SPECIAL NARCOTICS ENFORCEMENT UNIT

NEW SECTION, Sec. 235. A new section is added to chapter 9A.82 RCW to read as follows:

A special narcotics enforcement unit is established within the Washington state patrol drug control assistance unit. The unit shall be coordinated between the Washington state patrol, the attorney general, and the Washington association of sheriffs and police chiefs. The initial unit shall consist of attorneys, investigators, and the necessary accountants and support staff. It is the responsibility of the unit to: (1) Conduct criminal narcotic profiteering investigations and assist with prosecutions, (2) train local undercover narcotic agents, and (3) coordinate federal, state, and local interjurisdictional narcotic investigations.

SUBPART H

STATE-WIDE DRUG PROSECUTION ASSISTANCE PROGRAM

NEW SECTION, Sec. 236. A new section is added to chapter 36.27 RCW to read as follows:

The legislature recognizes that, due to the magnitude or volume of offenses in a given area of the state, there is a recurring need for supplemental assistance in the prosecuting of drug and drug-related offenses that can be directed to the area of the state with the greatest

need for short-term assistance. A state-wide drug prosecution assistance program is created within the department of community development to assist county prosecuting attorneys in the prosecution of drug and drug-related offenses.

NEW SECTION. Sec. 237. A new section is added to chapter 36.27 RCW to read as follows:

There is established a state-wide advisory committee comprised of the attorney general, the chief of the Washington state patrol, both United States attorneys whose offices are located in Washington state, and three county prosecuting attorneys appointed by the Washington association of prosecuting attorneys, who will also act as supervising attorneys. The state-wide advisory committee shall select one of the supervising attorneys to act as project director of the drug prosecution assistance program.

NEW SECTION. Sec. 238. A new section is added to chapter 36.27 RCW to read as follows:

The project director of the drug prosecution assistance program shall employ up to five attorneys to act as special deputy prosecuting attorneys. A county or counties may request the assistance of one or more of the special deputy prosecuting attorneys. The project director after consultation with the advisory committee shall determine the assignment of the special deputy prosecutors. Within funds appropriated for this purpose, the project director may also employ necessary support staff and purchase necessary supplies and equipment.

The advisory committee shall regularly review the assignment of the special deputy prosecuting attorneys to ensure that the program's impact on the drug abuse problem is maximized.

During the time a special deputy prosecuting attorney is assigned to a county, the special deputy is under the direct supervision of the county prosecuting attorney for that county. The advisory committee may reassign a special deputy at any time: PROVIDED, That adequate notice must be given to the county prosecuting attorney if the special deputy is involved in a case scheduled for trial.

SUBPART I NEIGHBORHOOD BLIGHT

NEW SECTION. Sec. 239. Every county, city, and town may acquire by condemnation, in accordance with the notice requirements and other procedures for condemnation provided in Title 8 RCW, any property, dwelling, building, or structure which constitutes a blight on the surrounding neighborhood. A 'blight on the surrounding neighborhood' is any property, dwelling, building, or structure that has not been lawfully occupied for a period of one year or more, constitutes a threat to the public health, safety, or welfare as determined by the county health department in the applicable county and that is or has been associated with illegal drug activity during the previous twelve months. Prior to such condemnation, the local governing body shall adopt a resolution declaring that the acquisition of the real property described therein is necessary to eliminate neighborhood blight. Condemnation of property, dwellings, buildings, and structures for the purposes described in this chapter is declared to be for a public use.

NEW SECTION. Sec. 240. Counties, cities, and towns may sell, lease, or otherwise transfer real property acquired pursuant to this chapter for residential, recreational, commercial, industrial, or other uses or for public use, subject to such covenants, conditions, and restrictions, including covenants running with the land, as the county, city, or town deems to be necessary or desirable to rehabilitate and preserve the dwelling, building, or structure in a habitable condition. The purchasers or lessees and their successors and assigns shall be obligated to comply with such other requirements as the county, city, or town may determine to be in the public interest, including the obligation to begin, within a reasonable time, any improvements on such property required to make the dwelling, building, or structure habitable. Such real property or interest shall be sold, leased, or otherwise transferred, at not less than its fair market value. In determining the fair market value of real property for uses in accordance with this section, a municipality shall take into account and give consideration to, the restrictions upon and the covenants, conditions, and obligations assumed by the purchaser or lessee.

NEW SECTION. Sec. 241. A county, city, or town may dispose of real property acquired pursuant to this section to private persons only under such reasonable, competitive procedures as it shall prescribe. The county, city, or town may accept such proposals as it deems to be in the public interest and in furtherance of the purposes of this chapter. Thereafter, the county, city, or town may execute and deliver contracts, deeds, leases, and other instruments of transfer.

NEW SECTION. Sec. 242. Every county, city, or town may, in addition to any other authority granted by this chapter: (1) Enter upon any building or property found to constitute a blight on the surrounding neighborhood in order to make surveys and appraisals, and to obtain an order for this purpose from a court of competent jurisdiction in the event entry is denied or resisted; and (2) borrow money, apply for, and accept, advances, loans, grants, contributions, and any other form of financial assistance from the federal government, the state, a county, or other public body, or from any sources, public or private, for the purposes of this chapter, and enter into and carry out contracts in connection herewith.

NEW SECTION. Sec. 243. Sections 239 through 242 of this act shall constitute a new chapter in Title 35 RCW.

SUBPART J
SCHOOL OFFICIAL SEARCHES OF STUDENT LOCKERS

NEW SECTION. Sec. 244. A new section is added to chapter 28A.67 RCW to read as follows:

The legislature finds that illegal drug activity and weapons in schools threaten the safety and welfare of school children and pose a severe threat to the state educational system. School officials need authority to maintain order and discipline in schools and to protect students from exposure to illegal drugs, weapons, and contraband. Searches of school-issued lockers and the contents of those lockers is a reasonable and necessary tool to protect the interests of the students of the state as a whole.

NEW SECTION. Sec. 245. A new section is added to chapter 28A.67 RCW to read as follows:

No right nor expectation of privacy exists for any student as to the use of any locker issued or assigned to a student by a school and the locker shall be subject to search for illegal drugs, weapons, and contraband as provided in sections 244 through 247 of this act.

NEW SECTION. Sec. 246. A new section is added to chapter 28A.67 RCW to read as follows:

(1) A school principal, vice principal, or principal's designee may search a student, the student's possessions, and the student's locker, if the principal, vice principal, or principal's designee has reasonable grounds to suspect that the search will yield evidence of the student's violation of the law or school rules.

(2) Except as provided in subsection (3) of this section, the scope of the search is proper if the search is conducted as follows:

(a) The methods used are reasonably related to the objectives of the search; and

(b) Is not excessively intrusive in light of the age and sex of the student and the nature of the suspected infraction.

(3) A principal or vice principal or anyone acting under their direction may not subject a student to a strip search or body cavity search as those terms are defined in RCW 10.79.070.

NEW SECTION. Sec. 247. A new section is added to chapter 28A.67 RCW to read as follows:

(1) In addition to the provisions in section 246 of this act, the school principal, vice principal, or principal's designee may search all student lockers at any time without prior notice and without a reasonable suspicion that the search will yield evidence of any particular student's violation of the law or school rule.

(2) If the school principal, vice principal, or principal's designee, as a result of the search, develops a reasonable suspicion that a certain container or containers in any student locker contain evidence of a student's violation of the law or school rule, the principal, vice principal, or principal's designee may search the container or containers according to the provisions of section 246(2) of this act.

PART III
SOCIAL PROGRAMS AND EDUCATION
SUBPART A

INVOLUNTARY TREATMENT

Sec. 301. Section 294, page 187, Laws of 1854 as last amended by section 1501, chapter 212, Laws of 1987, section 11, chapter 439, Laws of 1987, and by section 1, chapter ____ (SSB 5034), Laws of 1989 and RCW 5.60.060 are each reenacted and amended to read as follows:

(1) A husband shall not be examined for or against his wife, without the consent of the wife, nor a wife for or against her husband without the consent of the husband; nor can either during marriage or afterward, be without the consent of the other, examined as to any communication made by one to the other during marriage. But this exception shall not apply to a civil action or proceeding by one against the other, nor to a criminal action or proceeding for a crime committed by one against the other, nor to a criminal action or proceeding against a spouse if the marriage occurred subsequent to the filing of formal charges against the defendant, nor to a criminal action or proceeding for a crime committed by said husband or wife against any child of whom said husband or wife is the parent or guardian, nor to a proceeding under chapter 70.96A or 71.05 RCW: PROVIDED, That the spouse of a person sought to be detained under chapter 70.96A or 71.05 RCW may not be compelled to testify and shall be so informed by the court prior to being called as a witness.

(2) An attorney or counselor shall not, without the consent of his or her client, be examined as to any communication made by the client to him or her, or his or her advice given thereon in the course of professional employment.

(3) A member of the clergy or a priest shall not, without the consent of a person making the confession, be examined as to any confession made to him or her in his or her professional character, in the course of discipline enjoined by the church to which he or she belongs.

(4) Subject to the limitations under RCW 70.96A.140 or 71.05.250, a physician or surgeon or osteopathic physician or surgeon shall not, without the consent of his or her patient, be examined in a civil action as to any information acquired in attending such patient, which was necessary to enable him or her to prescribe or act for the patient, except as follows:

(a) In any judicial proceedings regarding a child's injury, neglect, or sexual abuse or the cause thereof; and

(b) Ninety days after filing an action for personal injuries or wrongful death, the claimant shall be deemed to waive the physician-patient privilege. Waiver of the physician-patient

privilege for any one physician or condition constitutes a waiver of the privilege as to all physicians or conditions, subject to such limitations as a court may impose pursuant to court rules.

(5) A public officer shall not be examined as a witness as to communications made to him or her in official confidence, when the public interest would suffer by the disclosure.

Sec. 302. Section 2, chapter 447, Laws of 1985 as amended by section 1, chapter 212, Laws of 1986 and RCW 5.62.020 are each amended to read as follows:

No registered nurse providing primary care or practicing under protocols, whether or not the physical presence or direct supervision of a physician is required, may be examined in a civil or criminal action as to any information acquired in attending a patient in the registered nurse's professional capacity, if the information was necessary to enable the registered nurse to act in that capacity for the patient, unless:

(1) The patient consents to disclosure or, in the event of death or disability of the patient, his or her personal representative, heir, beneficiary, or devisee consents to disclosure; or

(2) The information relates to the contemplation or execution of a crime in the future, or relates to the neglect or the sexual or physical abuse of a child, or of a vulnerable adult as defined in RCW 74.34.020, or to a person subject to proceedings under chapter 70.96A, 71.05, or 71.34 RCW.

Sec. 303. Section 11, chapter 305, Laws of 1955 as last amended by section 12, chapter 439, Laws of 1987 and RCW 18.83.110 are each amended to read as follows:

Confidential communications between a client and a psychologist shall be privileged against compulsory disclosure to the same extent and subject to the same conditions as confidential communications between attorney and client, but this exception is subject to the limitations under RCW 70.96A.140 and 71.05.250.

Sec. 304. Section 1, chapter 122, Laws of 1972 ex. sess. and RCW 70.96A.010 are each amended to read as follows:

It is the policy of this state that alcoholics and intoxicated persons may not be subjected to criminal prosecution solely because of their consumption of alcoholic beverages but rather should, within available funds, be afforded a continuum of treatment in order that they may lead normal lives as productive members of society. Within available funds, treatment should also be provided for drug addicts.

Sec. 305. Section 2, chapter 122, Laws of 1972 ex. sess. and RCW 70.96A.020 are each amended to read as follows:

For the purposes of this chapter the following words and phrases shall have the following meanings unless the context clearly requires otherwise:

(1) 'Alcoholic' means a person who (~~habitually lacks self-control as to the use of alcoholic beverages; or uses alcoholic beverages to the extent that his health is substantially impaired or endangered or his social or economic function is substantially disrupted~~) suffers from the disease of alcoholism, characterized by a physiological dependency on alcoholic beverages, loss of control over the amount and circumstances of use, symptoms of tolerance, physiological and/or psychological withdrawal if use is reduced or discontinued, and impairment of health or disruption of social or economic functioning;

(2) 'Drug addict' means a person who uses drugs other than alcohol in a chronic, compulsive, or uncontrollable manner, to the extent that it is seriously interfering with the individual's health, economic, or social functioning. Drug addiction is characterized by a compulsive desire for one or more drugs, loss of control when exposed to one or more drugs, and continued use in spite of adverse consequences;

(3) 'Approved treatment facility' means a treatment agency operating under the direction and control of the department of social and health services or providing treatment under this chapter through a contract with the department under RCW 70.96A.080(6) and meeting the standards prescribed in RCW 70.96A.090(1) and approved under RCW 70.96A.090(3) or meeting the standards prescribed in and approved under RCW 69.54.030;

~~((3))~~ (4) 'Secretary' means the secretary of the department of social and health services;

~~((4))~~ (5) 'Department' means the department of social and health services;

~~((5))~~ 'Director' means the director of the division of alcoholism;

(6) 'Emergency service patrol' means a patrol established under RCW 70.96A.170;

(7) 'Incapacitated by alcohol or other drugs' means that a person, as a result of the use of alcohol or other drugs, has his or her judgment so impaired that he or she is incapable of realizing and making a rational decision with respect to ~~(his)~~ the need for treatment or care and constitutes a danger to himself or herself, to any other person, or to property;

(8) 'Gravely disabled by alcohol or other drugs' means that a person, as a result of the use of alcohol or other drugs: (a) is in danger of serious physical harm resulting from a failure to provide for his or her essential human needs of health or safety; or (b) manifests severe deterioration in routine functioning evidenced by a repeated and escalating loss of cognition or volitional control over his or her actions and is not receiving care as essential for his or her health or safety;

(9) 'Incompetent person' means a person who has been adjudged incompetent by the superior court;

~~((9))~~ (10) 'Intoxicated person' means a person whose mental or physical functioning is substantially impaired as a result of the use of alcohol or other drugs;

~~((10))~~ (11) 'Treatment' means the broad range of emergency, outpatient, intermediate, and inpatient and emergency services and care, including diagnostic evaluation, medical, psychiatric, psychological, and social service care, vocational rehabilitation and career counseling, which may be extended to alcoholics, drug addicts, persons incapacitated by alcohol or other drugs, and intoxicated persons;

(12) 'Peace officer' means a law enforcement official of a public agency or governmental unit, and includes persons specifically given peace officer powers by any state law, local ordinance, or judicial order of appointment;

(13) 'Licensed physician' means a person licensed to practice medicine or osteopathy in the state of Washington.

Sec. 306. Section 12, chapter 122, Laws of 1972 ex. sess. as last amended by section 13, chapter 439, Laws of 1987 and RCW 70.96A.120 are each amended to read as follows:

(1) An intoxicated person may come voluntarily to an approved treatment facility for treatment. A person who appears to be intoxicated in a public place and to be in need of help, if he or she consents to the proffered help, may be assisted to his or her home, an approved treatment facility or other health facility.

(2) Except for a person who may be apprehended for possible violation of laws not relating to alcoholism, drug addiction, or intoxication and except for a person who may be apprehended for possible violation of laws relating to driving or being in physical control of a vehicle while intoxicated and except for a person who may wish to avail himself or herself of the provisions of RCW 46.20.308, a person who appears to be incapacitated or gravely disabled by alcohol or other drugs and who is in a public place or who has threatened, attempted, or inflicted physical harm on himself, herself, or another, shall be taken into protective custody by ~~((the police or the emergency service patrol))~~ a peace officer or staff designated by the county and as soon as practicable, but in no event beyond eight hours brought to an approved treatment facility for treatment. If no approved treatment facility is readily available he or she shall be taken to an emergency medical service customarily used for incapacitated persons. The ~~((police or the emergency service patrol))~~ peace officer or staff designated by the county, in detaining the person and in taking him or her to an approved treatment facility, is taking him or her into protective custody and shall make every reasonable effort to protect his or her health and safety. In taking the person into protective custody, the detaining peace officer or ((member of an emergency patrol)) staff designated by the county may take reasonable steps including reasonable force if necessary to protect himself or herself or effect the custody. A taking into protective custody under this section is not an arrest. No entry or other record shall be made to indicate that the person has been arrested or charged with a crime.

(3) A person who comes voluntarily or is brought to an approved treatment facility shall be examined by a qualified person. He or she may then be admitted as a patient or referred to another health facility, which provides emergency medical treatment, where it appears that such treatment may be necessary. The referring approved treatment facility shall arrange for his or her transportation.

(4) A person who is found to be incapacitated or gravely disabled by alcohol or other drugs at the time of his or her admission or to have become incapacitated or gravely disabled at any time after his or her admission, may not be detained at the facility for more than seventy-two hours after admission as a patient, unless a petition is filed under RCW 70.96A.140, as now or hereafter amended: PROVIDED, That the treatment personnel at ~~((the))~~ an approved treatment facility are authorized to use such reasonable physical restraint as may be necessary to retain an incapacitated or gravely disabled person ((incapacitated by alcohol at such facility)) for up to seventy-two hours from the time of admission. The seventy-two hour periods specified in this section shall be computed by excluding Saturdays, Sundays, and holidays. A person may consent to remain in the facility as long as the physician in charge believes appropriate.

(5) A person who is not admitted to an approved treatment facility, is not referred to another health facility, and has no funds, may be taken to his or her home, if any. If he or she has no home, the approved treatment facility shall ~~((assist))~~ provide him or her ~~((in obtaining shelter))~~ with information and assistance to access available community shelter resources.

(6) If a patient is admitted to an approved treatment facility, his or her family or next of kin shall be notified as promptly as possible by the treatment facility. If an adult patient who is not incapacitated requests that there be no notification, his or her request shall be respected.

(7) The ~~((police, members of the emergency service))~~ peace officer, staff designated by the county, or treatment facility personnel, who ~~((in good faith))~~ act in compliance with this chapter and are performing in the course of their official duty ~~((and))~~ are not criminally or civilly liable therefor.

(8) If the person in charge of the approved treatment facility determines ~~((it is for the patient's benefit))~~ that appropriate treatment is available, the patient shall be encouraged to agree to further diagnosis and appropriate voluntary treatment.

Sec. 307. Section 14, chapter 122, Laws of 1972 ex. sess. as last amended by section 14, chapter 439, Laws of 1987 and RCW 70.96A.140 are each amended to read as follows:

(1) When the person in charge of a treatment facility, or his or her designee, receives information alleging that a person is incapacitated as a result of alcoholism, the person in charge, or his or her designee, after investigation and evaluation of the specific facts alleged and of the reliability and credibility of the information, may file a petition for commitment of such person with the superior court or district court. If the person in charge, or his or her designee, finds that the initial needs of such person would be better served by placement within the mental health system, the person shall be referred to an evaluation and treatment facility as defined in RCW 71.05.020. If placement in an alcohol treatment facility is available and deemed appropriate, the petition shall allege that: The person is an alcoholic who is incapacitated by alcohol, or that the person has twice before in the preceding twelve months been admitted for ((the voluntary)) detoxification or treatment for alcoholism pursuant to RCW 70.96A.110 and is in need of a more sustained treatment program, or that the person is an alcoholic who has threatened, attempted, or inflicted physical harm on another and is likely to inflict physical harm on another unless committed. A refusal to undergo treatment, by itself, does not constitute evidence of lack of judgment as to the need for treatment. The petition shall be accompanied by a certificate of a licensed physician who has examined the person within ((two)) five days before submission of the petition, unless the person whose commitment is sought has refused to submit to a medical examination, in which case the fact of refusal shall be alleged in the petition. The certificate shall set forth the licensed physician's findings in support of the allegations of the petition. A physician employed by the petitioning facility or the department is ((not)) eligible to be the certifying physician.

(2) Upon filing the petition, the court shall fix a date for a hearing no less than ((three)) two and no more than seven days after the date the petition was filed unless the person petitioned against is presently being detained ((by the)) in a facility, pursuant to RCW 70.96A.120 or 71.05.210, as now or hereafter amended, in which case the hearing shall be held within seventy-two hours of the filing of the petition: PROVIDED, HOWEVER, That the above specified seventy-two hours shall be computed by excluding Saturdays, Sundays, and holidays: PROVIDED FURTHER, That, the court may, upon motion of the person whose commitment is sought, or upon motion of petitioner with written permission of the person whose commitment is sought, or his or her counsel and, upon good cause shown, extend the date for the hearing. A copy of the petition and of the notice of the hearing, including the date fixed by the court, shall be served by the treatment facility on the person whose commitment is sought, his or her next of kin, a parent or his or her legal guardian if he or she is a minor, and any other person the court believes advisable. A copy of the petition and certificate shall be delivered to each person notified.

(3) At the hearing the court shall hear all relevant testimony, including, if possible, the testimony, which may be telephonic, of at least one licensed physician who has examined the person whose commitment is sought. Communications otherwise deemed privileged under the laws of this state are deemed to be waived in proceedings under this chapter when a court of competent jurisdiction in its discretion determines that the waiver is necessary to protect either the detained person or the public. The waiver of a privilege under this section is limited to records or testimony relevant to evaluation of the detained person for purposes of a proceeding under this chapter. Upon motion by the detained person, or on its own motion, the court shall examine a record or testimony sought by a petitioner to determine whether it is within the scope of the waiver.

The record maker shall not be required to testify in order to introduce medical, nursing, or psychological records of detained persons so long as the requirements of RCW 5.45.020 are met, except that portions of the record that contain opinions as to whether the detained person is an alcoholic must be deleted from the records unless the person offering the opinions is available for cross-examination. The person shall be present unless the court believes that his or her presence is likely to be injurious to him or her; in this event the court may deem it appropriate to appoint a guardian ad litem to represent him or her throughout the proceeding. If deemed advisable, the court may examine the person out of courtroom. If the person has refused to be examined by a licensed physician, he or she shall be given an opportunity to be examined by a court appointed licensed physician. If he or she refuses and there is sufficient evidence to believe that the allegations of the petition are true, or if the court believes that more medical evidence is necessary, the court may make a temporary order committing him or her to the department for a period of not more than five days for purposes of a diagnostic examination.

(4) If after hearing all relevant evidence, including the results of any diagnostic examination, the court finds that grounds for involuntary commitment have been established by clear, cogent, and convincing proof, it shall make an order of commitment to an approved treatment facility. It shall not order commitment of a person unless it determines that an approved treatment facility is available and able to provide adequate and appropriate treatment for him or her ((and the treatment is likely to be beneficial)).

(5) A person committed under this section shall remain in the facility for treatment for a period of ((thirty)) sixty days unless sooner discharged. At the end of the ((thirty)) sixty-day

period, he or she shall be discharged automatically unless the facility, before expiration of the period, files a petition for his or her recommitment upon the grounds set forth in subsection (1) of this section for a further period of ninety days unless sooner discharged. If a person has been committed because he or she is an alcoholic likely to inflict physical harm on another, the facility shall apply for recommitment if after examination it is determined that the likelihood still exists.

~~(6) ((A person recommitment under subsection (5) of this section who has not been discharged by the facility before the end of the ninety-day period shall be discharged at the expiration of that period unless the facility, before expiration of the period, obtains a court order on the grounds set forth in subsection (1) of this section for recommitment for a further period not to exceed ninety days. If a person has been committed because he or she is an alcoholic likely to inflict physical harm on another, the facility shall apply for recommitment if after examination it is determined that the likelihood still exists. Only two recommitment orders under subsections (5) and (6) of this section are permitted.~~

~~(7)) Upon the filing of a petition for recommitment under subsection((s)) (5) ((or(6))) of this section, the court shall fix a date for hearing no less than ((three)) two and no more than seven days after the date the petition was filed: PROVIDED, That, the court may, upon motion of the person whose commitment is sought and upon good cause shown, extend the date for the hearing. A copy of the petition and of the notice of hearing, including the date fixed by the court, shall be served by the treatment facility on the person whose commitment is sought, his or her next of kin, the original petitioner under subsection (1) of this section if different from the petitioner for recommitment, one of his or her parents or his or her legal guardian if he or she is a minor, and his or her attorney and any other person the court believes advisable. At the hearing the court shall proceed as provided in subsection (3) of this section.~~

~~((6)) (7) The approved treatment facility shall provide for adequate and appropriate treatment of a person committed to its custody. A person committed under this section may be transferred from one approved public treatment facility to another if transfer is medically advisable.~~

~~((9)) (8) A person committed to the custody of a facility for treatment shall be discharged at any time before the end of the period for which he or she has been committed and he or she shall be discharged by order of the court if either of the following conditions are met:~~

~~(a) In case of an alcoholic committed on the grounds of likelihood of infliction of physical harm upon himself, herself, or another, ((that he or she is no longer an alcoholic or)) the likelihood no longer exists; or further treatment will not be likely to bring about significant improvement in the person's condition, or treatment is no longer adequate or appropriate.~~

~~(b) In case of an alcoholic committed on the grounds of the need of treatment and incapacity, that the incapacity no longer exists.~~

~~((10)) (9) The court shall inform the person whose commitment or recommitment is sought of his or her right to contest the application, be represented by counsel at every stage of any proceedings relating to his or her commitment and recommitment, and have counsel appointed by the court or provided by the court, if he or she wants the assistance of counsel and is unable to obtain counsel. If the court believes that the person needs the assistance of counsel, the court shall require, by appointment if necessary, counsel for him or her regardless of his or her wishes. The person shall, if he or she is financially able, bear the costs of such legal service; otherwise such legal service shall be at public expense. The person whose commitment or recommitment is sought shall be informed of his or her right to be examined by a licensed physician of his or her choice. If the person is unable to obtain a licensed physician and requests examination by a physician, the court shall employ a licensed physician.~~

~~((11)) (10) A person committed under this chapter may at any time seek to be discharged from commitment by writ of habeas corpus in a court of competent jurisdiction.~~

~~((12)) (11) The venue for proceedings under this section is the county in which person to be committed resides or is present.~~

(12) When in the opinion of the professional person in charge of the facility providing involuntary treatment under this chapter, the committed patient can be appropriately served by less restrictive treatment before expiration of the period of commitment, then the less restrictive care may be required as a condition for early release for a period which, when added to the initial treatment period, does not exceed the period of commitment. If the facility designated to provide the less restrictive treatment is other than the facility providing the initial involuntary treatment, the facility so designated must agree in writing to assume such responsibility. A copy of the conditions for early release shall be given to the patient, the designated county alcoholism specialist, and the court of original commitment. The facility designated to provide less restrictive care may modify the conditions for continued release when the modifications are in the best interests of the patient. If the facility providing less restrictive care and the designated county alcoholism specialist determine that a conditionally released patient is failing to adhere to the terms and conditions of his or her release, or that substantial deterioration in the patient's functioning has occurred, then the designated county alcoholism specialist shall notify the court of original commitment and request a hearing to be held no less than two and no more than seven days after the date of the request to determine whether or not the

person should be returned to more restrictive care. The designated alcoholism specialist shall file a petition with the court stating the facts substantiating the need for the hearing along with the treatment recommendations. The patient shall have the same rights with respect to notice, hearing, and counsel as for the original involuntary treatment proceedings. The issues to be determined at the hearing are whether the conditionally released patient did or did not adhere to the terms and conditions of his or her release to less restrictive care or that substantial deterioration of the patient's functioning has occurred and whether the conditions of release should be modified or the person should be returned to a more restrictive facility. The hearing may be waived by the patient and his or her counsel and his or her guardian or conservator, if any, but may not be waived unless all such persons agree to the waiver. Upon waiver, the person may be returned for involuntary treatment or continued on conditional release on the same or modified conditions.

Sec. 308. Section 15, chapter 85, Laws of 1959 and RCW 70.96.150 are each amended to read as follows:

The department shall not refuse admission for diagnosis, evaluation, guidance or treatment to any applicant because it is determined that the applicant is financially unable to contribute fully or in part to the cost of any services or facilities available under the program on alcoholism.

The department may limit admissions of such applicants or modify its programs in order to ensure that expenditures for services or programs do not exceed amounts appropriated by the legislature and are allocated by the department for such services or programs. The department may establish admission priorities in the event that the number of eligible applicants exceeds the limits set by the department.

NEW SECTION. Sec. 309. A new section is added to chapter 70.96A RCW to read as follows:

The department is authorized to allocate appropriated funds in the manner that it determines best meets the purposes of this chapter. Nothing in this chapter shall be construed to entitle any individual to services authorized in this chapter, or to require the department or its contractors to reallocate funds in order to ensure that services are available to any eligible person upon demand.

SUBPART B

DRUG AND ALCOHOL ABUSE PREVENTION AND EARLY INTERVENTION IN SCHOOLS

NEW SECTION. Sec. 310. (1) The legislature finds that the provision of drug and alcohol counseling and related prevention and intervention services in schools will enhance the classroom environment for students and teachers, and better enable students to realize their academic and personal potentials.

(2) The legislature finds that it is essential that resources be made available to school districts to provide early drug and alcohol prevention and intervention services to students and their families; to assist in referrals to treatment providers; and to strengthen the transition back to school for students who have had problems of drug and alcohol abuse.

(3) New and existing substance abuse awareness programs funded pursuant to RCW 28A.120.030 through 28A.120.050 do not fall within the definition of basic education for purposes of Article IX of the state Constitution and the state's funding duty thereunder.

(4) The legislature intends to provide grants for drug and alcohol abuse prevention and intervention in schools, targeted to those schools with the highest concentrations of students at risk.

NEW SECTION. Sec. 311. (1) Grants provided under section 312 of this act may be used solely for services provided by a substance abuse intervention specialist or for dedicated staff time for counseling and intervention services provided by any school district certificated employee who has been trained by and has access to consultation with a substance abuse intervention specialist. Services shall be directed at assisting students in kindergarten through twelfth grade in overcoming problems of drug and alcohol abuse, and in preventing abuse and addiction to such substances, including nicotine. The grants shall require local matching funds so that the grant amounts support a maximum of eighty percent of the costs of the services funded. The services of a substance abuse intervention specialist may be obtained by means of a contract with a state or community services agency or a drug treatment center. Services provided by a substance abuse intervention specialist may include:

- (a) Individual and family counseling, including preventive counseling;
- (b) Assessment and referral for treatment;
- (c) Referral to peer support groups;
- (d) Aftercare;
- (e) Development and supervision of student mentor programs;
- (f) Staff training, including training in the identification of high-risk children and effective interaction with those children in the classroom; and
- (g) Development and coordination of school drug and alcohol core teams, involving staff, students, parents, and community members.

(2) For the purposes of this section, 'substance abuse intervention specialist' means any one of the following, except that diagnosis and assessment, counseling and aftercare specifically identified with treatment of chemical dependency shall be performed only by personnel who

meet the same qualifications as are required of a qualified chemical dependency counselor employed by an alcoholism or drug treatment program approved by the department of social and health services.

(a) An educational staff associate employed by a school district or educational service district who holds certification as a school counselor, school psychologist, school nurse, or school social worker under state board of education rules adopted pursuant to RCW 28A.04.120;

(b) An individual who meets the definition of a qualified drug or alcohol counselor established by the bureau of alcohol and substance abuse;

(c) A counselor, social worker, or other qualified professional employed by the department of social and health services;

(d) A psychologist licensed under chapter 18.83 RCW; or

(e) A children's mental health specialist as defined in RCW 71.34.020.

NEW SECTION, Sec. 312. (1) The superintendent of public instruction shall select school districts and cooperatives of school districts to receive grants for drug and alcohol abuse prevention and intervention programs for students in kindergarten through twelfth grade, from funds appropriated by the legislature for this purpose. The minimum annual grant amount per district or cooperative of districts shall be twenty thousand dollars. Factors to be used in selecting proposals for funding and in determining grant awards shall be developed in consultation with the substance abuse advisory committee appointed under RCW 28A.120.038, with the intent of targeting funding to districts with high-risk populations. These factors may include:

(a) Characteristics of the school attendance areas to be served, such as the number of students from low-income families, truancy rates, juvenile justice referrals, and social services caseloads;

(b) The total number of students who would have access to services; and

(c) Participation of community groups and law enforcement agencies in drug and alcohol abuse prevention and intervention activities.

(2) The application procedures for grants under this section shall be consistent with the application procedures for other grants for substance abuse awareness programs under RCW 28A.120.032, including provisions for comprehensive planning, establishment of a school and community substance abuse advisory committee, and documentation of the district's needs assessment. Planning and application for grants under this section may be integrated with the development of other substance abuse awareness programs by school districts, and other grants under RCW 28A.120.030 through 28A.120.036 shall not require a separate application. School districts shall, to the maximum extent feasible, coordinate the use of grants provided under this section with other funding available for substance abuse awareness programs. School districts should allocate resources giving emphasis to drug and alcohol abuse intervention services for students in grades five through nine. Grants may be used to provide services for students who are enrolled in approved private schools.

(3) School districts receiving grants under this section shall be required to establish a means of accessing formal assessment services for determining treatment needs of students with drug and alcohol problems. The grant applications submitted by districts shall identify the districts' plan for meeting this requirement.

(4) School districts receiving grants under this section shall be required to perform biennial evaluations of their drug and alcohol abuse prevention and intervention programs, and to report on the results of these evaluations to the superintendent of public instruction.

(5) The superintendent of public instruction may adopt rules to implement sections 311 through 313 of this act.

NEW SECTION, Sec. 313. (1) School districts are encouraged to promote parent and community involvement in drug and alcohol abuse prevention and intervention programs, through parent visits under RCW 28A.58.053 and through any school involvement program established by the district under RCW 28A.58.640 through 28A.58.648.

(2) Districts are further encouraged to review drug and alcohol prevention and intervention programs as part of the self-study procedures required under RCW 28A.58.085 and as part of any annual goal-setting process the district may have established under RCW 28A.58.094.

NEW SECTION, Sec. 314. Sections 311 through 313 of this act are each added to chapter 28A.120 RCW.

SUBPART C COMMUNITY MOBILIZATION

NEW SECTION, Sec. 315. The legislature recognizes that state-wide efforts aimed at reducing the incidence of substance abuse must be increased. The legislature further recognizes that the most effective strategy for reducing the impact of alcohol and other drug abuse is through the collaborative efforts of educators, law enforcement, local government officials, local treatment providers, and concerned community and citizens' groups.

The legislature intends to support the development and activities of community mobilization strategies against substance abuse through the following efforts:

(1) Provide funding support for prevention, treatment, and enforcement activities identified by communities that have brought together education, treatment, local government, law enforcement, and other key elements of the community;

(2) Provide technical assistance and support to help communities develop and carry out effective activities; and

(3) Provide communities with opportunities to share suggestions for state program operations and budget priorities.

NEW SECTION, Sec. 316. There is established in the office of the governor a grant program to provide incentive for and support for communities to develop targeted and coordinated strategies to reduce the incidence and impact of substance abuse.

Activities which may be funded through this grant program include those which:

(1) Prevent substance abuse through educational and self-esteem efforts, development of positive alternatives, intervention with high-risk groups, and other prevention strategies;

(2) Support effective treatment by increasing access to and availability of treatment opportunities, particularly for underserved or highly impacted populations, developing after-care and support mechanisms, and other strategies to increase the availability and effectiveness of treatment;

(3) Provide meaningful consequences for participation in illegal activity and promote safe and healthy communities through support of law enforcement strategies;

(4) Create or build on efforts by existing community programs, coordinate their efforts, and develop cooperative efforts or other initiatives to make most effective use of resources to carry out the community's strategy against substance abuse; and

(5) Other activities which demonstrate both feasibility and a rationale for how the activity will achieve measurable results in the strategy against substance abuse.

NEW SECTION, Sec. 317. Applications for funding under this chapter must:

(1) Demonstrate that the community has developed and is committed to carrying out a coordinated strategy of prevention, treatment, and law enforcement activities; and

(2) Contain evidence of active participation of the community and specific commitments to implementing the community-wide agenda by leadership from at least education, law enforcement, local government, tribal government, and treatment entities in the community, and the opportunity for meaningful involvement from others such as neighborhood and citizen groups, businesses, human service, health and job training organizations, and other key elements of the community, particularly those whose responsibilities in law enforcement, treatment, prevention, or other community efforts provide direct, ongoing contact with substance abusers.

NEW SECTION, Sec. 318. This grant program will be available to communities of any geographic size but will encourage and reward communities which develop coordinated or complementary strategies within geographic areas such as county areas or groups of county areas which correspond to units of government with significant responsibilities in the area of substance abuse, existing coalitions, or other entities important to the success of a community's strategy against substance abuse.

NEW SECTION, Sec. 319. At a minimum, grant applications must include the following:

(1) Definition of geographic area;

(2) A description of the extent and impact of substance abuse in the community, including an explanation of those who are most severely impacted and those most at risk of substance abuse;

(3) An explanation of the community-wide strategy for prevention, treatment, and law enforcement activities related to substance abuse with particular attention to those who are most severely impacted and those most at risk of substance abuse;

(4) Explanation of who was involved in development of the strategy and what specific commitments have been made to carrying it out;

(5) Identification of existing prevention, treatment, and law enforcement resources committed by the community, including financial and other support, and an explanation of how the community's strategy involves and builds on the efforts of existing organizations or coalitions that have been carrying out community efforts against substance abuse;

(6) Identification of activities that address specific objectives in the strategy for which additional resources are needed;

(7) Identification of additional local resources, including public or private funds, donated goods or services, and other measurable commitments, that have been committed to the activities identified in subsection (6) of this section;

(8) Identification of activities which address specific objectives in the strategy for which funding is requested. Activities should be presented in priority order;

(9) Each activity for which funding is requested must be explained in sufficient detail to demonstrate:

(a) Feasibility through deliberative design, specific objectives, and realistic plan for implementation;

(b) A rationale for how this activity will achieve measurable results and how it will be evaluated;

(c) That funds requested are necessary and appropriate to effectively carry out the activity; and

(10) Identification of a fiscal agent meeting state requirements for each activity proposed for funding.

NEW SECTION, Sec. 320. The governor shall make awards, subject to funds appropriated by the legislature, under the following terms:

(1) In order to be eligible for consideration, applications must demonstrate, at a minimum:

(a) That proposals submitted for funding are based on and address specific objectives contained in a coordinated strategy of prevention, treatment, and law enforcement against substance abuse;

(b) Evidence of active participation in preparation of the proposal and specific commitments to implementing the community-wide agenda by leadership from at least education, law enforcement, local government, tribal government, and treatment entities in the community, and the opportunity for meaningful involvement from others such as neighborhood and citizen groups, businesses, human service, health and job training organizations, and other key elements of the community, particularly those whose responsibilities in law enforcement, treatment, prevention, or other community efforts provide direct, ongoing contact with substance abusers, or those at risk for substance abuse;

(c) That they have met the requirements listed in section 319 of this act;

(d) Evidence of additional local resources committed to its strategy totaling at least twenty-five percent of funds awarded under this section. These resources may consist of public or private funds, donated goods or services, and other measurable commitments, including in-kind contributions such as volunteer services, materials, supplies, physical facilities or a combination thereof; and

(e) That the funds applied for, if received, will not be used to replace funding for existing activities.

(2) In order to encourage and reward communities which develop coordinated or complementary strategies within geographic areas which correspond to units of government with significant responsibilities in the area of substance abuse, up to fifty percent of funds appropriated for the purposes of this chapter may be awarded on a per capita basis to eligible applications reflecting coordinated strategy from a county area or group of county areas. The governor may establish minimum allotments per eligible county areas up to fifteen thousand dollars; and

(3) No less than fifty percent of funds appropriated under this chapter shall be awarded on a competitive basis for activities by communities not participating in a county-wide strategy and activities identified by county-wide strategies but not funded through per capita grants. Eligible applications will be assessed and compared by a peer review committee whose members have experience in prevention, treatment, law enforcement, and other community efforts against substance abuse using the following criteria:

(a) The extent and impact of substance abuse;

(b) The extent to which key elements of the community are involved in and committed to the coordinated strategy;

(c) The extent of commitments of local resources to the coordinated strategy;

(d) The extent to which any activities in a community's strategy offer an innovative approach to a chronic, wide-spread problem.

The peer review committee will advise the governor on the extent to which each eligible applicant has met these criteria. The governor will distribute available funds based on this information.

(4) The governor shall distribute fifty percent of the initial appropriation for the purposes of this chapter no later than October 1, 1989, and the remainder no later than July 1, 1990.

(5) Activities funded under this section may be considered for funding in future years, but will be considered under the same terms and criteria of new activities. Funding under this section shall not constitute an obligation by the state of Washington to provide ongoing funding.

NEW SECTION, Sec. 321. The governor shall ask communities for suggestions on state practices, policies, and priorities that would help communities implement their strategies against substance abuse. The governor or appropriate agency officials shall review and respond to those suggestions making necessary changes where feasible, making recommendations to the legislature where appropriate, and providing an explanation as to why suggested changes cannot be accomplished, if the suggestions cannot be acted upon.

NEW SECTION, Sec. 322. The governor may receive such gifts, grants, and endowments from public or private sources as may be made from time to time, in trust or otherwise, for the use and benefit of the purposes of sections 315 through 322 of this act and expend the same or any income therefrom according to the terms of the gifts, grants, or endowments.

NEW SECTION, Sec. 323. Sections 315 through 322 of this act shall constitute a new chapter in Title 43 RCW.

NEW SECTION, Sec. 324. The governor shall report to the legislature by January 1, 1991, regarding the operations of the grant program authorized in section 316 of this act. At a minimum, the report shall include the following:

- (1) Number of grants awarded and the amount of each grant;
- (2) Recipients of grants, including the communities in which they are based;
- (3) Purposes for which the grants were awarded;
- (4) Success of the projects in achieving their stated goals and objectives;
- (5) An assessment of the effect that the activities of this act had on encouraging and supporting coordinated community action against substance abuse;
- (6) Recommendations for further funding by the state; and
- (7) Recommendations regarding future operations of the program, including criteria for awarding grants.

PART IV
APPROPRIATIONS

NEW SECTION. Sec. 401. DRUG ENFORCEMENT AND EDUCATION ACCOUNT. The drug enforcement and education account is created in the state treasury. All designated receipts from RCW 66.24.210(4), 66.24.290(3), 69.50.505(f)(2)(1)(C), 82.08.150(5), 82.24.020(2), and sections 420 and 506 of this act shall be deposited into the account. Expenditures from the account may be used only for funding services and programs under this act.

NEW SECTION. Sec. 402. CRIMES AND PENALTIES. The sum of twenty-one million three hundred five thousand dollars, or as much thereof as may be necessary, is appropriated for the biennium ending June 30, 1991, from the drug enforcement and education account to the department of corrections. Of this amount, eight million eight hundred thousand dollars is for operational costs associated with the additional prison population due to the new crimes and increased penalties established by sections 101 through 112 of this act. The remaining twelve million five hundred five thousand dollars is for the purpose of renovating or constructing additional facilities needed as a result of the new crimes and penalties.

NEW SECTION. Sec. 403. JUVENILE OFFENDERS STRUCTURED RESIDENTIAL PROGRAM. The sum of one million eight hundred thirty-five thousand dollars, or as much thereof as may be necessary, is appropriated from the drug enforcement and education account to the department of social and health services for the biennium ending June 30, 1991, for the juvenile offenders structured residential program.

NEW SECTION. Sec. 404. MONITORING INMATE TELEPHONE CALLS. The sum of one hundred seventy-five thousand dollars, or as much thereof as may be necessary, is appropriated for the biennium ending June 30, 1991, from the drug enforcement and education account to the department of corrections for the purpose of monitoring inmate telephone calls within state correctional facilities.

NEW SECTION. Sec. 405. SPECIAL NARCOTICS ENFORCEMENT UNIT. The sum of nine hundred forty thousand dollars, or as much thereof as may be necessary, is appropriated for the biennium ending June 30, 1991, from the drug enforcement and education account to the Washington state patrol to be used solely for purposes of establishing the special narcotics enforcement unit within the state patrol drug control assistance unit.

NEW SECTION. Sec. 406. STATE-WIDE DRUG PROSECUTION ASSISTANCE UNIT. The sum of five hundred sixty thousand dollars, or as much thereof as may be necessary, is appropriated for the biennium ending June 30, 1991, from the drug enforcement and education account to the department of community development for the state-wide drug prosecution assistance unit. None of this sum may be used by the department of community development for administrative expenses.

NEW SECTION. Sec. 407. INVOLUNTARY TREATMENT. The sum of four million nine hundred thousand dollars, or as much thereof as may be necessary, is appropriated for the biennium ending June 30, 1991, from the drug enforcement and education account to the department of social and health services for the purposes of sections 301 through 309 of this act.

NEW SECTION. Sec. 408. PREVENTION AND EARLY INTERVENTION IN SCHOOLS. The sum of ten million dollars, or as much thereof as may be necessary, is appropriated for the biennium ending June 30, 1991, from the drug enforcement and education account to the superintendent of public instruction to support school district substance abuse awareness programs provided under sections 310 through 313 of this act.

It is the intent of the legislature that one-time grants provided to school districts from appropriations under this section do not meet the criteria for levy reduction funds under RCW 84.52.0531 and shall not be deemed to be levy reduction funds.

NEW SECTION. Sec. 409. ALCOHOL AND DRUG-ABUSING PREGNANT WOMEN. The sum of five million five hundred thousand dollars, or as much thereof as may be necessary, is appropriated for the biennium ending June 30, 1991, from the drug enforcement and education account to the department of social and health services for maternity care support services for alcohol and drug-abusing pregnant women. Support services shall include substance abuse treatment programs specifically designed to serve pregnant women and postpartum women and their infants and children. A continuum of treatment shall be provided, to include one or more of the following components:

- (1) Inpatient treatment programs capable of serving pregnant women and postpartum women and infants;

(2) An ambulatory treatment facility serving women and their infants who test positive for the human immunodeficiency virus (HIV) or the acquired immunodeficiency syndrome (AIDS);

(3) Transition housing or safe living space for pregnant and postpartum women and infants;

(4) Outpatient or follow-up treatment which includes a provision for child care.

The department shall maximize federal participation for support services provided under this section to eligible persons under the medical assistance program, Title XIX of the federal social security act.

NEW SECTION. Sec. 410. COMMUNITY MOBILIZATION. The sum of three million six hundred forty thousand dollars, or as much thereof as may be necessary, is appropriated for the biennium ending June 30, 1991, from the drug enforcement and education account to the department of community development for the purposes of funding community mobilization strategies. Of this amount, forty thousand dollars is to provide technical assistance to communities in meeting the conditions of grant applications.

NEW SECTION. Sec. 411. SECURITY IN SCHOOLS. The sum of three million dollars, or as much thereof as may be necessary, is appropriated for the biennium ending June 30, 1991, from the drug enforcement and education account to the superintendent of public instruction for matching grants to enhance security in secondary schools. School districts which apply for such grants shall ensure that no more than seventy-five percent of the district's total expenditures for school security in any school year are supported by the grant amounts. The grants shall be expended solely for the costs of employing or contracting for building security monitors in secondary schools during school hours and school events. Of the amount appropriated in this section, a minimum of two million seven hundred fifty thousand dollars is provided for grants to districts that, during the 1988-89 school year, employed or contracted for security monitors in schools during school hours.

It is the intent of the legislature that grants provided to school districts from appropriations under this section do not meet the criteria for levy reduction funds under RCW 84.52.0531 and shall not be deemed to be levy reduction funds.

NEW SECTION. Sec. 412. CRIME LAB ENHANCEMENT. The sum of eight hundred thousand dollars, or as much thereof as may be necessary, is appropriated for the biennium ending June 30, 1991, from the drug enforcement and education account to the Washington state patrol to be used solely for purposes of enhancing and expediting identification and analysis in drug cases.

NEW SECTION. Sec. 413. JUVENILE REHABILITATION--SUBSTANCE ABUSE. The sum of six hundred twenty-five thousand dollars, or as much thereof as may be necessary, is appropriated for the biennium ending June 30, 1991, from the drug enforcement and education account to the department of social and health services to be used solely for the purposes of enhancing detection and treatment of the use of illegal drugs in the juvenile rehabilitation institutions.

NEW SECTION. Sec. 414. YOUTH ASSESSMENT AND TREATMENT. The sum of twelve million two hundred thousand dollars, or as much thereof as may be necessary, is appropriated for the biennium ending June 30, 1991, from the drug enforcement and education account to the department of social and health services to provide inpatient youth assessment and treatment programs to serve youth and their families. At least forty percent of new inpatient treatment slots provided under this section shall be located east of the Cascade mountains. Up to fifteen of the treatment slots created under this section shall be staff-secure. Inpatient treatment programs shall incorporate appropriate outpatient and aftercare programs. In addition, within appropriated funds, the department shall develop intensive outpatient treatment services for children and youth for whom inpatient treatment is inappropriate or unavailable.

NEW SECTION. Sec. 415. ADULT CORRECTIONS--SUBSTANCE ABUSE PROGRAM. The sum of five hundred sixty-five thousand dollars, or as much thereof as may be necessary, is appropriated for the biennium ending June 30, 1991, from the drug enforcement and education account to the department of corrections to develop and implement a model to deliver a continuum of care to substance-dependent offenders.

NEW SECTION. Sec. 416. WORK RELEASE DRUG TREATMENT. The sum of one hundred ten thousand dollars, or as much thereof as may be necessary, is appropriated for the biennium ending June 30, 1991, from the drug enforcement and education account to the department of corrections to develop substance abuse treatment programs at the Reynolds work release facility and the eastern Washington prerelease facility.

NEW SECTION. Sec. 417. INTENSIVE DRUG SURVEILLANCE. The sum of one million one hundred twenty thousand dollars, or as much thereof as may be necessary, is appropriated for the biennium ending June 30, 1991, from the drug enforcement and education account to the department of corrections for continued funding for the community corrections drug surveillance unit in King county and to initiate similar units in Pierce and Yakima counties.

NEW SECTION. Sec. 418. DRUG ABUSE RESISTANCE PROGRAM. The sum of two hundred thirty thousand dollars, or as much thereof as may be necessary, is appropriated for the biennium ending June 30, 1991, from the drug enforcement and education account to the criminal justice training commission to support the drug abuse resistance education program.

NEW SECTION, Sec. 419. METHADONE TREATMENT. The sum of four hundred thousand dollars, or as much thereof as may be necessary, is appropriated for the biennium ending June 30, 1991, from the drug enforcement and education account to the department of social and health services for distribution to counties for methadone treatment pursuant to chapter 69.54 RCW, subject to the following conditions and limitations: This sum is provided solely for the purpose of increasing the number of persons for whom methadone treatment is available, and the department shall distribute funds under this section to a county only for the establishment of new treatment centers and only if a county attempts to recover the cost of methadone treatment by charging user fees based on ability to pay.

NEW SECTION, Sec. 420. TREATMENT ALTERNATIVES TO STREET CRIME—DOMESTIC CASES. The sum of one million eight hundred thousand dollars, or as much thereof as may be necessary, is appropriated for the biennium ending June 30, 1991, from the drug enforcement and education account to the office of the administrator for the courts for the treatment alternatives to street crime program. These funds shall be used for providing services in domestic cases under chapter 26.09, 26.10, or 26.50 RCW. These funds shall not be available for expenditure until January 1, 1990. The office of the administrator for the courts shall establish standards for the courts to recover the expenses of the program specified in this section from the participants, based upon the individual participant's ability to pay. All fees collected shall be remitted to the state treasurer for deposit in the drug enforcement and education account under section 401 of this act.

NEW SECTION, Sec. 421. ADULT CORRECTIONS—DRUG DETECTION AND TREATMENT. The sum of eight hundred seventy-five thousand dollars, or as much thereof as may be necessary, is appropriated for the biennium ending June 30, 1991, from the drug enforcement and education account to the department of corrections for the purpose of enhancing detection and treatment of the use of illegal drugs in correctional facilities.

NEW SECTION, Sec. 422. ALCOHOL AND DRUG ABUSE TREATMENT AND SHELTER ACT. The sum of ten million dollars, or as much thereof as may be necessary, is appropriated for the biennium ending June 30, 1991, from the drug enforcement and education account to the department of social and health services, for the alcohol and drug abuse treatment and shelter act program.

NEW SECTION, Sec. 423. COMMUNITY-POLICE PARTNERSHIP. (1) The criminal justice training commission in cooperation with the United States department of justice department of community relations (region x) shall conduct an assessment of successful community-police partnerships throughout the United States. The commission shall develop training for local law enforcement agencies targeted toward those communities where there has been a substantial increase in drug crimes. The purpose of the training is to facilitate cooperative community-police efforts and enhanced community protection to reduce drug abuse and related crimes. The training shall include but not be limited to conflict management, ethnic sensitivity, cultural awareness, and effective community policing. The commission shall report its findings and progress to the legislature by January 1990.

(2) Local law enforcement agencies are encouraged to form community-police partnerships in areas of substantial drug crimes. These partnerships are encouraged to organize citizen-police task forces which meet on a regular basis to promote greater citizen involvement in combatting drug abuse and to reduce tension between police and citizens. Partnerships that are formed are encouraged to report to the criminal justice training commission of their formation and progress.

(3) The sum of one hundred fifty thousand dollars, or as much thereof as may be necessary, is appropriated for the biennium ending June 30, 1991, from the drug enforcement and education account to the criminal justice training commission for the purposes of subsection (1) of this section.

PART V REVENUE PROVISIONS

Sec. 501. Section 3, chapter 158, Laws of 1935 as last amended by section 11, chapter 452, Laws of 1987 and RCW 66.24.210 are each amended to read as follows:

(1) There is hereby imposed upon all wines sold to wine wholesalers and the Washington state liquor control board, within the state a tax at the rate of twenty and one-fourth cents per liter: PROVIDED, HOWEVER, That wine sold or shipped in bulk from one winery to another winery shall not be subject to such tax. The tax provided for in this section may, if so prescribed by the board, be collected by means of stamps to be furnished by the board, or by direct payments based on wine purchased by wine wholesalers. Every person purchasing wine under the provisions of this section shall on or before the twentieth day of each month report to the board all purchases during the preceding calendar month in such manner and upon such forms as may be prescribed by the board, and with such report shall pay the tax due from the purchases covered by such report unless the same has previously been paid. Any such purchaser of wine whose applicable tax payment is not postmarked by the twentieth day following the month of purchase will be assessed a penalty at the rate of two percent a month or fraction thereof. If this tax be collected by means of stamps, every such person shall procure from the board revenue stamps representing the tax in such form as the board shall prescribe

and shall affix the same to the package or container in such manner and in such denomination as required by the board and shall cancel the same prior to the delivery of the package or container containing the wine to the purchaser. If the tax is not collected by means of stamps, the board may require that every such person shall execute to and file with the board a bond to be approved by the board, in such amount as the board may fix, securing the payment of the tax. If any such person fails to pay the tax when due, the board may forthwith suspend or cancel the license until all taxes are paid.

(2) An additional tax is imposed equal to the rate specified in RCW 82.02.030 multiplied by the tax payable under subsection (1) of this section. All revenues collected during any month from this additional tax shall be transferred to the state general fund by the twenty-fifth day of the following month.

(3) An additional tax is imposed on wines subject to tax under subsection (1) of this section, at the rate of one-fourth of one cent per liter for wine sold after June 30, 1987. Such additional tax shall cease to be imposed on July 1, 1993. All revenues collected under this subsection (3) shall be disbursed quarterly to the Washington wine commission for use in carrying out the purposes of chapter 15.88 RCW.

(4) Until July 1, 1995, an additional tax is imposed on all wine subject to tax under subsection (1) of this section. The additional tax is equal to twenty-three and forty-four one-hundredths cents per liter on wine containing alcohol in an amount equal to or more than fourteen percent by volume when bottled or packaged by the manufacturer and one cent per liter on all other wine. All revenues collected during any month from this additional tax shall be deposited in the drug enforcement and education account under section 401 of this 1989 act by the twenty-fifth day of the following month.

Sec. 502. Section 24, chapter 62, Laws of 1933 ex. sess. as last amended by section 11, chapter 3, Laws of 1983 2nd ex. sess. and RCW 66.24.290 are each amended to read as follows:

(1) Any brewer or beer wholesaler licensed under this title may sell and deliver beer to holders of authorized licenses direct, but to no other person, other than the board; and every such brewer or beer wholesaler shall report all sales to the board monthly, pursuant to the regulations, and shall pay to the board as an added tax for the privilege of manufacturing and selling the beer within the state a tax of two dollars and sixty cents per barrel of thirty-one gallons on sales to licensees within the state and on sales to licensees within the state of bottled and canned beer shall pay a tax computed in gallons at the rate of two dollars and sixty cents per barrel of thirty-one gallons. Any brewer or beer wholesaler whose applicable tax payment is not postmarked by the twentieth day following the month of sale will be assessed a penalty at the rate of two percent per month or fraction thereof. Each such brewer or wholesaler shall procure from the board revenue stamps representing such tax in form prescribed by the board and shall affix the same to the barrel or package in such manner and in such denominations as required by the board, and shall cancel the same prior to commencing delivery from his place of business or warehouse of such barrels or packages. Beer shall be sold by brewers and wholesalers in sealed barrels or packages. The revenue stamps herein provided for need not be affixed and canceled in the making of resales of barrels or packages already taxed by the affixation and cancellation of stamps as provided in this section.

(2) An additional tax is imposed equal to the rate specified in RCW 82.02.030 multiplied by the tax payable under subsection (1) of this section. All revenues collected during any month from this additional tax shall be transferred to the state general fund by the twenty-fifth day of the following month.

(3) Until July 1, 1995, an additional tax is imposed on all beer subject to tax under subsection (1) of this section. The additional tax is equal to two dollars per barrel of thirty-one gallons. All revenues collected during any month from this additional tax shall be deposited in the drug enforcement and education account under section 401 of this 1989 act by the twenty-fifth day of the following month.

(4) The tax imposed under this section shall not apply to 'strong beer' as defined in this title. Sec. 503. Section 82.08.150, chapter 15, Laws of 1961 as last amended by section 12, chapter 3, Laws of 1983 2nd ex. sess. and RCW 82.08.150 are each amended to read as follows:

(1) There is levied and shall be collected a tax upon each retail sale of spirits, or strong beer in the original package at the rate of fifteen percent of the selling price. The tax imposed in this subsection shall apply to all such sales including sales by the Washington state liquor stores and agencies, but excluding sales to class H licensees.

(2) There is levied and shall be collected a tax upon each sale of spirits, or strong beer in the original package at the rate of ten percent of the selling price on sales by Washington state liquor stores and agencies to class H licensees.

(3) There is levied and shall be collected an additional tax upon each retail sale of spirits in the original package at the rate of one dollar and seventy-two cents per liter. The additional tax imposed in this subsection shall apply to all such sales including sales by Washington state liquor stores and agencies, and including sales to class H licensees.

(4) An additional tax is imposed equal to the rate specified in RCW 82.02.030 multiplied by the taxes payable under subsections (1), (2), and (3) of this section.

(5) Until July 1, 1995, an additional tax is imposed upon each retail sale of spirits in the original package at the rate of seven cents per liter. The additional tax imposed in this subsection shall apply to all such sales including sales by Washington state liquor stores and agencies, and including sales to class H licensees. All revenues collected during any month from this additional tax shall be deposited in the drug enforcement and education account under section 401 of this 1989 act by the twenty-fifth day of the following month.

(6) The tax imposed in RCW 82.08.020, as now or hereafter amended, shall not apply to sales of spirits or strong beer in the original package.

((6)) (7) The taxes imposed in this section shall be paid by the buyer to the seller, and each seller shall collect from the buyer the full amount of the tax payable in respect to each taxable sale under this section. The taxes required by this section to be collected by the seller shall be stated separately from the selling price and for purposes of determining the tax due from the buyer to the seller, it shall be conclusively presumed that the selling price quoted in any price list does not include the taxes imposed by this section.

((7)) (8) As used in this section, the terms, 'spirits,' 'strong beer,' and 'package' shall have the meaning ascribed to them in chapter 66.04 RCW.

Sec. 504. Section 82.24.020, chapter 15, Laws of 1961 as last amended by section 1, chapter 80, Laws of 1987 and RCW 82.24.020 are each amended to read as follows:

(1) There is levied and there shall be collected as hereinafter provided, a tax upon the sale, use, consumption, handling, possession or distribution of all cigarettes, in an amount equal to the rate of eleven and one-half mills per cigarette.

(2) Until July 1, 1995, an additional tax is imposed upon the sale, use, consumption, handling, possession, or distribution of all cigarettes, in an amount equal to the rate of one and one-half mills per cigarette. All revenues collected during any month from this additional tax shall be deposited in the drug enforcement and education account under section 401 of this 1989 act by the twenty-fifth day of the following month.

(3) Wholesalers and retailers subject to the payment of this tax may, if they wish, absorb one-half mill per cigarette of the tax and not pass it on to purchasers without being in violation of this section or any other act relating to the sale or taxation of cigarettes.

((3)) (4) For purposes of this chapter, 'possession' shall mean both (a) physical possession by the purchaser and, (b) when cigarettes are being transported to or held for the purchaser or his designee by a person other than the purchaser, constructive possession by the purchaser or his designee, which constructive possession shall be deemed to occur at the location of the cigarettes being so transported or held.

NEW SECTION. Sec. 505. Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) 'Carbonated beverage' has its ordinary meaning and includes any nonalcoholic liquid intended for human consumption which contains carbon dioxide, whether carbonation is obtained by natural or artificial means.

(2) 'Possession' means the control of a carbonated beverage or syrup located within this state and includes both actual and constructive possession. 'Actual possession' occurs when the person with control has physical possession. 'Constructive possession' occurs when the person with control does not have physical possession. 'Control' means the power to sell or use a carbonated beverage or syrup or to authorize the sale or use by another.

(3) 'Previously taxed carbonated beverage or syrup' means a carbonated beverage or syrup in respect to which a tax has been paid under this chapter. A 'previously taxed carbonated beverage' includes carbonated beverages in respect to which a tax has been paid under this chapter on the carbonated beverage or on the syrup in the carbonated beverage.

(4) 'Syrup' means a concentrated liquid which is added to carbonated water to produce a carbonated beverage.

(5) Except for terms defined in this section, the definitions in chapters 82.04, 82.08, and 82.12 RCW apply to this chapter.

NEW SECTION. Sec. 506. (1) A tax is imposed on the privilege of possession of a carbonated beverage or syrup in this state. The rate of the tax shall be equal to eighty-four one-thousandths of a cent per ounce for carbonated beverages and seventy-five cents per gallon for syrups. Fractional amounts shall be taxed proportionally.

(2) Moneys collected under this chapter shall be deposited in the drug enforcement and education account under section 401 of this act.

(3) Chapter 82.32 RCW applies to the tax imposed in this chapter. The tax due dates, reporting periods, and return requirements applicable to chapter 82.04 RCW apply equally to the tax imposed in this chapter.

NEW SECTION. Sec. 507. The following are exempt from the tax imposed in this chapter:

(1) Any successive possession of a previously taxed carbonated beverage or syrup. If tax due under this chapter has not been paid with respect to a carbonated beverage or syrup, the department may collect the tax from any person who has had possession of the carbonated beverage or syrup. If the tax is paid by any person other than the first person having taxable possession of a carbonated beverage or syrup, the amount of tax paid constitutes a debt owed by the first person having taxable possession to the person who paid the tax.

(2) Any carbonated beverage or syrup that is transferred to a point outside the state for use outside the state.

(3) Any possession of a carbonated beverage or syrup where the first possession occurred before the effective date of this section.

NEW SECTION. Sec. 508. (1) Credit shall be allowed, in accordance with rules of the department, against the taxes imposed in this chapter for any carbonated beverage or syrup tax paid to another state with respect to the same carbonated beverage or syrup. The amount of the credit shall not exceed the tax liability arising under this chapter with respect to that carbonated beverage or syrup.

(2) For the purpose of this section:

(a) 'Carbonated beverage or syrup tax' means a tax:

(i) That is imposed on the act or privilege of possessing carbonated beverages or syrup and that is not generally imposed on other activities or privileges; and

(ii) That is measured by the volume of the carbonated beverage or syrup.

(b) 'State' means (i) a state of the United States other than Washington, or any political subdivision of such other state, (ii) the District of Columbia, and (iii) any foreign country or political subdivision thereof.

NEW SECTION. Sec. 509. This chapter shall expire July 1, 1995.

NEW SECTION. Sec. 510. Sections 505 through 509 of this act shall constitute a new chapter in Title 82 RCW.

PART VI MISCELLANEOUS

NEW SECTION. Sec. 601. A new section is added to chapter 69.50 RCW to read as follows:

The state of Washington fully occupies and preempts the entire field of setting penalties for violations of the controlled substances act. Cities, towns, and counties or other municipalities may enact only those laws and ordinances relating to controlled substances that are consistent with this chapter. Such local ordinances shall have the same penalties as provided for by state law. Local laws and ordinances that are inconsistent with the requirements of state law shall not be enacted and are preempted and repealed, regardless of the nature of the code, charter, or home rule status of the city, town, county, or municipality.

NEW SECTION. Sec. 602. The legislature ratifies the juvenile disposition standards commission guidelines submitted to the 1989 legislature and endorses the action to increase penalties for juvenile drug offenders.

NEW SECTION. Sec. 603. (1) In order to determine the effectiveness of this act, it is necessary to have an independent evaluation of those programs that have the most potential for useful program review.

(2) The legislative budget committee shall prepare a plan to conduct studies of the effectiveness of programs initiated in this act. A plan for study shall include:

(a) Institution-based drug testing;

(b) The juvenile offenders structured residential program;

(c) The state-wide drug prosecution assistance program;

(d) Community mobilization;

(e) Drug and alcohol abuse prevention and early intervention in schools; and

(f) Maternity care support services for alcohol and drug-abusing pregnant women.

(3) The plan for conducting studies, including start and completion dates, general research approaches, potential research problems, data requirements, necessary implementation authority, and cost estimates are to be provided to the appropriate policy and fiscal committees of the house and senate by December 1, 1989. The plan may include proposals to use contract evaluators and shall identify ways to measure program progress and outcomes.

(4) In order to establish a beginning point for any future studies of the effectiveness of programs initiated in this act, all programs proposed for analysis in this section shall submit a plan detailing expenditures related to goals and objectives of the program being initiated, to the legislative budget committee by October 1, 1989.

NEW SECTION. Sec. 604. A new section is added to chapter 44.28 RCW to read as follows:

The legislative budget committee shall cause to be conducted a review of the taxes and the dedication of revenues for drug enforcement and education purposes and a review of the programs as provided in section 603 of this act. The legislative budget committee shall report its findings to the legislature by January 1, 1995, and include in its report specific recommendations as to whether public policy would be best served by continuation of the programs, taxes, and dedication of revenues for the drug enforcement and education account.

NEW SECTION. Sec. 605. Part, subpart, and section headings and the index as used in this act do not constitute any part of the law.

NEW SECTION. Sec. 606. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 607. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect immediately, except:

(1) Sections 502 and 504 of this act shall take effect June 1, 1989; and

(2) Sections 229 through 233, 501, 503, and 505 through 509 of this act shall take effect July 1, 1989."

On page 1, line 1 of the title, after "abuse;" strike the remainder of the title and insert "amending RCW 9.94A.310, 69.50.401, 9A.36.050, 9A.82.100, 28A.120.040, 13.40.265, 46.20.265, 66.44.365, 69.41.065, 69.50.420, 69.52.070, 9.73.090, 9.73.120, 9.73.080, 69.50.505, 5.62.020, 18.83.110, 70.96A.010, 70.96A.020, 70.96A.120, 70.96A.140, 70.96.150, 66.24.210, 66.24.290, 82.08.150, and 82.24.020; reenacting and amending RCW 9.94A.320, 9.94A.360, and 5.60.060; adding new sections to chapter 9.73 RCW; adding a new section to chapter 9A.36 RCW; adding a new section to chapter 9A.82 RCW; adding a new chapter to Title 10 RCW; adding a new section to chapter 13.40 RCW; adding new sections to chapter 28A.67 RCW; adding new sections to chapter 28A.120 RCW; adding a new chapter to Title 35 RCW; adding new sections to chapter 36.27 RCW; adding a new chapter to Title 43 RCW; adding a new section to chapter 44.28 RCW; adding new sections to chapter 66.28 RCW; adding new sections to chapter 69.50 RCW; adding a new section to chapter 70.96A RCW; adding a new chapter to Title 82 RCW; creating new sections; prescribing penalties; making appropriations; providing an expiration date; providing effective dates; and declaring an emergency."

Signed by Senators Newhouse, Niemi, Nelson; Representatives Ebersole, Hine, Patrick.

MOTION

On motion of Mr. Appelwick, the Report of the Second Conference Committee on Engrossed Second Substitute House Bill No. 1793 was adopted and the committee was granted the powers of Free Conference.

SUBSTITUTE SENATE BILL NO. 5241, by Committee on Economic Development & Labor (originally sponsored by Senators Anderson, Lee, Saling, McMullen and West)

Promoting small business growth.

The House resumed consideration of Substitute Senate Bill No. 5241. (See today's Journal, Morning Session, for previous action.)

The Speaker stated the question before the House to be the Point of Order by Representative Nelson regarding the scope and object of the Report of the Conference Committee.

SPEAKER'S RULING

The Speaker: The bill creates the Washington Investment Opportunities Office in the Department of Trade and Economic Development, which will be a business assistance center and clearinghouse. The Report of the Conference Committee includes other issues, such as making destination resorts eligible for a curb and another issue under the Washington State Self-Employment Loan Program. Although both are desirable ideas, I find your point is well taken and the report is well outside the scope and object of the original bill.

ANNOUNCEMENT BY THE SPEAKER

The Speaker deferred further consideration of Substitute Senate Bill No. 5241.

SUBSTITUTE SENATE BILL NO. 5289, by Committee on Environment & Natural Resources (originally sponsored by Senators Metcalf, DeJarnatt, Barr, Benitz and Anderson)

Authorizing the formation of regional fisheries enhancement groups.

The House resumed consideration of Substitute Senate Bill No. 5289. (See today's Journal, Afternoon Session, for previous action.)

The Speaker stated the question before the House to be the Point of Order by Representative Spanel regarding the scope and object of the Report of the Free Conference Committee.

SPEAKER'S RULING

The Speaker: Representative Spanel, on the Point of Order you raised on Substitute Senate Bill No. 5289, the Speaker has examined the original bill. It discusses the formation of three regional fisheries enhancement groups as authorized. The groups are directed to seek enhancement of the salmon resource consistent with

the watershed planning process currently in place. I have examined the Report of the Free Conference Committee and find in Section 9 "the committee shall develop specific recommendations on how state policy may be modified to promote both the commercial and recreational fishing industries...", "evaluate methods to integrate enhancement efforts of the state and the Indian tribes..." and "evaluate commercial fishing licenses including rate structure and rate-setting criteria, termination of licenses..." In particular, it was the part of the study, which was added and included rate structures, that led me to the conclusion that your point is well taken, Representative Spanel. The Report of the Free Conference Committee is outside the scope and object of the original Substitute Senate Bill No. 5289.

MOTION

Mr. R. King moved that the House request further conference on Substitute Senate Bill No. 5289. The motion was carried.

SENATE AMENDMENTS TO HOUSE BILL

April 21, 1989

Mr. Speaker:

The Senate has passed ENGROSSED SUBSTITUTE HOUSE BILL NO. 1864 with the following amendments:

Strike everything after the enacting clause and insert the following:

"Sec. 1. Section 6, chapter 117, Laws of 1951 as last amended by section 4, chapter 284, Laws of 1985 and RCW 18.51.050 are each amended to read as follows:

Upon receipt of an application for license, the department shall issue a license if the applicant and the nursing home facilities meet the requirements established under this chapter, except that the department shall issue a temporary license to a court-appointed receiver for a period not to exceed six months from the date of appointment. Prior to the issuance or renewal of the license, the licensee shall pay a license fee as established by the department. No fee shall be required of government operated institutions or court-appointed receivers. All licenses issued under the provisions of this chapter shall expire on a date to be set by the department, but no license issued pursuant to this chapter shall exceed thirty-six months in duration. When a change of ownership occurs, the entity becoming the licensed operating entity of the facility shall pay a fee established by the department at the time of application for the license. The previously determined date of license expiration shall not change. The department shall conduct, without charge to the nursing homes, one annual licensing and certification survey per calendar year and one postsurvey visit.

For all additional surveys required beyond the first postsurvey visit, nursing homes shall pay an inspection fee of twelve dollars per bed to the department. The inspection fee shall be due within thirty days of the completion date of the postsurvey.

All applications and fees for renewal of the license shall be submitted to the department not later than thirty days prior to the date of expiration of the license. All applications and fees for change of ownership licenses shall be submitted to the department not later than sixty days before the date of the proposed change of ownership. Each license shall be issued only to the operating entity and those persons named in the license application. The license is valid only for the operation of the facility at the location specified in the license application. Licenses are not transferable or assignable. Licenses shall be posted in a conspicuous place on the licensed premises.

Sec. 2. Section 41, chapter 177, Laws of 1980 as last amended by section 3, chapter 175, Laws of 1986 and RCW 74.46.410 are each amended to read as follows:

(1) Costs will be unallowable if they are not documented, necessary, ordinary, and related to the provision of care services to authorized patients.

(2) Unallowable costs include, but are not limited to, the following:

(a) Costs of items or services not covered by the medical care program. Costs of such items or services will be unallowable even if they are indirectly reimbursed by the department as the result of an authorized reduction in patient contribution;

(b) Costs of services and items provided to recipients which are covered by the department's medical care program but not included in care services established by the department under this chapter;

(c) Costs associated with a capital expenditure subject to section 1122 approval (part 100, Title 42 C.F.R.) if the department found it was not consistent with applicable standards, criteria, or plans. If the department was not given timely notice of a proposed capital expenditure, all associated costs will be unallowable up to the date they are determined to be reimbursable under applicable federal regulations;

(d) Costs associated with a construction or acquisition project requiring certificate of need approval pursuant to chapter 70.38 RCW if such approval was not obtained;

(e) Interest costs other than those provided by RCW 74.46.290 on and after the effective date of RCW 74.46.530;

(f) Salaries or other compensation of owners, officers, directors, stockholders, and others associated with the contractor or home office, except compensation paid for service related to patient care;

(g) Costs in excess of limits or in violation of principles set forth in this chapter;

(h) Costs resulting from transactions or the application of accounting methods which circumvent the principles of the cost-related reimbursement system set forth in this chapter;

(i) Costs applicable to services, facilities, and supplies furnished by a related organization in excess of the lower of the cost to the related organization or the price of comparable services, facilities, or supplies purchased elsewhere;

(j) Bad debts of non-Title XIX recipients. Bad debts of Title XIX recipients are allowable if the debt is related to covered services, it arises from the recipient's required contribution toward the cost of care, the provider can establish that reasonable collection efforts were made, the debt was actually uncollectible when claimed as worthless, and sound business judgment established that there was no likelihood of recovery at any time in the future;

(k) Charity and courtesy allowances;

(l) Cash, assessments, or other contributions, excluding dues, to charitable organizations, professional organizations, trade associations, or political parties, and costs incurred to improve community or public relations;

(m) Vending machine expenses;

(n) Expenses for barber or beautician services not included in routine care;

(o) Funeral and burial expenses;

(p) Costs of gift shop operations and inventory;

(q) Personal items such as cosmetics, smoking materials, newspapers and magazines, and clothing, except those used in patient activity programs;

(r) Fund-raising expenses, except those directly related to the patient activity program;

(s) Penalties and fines;

(t) Expenses related to telephones, televisions, radios, and similar appliances in patients' private accommodations;

(u) Federal, state, and other income taxes;

(v) Costs of special care services except where authorized by the department;

(w) Expenses of key-man insurance and other insurance or retirement plans not made available to all employees;

(x) Expenses of profit-sharing plans;

(y) Expenses related to the purchase and/or use of private or commercial airplanes which are in excess of what a prudent contractor would expend for the ordinary and economic provision of such a transportation need related to patient care;

(z) Personal expenses and allowances of owners or relatives;

(aa) All expenses of maintaining professional licenses or membership in professional organizations;

(bb) Costs related to agreements not to compete;

(cc) Amortization of goodwill;

(dd) Expenses related to vehicles which are in excess of what a prudent contractor would expend for the ordinary and economic provision of transportation needs related to patient care;

(ee) Legal and consultant fees in connection with a fair hearing against the department where a decision is rendered in favor of the department or where otherwise the determination of the department stands;

(ff) Legal and consultant fees of a contractor or contractors in connection with a lawsuit against the department;

(gg) Lease acquisition costs and other intangibles not related to patient care;

(hh) All rental or lease costs other than those provided in RCW 74.46.300 on and after the effective date of RCW 74.46.510 and 74.46.530;

(ii) Postsurvey charges incurred by the facility as a result of subsequent inspections under RCW 18.51.050 which occur beyond the first postsurvey visit during the certification survey calendar year;

• (jj) Costs and fees otherwise allowable for legal services, whether purchased, allocated by a home office, regional office or management company, or performed by the contractor or employees of the contractor, in excess of the eighty-fifth percentile of such costs reported by all contractors for the most recent cost report period: PROVIDED, That this limit shall not apply if a contractor has not exceeded this percentile in any of the preceding three annual cost report periods;

(kk) Costs and fees otherwise allowable for accounting and bookkeeping services, whether purchased, allocated by a home office, regional office or management company, or

performed by the contractor or employees of the contractor, in excess of the eighty-fifth percentile of such costs reported by all contractors for the most recent cost report period: PROVIDED, That this limit shall not apply if a contractor has not exceeded this percentile in any of the preceding three annual cost report periods.

Sec. 3. Section 12, chapter 476, Laws of 1987 and RCW 18.51.430 are each amended to read as follows:

A petition for receivership shall include the name of the candidate for receiver. The department shall maintain a list of qualified persons to act as receivers, however, no person may be considered to be qualified to be a receiver who:

- (1) Is the owner, licensee, or administrator of the facility;
- (2) Is affiliated with the facility;
- (3) Has a financial interest in the facility at the time the receiver is appointed; or
- (4) Has owned or operated a nursing home that has been ordered into receivership.

If a receiver is appointed, he or she may be drawn from the list but need not be, but an appointee shall have experience in providing long-term health care and a history of satisfactory operation of a nursing home. Preference may be granted to persons expressing an interest in permanent operation of the facility.

Sec. 4. Section 19, chapter 476, Laws of 1987 and RCW 18.51.500 are each amended to read as follows:

Upon order of the court, the department shall provide emergency or transitional financial assistance to a receiver not to exceed thirty thousand dollars. The receiver shall file with the court an accounting for any money expended. Any emergency or transitional expenditure made by the department on behalf of a nursing home not certified to participate in the Medicaid Title XIX program shall be recovered from revenue generated by the facility which revenue is not obligated to the operation of the facility. ((if such funds are not fully recovered at the termination of the receivership:)) An action to recover such sums may be filed by the department against the former licensee or owner at the time the expenditure is made, regardless of whether the facility is certified to participate in the Medicaid Title XIX program or not.

In lieu of filing an action, the department may file a lien on the facility or on the proceeds of the sale of the facility. Such a lien shall take priority over all other liens except for liens for wages to employees. The owner of the facility shall be entitled to the proceeds of the facility or the sale of the facility to the extent that these exceed the liabilities of the facility, including liabilities to the state, receiver, employees, and contractors, at the termination of the receivership.

Revenues relating to services provided by the current or former licensee, operator, or owner and available operating funds belonging to such licensee, operator, or owner shall be under the control of the receiver. The receiver shall consult the court in cases of extraordinary or questionable debts incurred prior to his or her appointment and shall not have the power to close the home or sell any assets of the home without prior court approval.

Priority shall be given to debts and expenditures directly related to providing care and meeting the needs of patients. Any payment made to the receiver shall discharge the obligation of the payor to the owner of the facility.

Sec. 5. Section 24, chapter 211, Laws of 1979 ex. sess. and RCW 74.42.240 are each amended to read as follows:

(1) No staff member may administer any medication to a resident unless the staff member is licensed to administer medication: PROVIDED, That nothing herein shall be construed as prohibiting graduate nurses or student nurses from administering medications when permitted to do so under chapter 18.88 or 18.78 RCW and rules adopted thereunder.

(2) The facility may only allow a resident to give himself or herself medication with the attending physician's permission.

(3) Medication shall only be administered to or used by the resident for whom it is ordered.

Sec. 6. Section 38, chapter 211, Laws of 1979 ex. sess. as amended by section 2, chapter 284, Laws of 1985 and RCW 74.42.380 are each amended to read as follows:

(1) The facility shall have a director of nursing services. The director of nursing services shall be a registered nurse.

(2) The director of nursing services is responsible for:

(a) Coordinating the plan of care for each resident;

(b) Permitting only licensed personnel to administer medications: PROVIDED, That nothing herein shall be construed as prohibiting graduate nurses((~~and student nurses under the supervision of their clinical instructor.~~)) or student nurses from administering medications when permitted to do so under chapters 18.88 or 18.78 RCW and rules promulgated pursuant thereto: PROVIDED FURTHER, That nothing herein shall be construed as prohibiting persons certified under chapter 18.135 RCW from practicing pursuant to the delegation and supervision requirements of chapter 18.135 RCW and rules promulgated pursuant thereto; and

(c) Insuring that the licensed practical nurses comply with chapter 18.78 RCW, the registered nurses comply with chapter 18.88 RCW, and persons certified under chapter 18.135 RCW comply with the provisions of that chapter and rules promulgated pursuant thereto.

Sec. 7. Section 1, chapter 284, Laws of 1985 and RCW 18.51.054 are each amended to read as follows:

The department may deny a license to any applicant ~~((who)) if the department finds that the applicant or any partner, officer, director, managerial employee, or owner of five percent or more of the applicant:~~

~~(1) Operated a nursing home without a license or under a revoked or suspended license; or~~

~~(2) Knowingly or with reason to know made a false statement of a material fact (a) in an application for license or any data attached thereto, or (b) in any matter under investigation by the department; or~~

~~(3) Refused to allow representatives or agents of the department to inspect (a) all books, records, and files required to be maintained or (b) any portion of the premises of the nursing home; or~~

~~(4) Willfully prevented, interfered with, or attempted to impede in any way (a) the work of any authorized representative of the department or (b) the lawful enforcement of any provision of this chapter or chapter 74.42 RCW; or~~

~~(5) Has a history of significant noncompliance with federal or state regulations in providing nursing home care. In deciding whether to deny a license under this section, the factors the department considers shall include the gravity and frequency of the noncompliance.~~

Sec. 8. Section 7, chapter 117, Laws of 1951 as last amended by section 23, chapter 476, Laws of 1987 and RCW 18.51.060 are each amended to read as follows:

~~(1) ((The department is authorized to deny, suspend, or revoke a license or, in lieu thereof or in addition thereto, assess monetary penalties of a civil nature not to exceed three thousand dollars per violation)) in any case in which ((it)) the department finds that ((the applicant or)) a licensee, or any partner, officer, director, owner of five percent or more of the assets of the nursing home, or managing employee((:~~

~~(a)) failed or refused to comply with the requirements of this chapter or of chapter 74.42 RCW, or the standards, rules and regulations established under them(:)) or, in the case of a Medicaid contractor, failed or refused to comply with the Medicaid requirements of Title XIX of the social security act, as amended, and regulations promulgated thereunder, the department may take any or all of the following actions:~~

~~(a) Suspend, revoke, or refuse to renew a license;~~

~~(b) Order stop placement;~~

~~(c) Assess monetary penalties of a civil nature;~~

~~(d) Deny payment to a nursing home for any Medicaid resident admitted after notice to deny payment. Residents who are Medicaid recipients shall not be responsible for payment when the department takes action under this subsection;~~

~~(e) Appoint temporary management as provided in subsection (7) of this section.~~

~~(2) The department may suspend, revoke, or refuse to renew a license, assess monetary penalties of a civil nature, or both, in any case in which it finds that the licensee, or any partner, officer, director, owner of five percent or more of the assets of the nursing home, or managing employee:~~

~~((b)) (a) Operated a nursing home without a license or under a revoked or suspended license; or~~

~~((c) Has) (b) Knowingly or with reason to know made a false statement of a material fact in his application for license or any data attached thereto, or in any matter under investigation by the department; or~~

~~((d)) (c) Refused to allow representatives or agents of the department to inspect all books, records, and files required to be maintained or any portion of the premises of the nursing home; or~~

~~((e)) (d) Willfully prevented, interfered with, or attempted to impede in any way the work of any duly authorized representative of the department and the lawful enforcement of any provision of this chapter or of chapter 74.42 RCW; or~~

~~((f)) (e) Willfully prevented or interfered with any representative of the department in the preservation of evidence of any violation of any of the provisions of this chapter or of chapter 74.42 RCW or the standards, rules, and regulations adopted under them; or~~

~~((g)) (f) Failed to report patient abuse or neglect in violation of chapter 70.124 RCW; or~~

~~((h)) (g) Fails to pay any civil monetary penalty assessed by the department pursuant to this chapter within ten days after such assessment becomes final((--PROVIDED--That in no event shall the department assess a civil monetary penalty authorized pursuant to this section or post the said premises as provided in RCW 18.51.260 or include in the report required pursuant to RCW 18.51.270 during any period in which it has not reasonably implemented and funded its cost-related reimbursement system for public patients.~~

~~(2) A contractor subject to civil penalty under subsection (1)(a) of this section shall have a reasonable opportunity, not to exceed sixty days from notification of the violation, to correct the violation before being assessed a civil monetary penalty under this section. However, if the department determines that the violation resulted in serious harm to or death of a patient, constitutes a serious threat to patient life, health, or safety, or substantially limits the nursing home's capacity to render adequate care, the violator shall be so notified and a penalty may be~~

assessed without prior opportunity to correct. Each day the violation continues may constitute a separate violation subject to assessment of a separate penalty.

The correction of a standard or condition level deficiency, as defined by the authority of Title XVIII of the social security act and 42 C.F.R. 405-110 subpart K, shall be maintained for a period of at least one year. Failure to maintain such correction shall constitute a separate violation for each day the deficiency is not corrected and may be subject to the assessment of a separate penalty not to exceed three thousand dollars without a prior opportunity to correct the violation:

(3) A person subject to civil penalty under subsection (1)(b) through (h) of this section shall not have a prior opportunity to correct the violation before being assessed a civil monetary penalty under this section:

Following the notification of a violation of subsection (1)(b) through (h) of this section, each day upon which the same or a substantially similar action occurs shall constitute a separate violation subject to the assessment of a separate penalty:

(4) Any civil penalty assessed under this section or chapter 74.46 RCW shall bear a reasonable rate of interest from the date of notification of the violation. The department may administer civil fines under this section or chapter 74.46 RCW by:

(a) Requiring payment in full; or

(b) Permitting installment payments; or

(c) Requiring that the full amount or a portion of the assessed civil penalty be expended to ameliorate the violation or to improve nonadministrative services within the facility; or

(d) Defer the penalty or a portion thereof until one year after corrective action has been completed to assure maintenance of such action: PROVIDED, That the penalty may be reduced all or in part at the end of such year: PROVIDED FURTHER, That the penalty may be trebled if such corrective action is not maintained for one year).

((5)) (3) The department shall deny payment to a nursing home having a Medicaid contract with respect to any Medicaid-eligible individual admitted to the nursing home when:

(a) The department finds the nursing home not in compliance with the requirements of Title XIX of the social security act, as amended, and regulations promulgated thereunder, and the facility has not complied with such requirements within three months; in such case, the department shall deny payment until correction has been achieved; or

(b) The department finds on three consecutive standard surveys that the nursing home provided substandard quality of care; in such case, the department shall deny payment for new admissions until the facility has demonstrated to the satisfaction of the department that it is in compliance with Medicaid requirements and that it will remain in compliance with such requirements.

(4) (a) Civil penalties collected under this section or under chapter 74.42 RCW shall be deposited into a special fund administered by the department to be applied to the protection of the health or property of residents of nursing homes found to be deficient, including payment for the costs of relocation of residents to other facilities, maintenance of operation of a facility pending correction of deficiencies or closure, and reimbursement of residents for personal funds lost.

(b) Civil monetary penalties, if imposed, may be assessed and collected, with interest, for each day a nursing home is or was out of compliance. Civil monetary penalties shall not exceed three thousand dollars per violation. Each day upon which the same or a substantially similar action occurs is a separate violation subject to the assessment of a separate penalty.

(c) Any civil penalty assessed under this section or chapter 74.46 RCW shall be a nonreimbursable item under chapter 74.46 RCW.

(5)(a) The department shall order stop placement on a nursing home, effective upon oral or written notice, when the department determines:

(i) The nursing home no longer substantially meets the requirements of chapter 18.51 RCW, chapter 74.42 RCW, or in the case of Medicaid contractors, the requirements of Title XIX of the social security act, as amended, and any regulations promulgated under such statutes; and

(ii) The deficiency or deficiencies in the nursing home:

(A) Jeopardize the health and safety of the residents, or

(B) Seriously limit the nursing home's capacity to provide adequate care.

(b) When the department has ordered a stop placement, the department may approve a readmission to the nursing home from a hospital when the department determines the readmission would be in the best interest of the individual seeking readmission.

(c) The department shall terminate the stop placement when:

(i) The provider states in writing that the deficiencies necessitating the stop placement action have been corrected; and

(ii) The department staff confirms in a timely fashion not to exceed fifteen working days that:

(A) The deficiencies necessitating stop placement action have been corrected, and

(B) The provider exhibits the capacity to maintain adequate care and service.

(d) A nursing home provider shall have the right to an informal review to present written evidence to refute the deficiencies cited as the basis for the stop placement. A request for an

informal review must be made in writing within ten days of the effective date of the stop placement.

(e) A stop placement shall not be delayed or suspended because the nursing home requests a hearing pursuant to chapter 34.05 RCW or an informal review. The stop placement shall remain in effect until:

(i) The department terminates the stop placement; or

(ii) The stop placement is terminated by a final agency order, after a hearing, pursuant to chapter 34.05 RCW.

(6) If the department determines that an emergency exists as a result of a nursing home's failure or refusal to comply with requirements of this chapter or, in the case of a Medicaid contractor, its failure or refusal to comply with Medicaid requirements of Title XIX of the social security act, as amended, and rules adopted thereunder, the department may suspend the nursing home's license and order the immediate closure of the nursing home, the immediate transfer of residents, or both.

(7) If the department determines that the health or safety of residents is immediately jeopardized as a result of a nursing home's failure or refusal to comply with requirements of this chapter or, in the case of a Medicaid contractor, its failure or refusal to comply with Medicaid requirements of Title XIX of the social security act, as amended, and rules adopted thereunder, the department may appoint temporary management to:

(a) Oversee the operation of the facility; and

(b) Ensure the health and safety of the facilities residents while:

(i) Orderly closure of the facility occurs; or

(ii) The deficiencies necessitating temporary management are corrected.

(8) The department shall by rule specify criteria as to when and how the sanctions specified in this section shall be applied. Such criteria shall provide for the imposition of incrementally more severe penalties for deficiencies that are repeated, uncorrected, pervasive, or present a threat to the health, safety, or welfare of the residents.

Sec. 9. Section 16, chapter 99, Laws of 1975 1st ex. sess. as amended by section 19, chapter 2, Laws of 1981 1st ex. sess. and RCW 18.51.065 are each amended to read as follows:

(1) All orders of the department denying, suspending, or revoking the license or assessing a monetary penalty shall become final twenty days after the same has been served upon the applicant or licensee unless a hearing is requested. All orders of the department imposing stop placement, temporary management, emergency closure, emergency transfer, or license suspension, shall be effective immediately upon notice. Orders of the department imposing denial of payment shall become final twenty days after the same has been served, unless a hearing is requested, except that such orders shall be effective immediately upon notice and pending any hearing when the department determines the deficiencies jeopardize the health and safety of the residents or seriously limit the nursing home's capacity to provide adequate care. All hearings hereunder and judicial review of such determinations shall be in accordance with the administrative procedure act, chapter ((34.04)) 34.05 RCW, except that all orders of the department imposing stop placement, temporary management, emergency closure, emergency transfer, or license suspension shall be effective pending any hearing, and except that chapter 34.05 RCW shall have no application to receivership, which is instituted by direct petition to superior court as provided for in RCW 18.51.410 through 18.51.520.

Sec. 10. Section 10, chapter 476, Laws of 1987 and RCW 18.51.410 are each amended to read as follows:

A petition to establish a receivership shall allege that one or more of the following conditions exist and that the current operator has demonstrated an inability or unwillingness to take actions necessary to immediately correct the conditions alleged:

(1) The facility is operating without a license;

(2) The facility has not given the department prior written notice of its intent to close and has not made arrangements within thirty days before closure for the orderly transfer of its residents: PROVIDED, That if the facility has given the department prior written notice but the department has not acted with all deliberate speed to transfer the facility's residents, this shall bar the filing of a petition under this ((section)) subsection;

(3) ((An emergency exists that specifically demonstrates an immediate and serious threat of harm to)) The health, ((security)) safety, or welfare of the facility's residents((--including, but not limited to, abandonment of the facility by the owner)) is immediately jeopardized;

(4) ((A condition exists in the facility in violation of a licensing statute or regulation that specifically demonstrates an immediate and serious threat of harm to the health, safety, or welfare of the residents of the facility;

((5)) The facility demonstrates a pattern and practice of violating chapter 18.51 or 74.42 RCW((--or other statutes or regulations adopted by the department designed to safeguard the health, security, or welfare of residents)) and rules adopted thereunder such that the facility has demonstrated a repeated inability to maintain minimum patient care standards; or

((6)) (5) The facility demonstrates a pattern or practice of violating a condition level as defined by the federal government under the authority of Title XIX of the social security act.

The department may file a petition in the superior court in the county in which the nursing home is located or in the superior court of Thurston county. The current or former operator or licensee and the owner of the nursing home, if different than the operator or licensee, shall be made a party to the action. The court shall grant the petition if it finds, by a preponderance of the evidence, that one or more of the conditions listed in subsections (1) through (6) of this section exists and, subject to RCW 18.51.420, that the current operator is unable or unwilling to take actions necessary to immediately correct the conditions.

Sec. 11. Section 13, chapter 476, Laws of 1987 and RCW 18.51.440 are each amended to read as follows:

Upon receipt of a petition for receivership, the court shall hear the matter within fourteen days. Temporary relief may be obtained under chapter 7.40 RCW and other applicable laws. In all actions arising under RCW 18.51.410 through 18.51.530, the posting of a certified copy of the summons and petition in a conspicuous place in the nursing home shall constitute service of those documents upon the respondent.

~~((In considering the petition, the court shall consider the following factors, among others:~~

~~(1) The history of the provider, including any prior history of deficiencies and corrective action taken; and~~

~~(2) Whether the circumstances alleged in the petition occurred for reasons that were beyond the control of the facility's current or former operator, licensee, or owner.))~~

Sec. 12. Section 15, chapter 476, Laws of 1987 and RCW 18.51.460 are each amended to read as follows:

~~(1) The receivership shall terminate:~~

~~((1) At the end of the appointed term;~~

~~(2)) (a) When all deficiencies have been eliminated and the court determines that the facility has the management capability to ensure continued compliance with all requirements;~~
~~or~~

~~(b) When all residents have been transferred and the facility closed((~~

~~(3) When all deficiencies have been eliminated and the facility has been sold or returned to its former owner. PROVIDED: That when a rehabilitated facility is returned to its former owner, the court may impose conditions to assure the continued compliance with chapters 18.51 and 74.42 RCW, and other applicable laws and regulations; or~~

~~(4) Upon possession and control of the nursing home by a licensed replacement operator)).~~

~~(2) Upon the termination of a receivership, the court may impose conditions to assure the continued compliance with chapter 18.51 RCW, chapter 74.42 RCW, and, in the case of medic-aid contractors, continued compliance with Title XIX of the social security act, as amended, and regulations promulgated thereunder.~~

Sec. 13. Section 58, chapter 211, Laws of 1979 ex. sess. as last amended by section 27, chapter 476, Laws of 1987 and RCW 74.42.580 are each amended to read as follows:

The department may deny, suspend, ~~((or))~~ revoke, or refuse to renew a license or provisional license ~~((or, in lieu thereof or in addition thereto)),~~ assess monetary penalties of a civil nature, ~~deny payment, seek receivership, order stop placement, appoint temporary management, order emergency closure, or order emergency transfer as provided in RCW 18.51.054 and 18.51.060~~ for violations of requirements of this chapter ~~or, in the case of medic-aid contractors, the requirements of Title XIX of the social security act, as amended, or rules adopted thereunder.~~ Chapter ~~((34.04))~~ 34.05 RCW shall apply to any such actions, ~~except for receivership, and except that stop placement, appointment of temporary management, emergency closure, emergency transfer, and summary license suspension shall be effective pending any hearing, and except that denial of payment shall be effective pending any hearing when the department determines deficiencies jeopardize the health and safety of the residents or seriously limit the nursing home's capacity to provide adequate care.~~

Sec. 14. Section 36, chapter 177, Laws of 1980 as last amended by section 1, chapter 208, Laws of 1988 and by section 1, chapter 221, Laws of 1988 and RCW 74.46.360 are each re-acted and amended to read as follows:

(1) The depreciation base shall be the historical cost of the contractor or lessor, when the assets are leased by the contractor, in acquiring the asset in an arm's-length transaction and preparing it for use, less goodwill, and less accumulated depreciation which has been incurred during periods that the assets have been used in or as a facility by any contractor, such accumulated depreciation to be measured in accordance with subsections (2), (3), and (4) of this section and RCW 74.46.350 and 74.46.370. If the department challenges the historical cost of an asset, or if the contractor cannot or will not provide the historical costs, the department will have the department of general administration, through an appraisal procedure, determine the fair market value of the assets at the time of purchase. The depreciation base of the assets will not exceed such fair market value.

(2) The historical cost of donated assets, or of assets received through testate or intestate distribution, shall be the lesser of:

(a) Fair market value at the date of donation or death; or

(b) The historical cost base of the owner last contracting with the department, if any.

(3) Estimated salvage value of acquired, donated, or inherited assets shall be deducted from historical cost where the straight-line or sum-of-the-years' digits method of depreciation is used.

(4) (a) Where depreciable assets are acquired that were used in the medical care program subsequent to January 1, 1980, the depreciation base of the assets will not exceed the net book value which did exist or would have existed had the assets continued in use under the previous contract with the department; except that depreciation shall not be assumed to accumulate during periods when the assets were not in use in or as a facility.

(b) The provisions of (a) of this subsection shall not apply to the most recent arm's-length acquisition if it occurs at least ten years after the ownership of the assets has been previously transferred in an arm's-length transaction nor to the first arm's-length acquisition that occurs after January 1, 1980, for facilities participating in the medical care program prior to January 1, 1980. The new depreciation base for such acquisitions shall not exceed the fair market value of the assets as determined by the department of general administration through an appraisal procedure. A determination by the department of general administration of fair market value shall be final unless the procedure used to make such determination is shown to be arbitrary and capricious. This subsection is inoperative for any transfer of ownership of any asset occurring on or after July 18, 1984, leaving (a) of this subsection to apply alone to such transfers: PROVIDED, HOWEVER, That this subsection shall apply to transfers of ownership of assets occurring prior to January 1, 1985, if the costs of such assets have never been reimbursed under medicaid cost reimbursement on an owner-operated basis or as a related-party lease: PROVIDED FURTHER, That for any contractor that can document in writing an enforceable agreement for the purchase of a nursing home dated prior to ~~((August 1))~~ July 18, 1984, and submitted to the department prior to January 1, 1988, the depreciation base of the nursing home, for rates established after July 18, 1984, shall not exceed the fair market value of the assets at the date of purchase as determined by the department of general administration through an appraisal procedure. For medicaid cost reimbursement purposes, an agreement to purchase a nursing home dated prior to July 18, 1984, is enforceable, even though such agreement contains no legal description of the real property involved, notwithstanding the statute of frauds or any other provision of law.

(c) In the case of assets leased by the same contractor since January 1, 1980, in an arm's-length lease, and purchased by the lessee/contractor, the lessee/contractor shall have the option:

(i) To have the provisions of subsection (b) of this section apply to the purchase; or

(ii) To have the reimbursement for property and return on investment continue to be calculated pursuant to the provisions contained in RCW 74.46.530(1)(e) and (f) based upon the provisions of the lease in existence on the date of the purchase, but only if the purchase date meets one of the following criteria:

(A) The purchase date is after the lessor has declared bankruptcy or has defaulted in any loan or mortgage held against the leased property;

(B) The purchase date is within one year of the lease expiration or renewal date contained in the lease;

(C) The purchase date is after a rate setting for the facility in which the reimbursement rate set pursuant to this chapter no longer is equal to or greater than the actual cost of the lease; or

(D) The purchase date is within one year of any purchase option in existence on January 1, 1988.

(d) Where depreciable assets are acquired from a related organization, the contractor's depreciation base shall not exceed the base the related organization had or would have had under a contract with the department.

(e) Where the depreciable asset is a donation or distribution between related organizations, the base shall be the lesser of (i) fair market value, less salvage value, or (ii) the depreciation base the related organization had or would have had for the asset under a contract with the department.

Sec. 15. Section 74.09.120, chapter 26, Laws of 1959 as last amended by section 44, chapter 67, Laws of 1983 1st ex. sess. and RCW 74.09.120 are each amended to read as follows:

The department shall purchase necessary physician and dentist services by contract or 'fee for service.' The department shall purchase hospital care by contract or by all inclusive day rate, or at a reasonable cost based on a ratio of charges to cost. Any hospital when requested by the department shall supply such information as necessary to justify its rate, charges or costs. All additional services provided by the hospital shall be purchased at rates established by the department after consultation with the hospital. The department shall purchase nursing home care by contract. The department shall establish regulations for reasonable nursing home accounting and reimbursement systems which shall provide that no payment shall be made to a nursing home which does not permit inspection by the department of social and health services of every part of its premises and an examination of all records, including financial records, methods of administration, general and special dietary programs, the disbursement of drugs and methods of supply, and any other records the department deems relevant to the establishment of such a system.

All other services and supplies provided under the program shall be secured by contract.

The department may purchase care in institutions for the mentally retarded, also known as intermediate care facilities for the mentally retarded. The department shall establish rules for reasonable accounting and reimbursement systems for such care. Institutions for the mentally retarded include licensed nursing homes, public institutions, licensed boarding homes with fifteen beds or less, and hospital facilities certified as intermediate care facilities for the mentally retarded under the federal medicaid program to provide health, habilitative, or rehabilitative services and twenty-four hour supervision for mentally retarded individuals or persons with related conditions and includes in the program 'active treatment' as federally defined.

The department may purchase care in institutions for mental diseases by contract. The department shall establish rules for reasonable accounting and reimbursement systems for such care. Institutions for mental diseases are certified under the federal medicaid program and primarily engaged in providing diagnosis, treatment, or care to persons with mental diseases, including medical attention, nursing care, and related services.

Sec. 16. Section 44, chapter 177, Laws of 1980 and RCW 74.46.440 are each amended to read as follows:

Only those services which are authorized for a facility pursuant to the medical care program shall be reimbursed under this chapter. Services provided by institutions for mental diseases shall not be reimbursed under this chapter.

Sec. 17. Section 2, chapter 177, Laws of 1980 as last amended by section 6, chapter 476, Laws of 1987 and RCW 74.46.020 are each amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) 'Accrual method of accounting' means a method of accounting in which revenues are reported in the period when they are earned, regardless of when they are collected, and expenses are reported in the period in which they are incurred, regardless of when they are paid.

(2) 'Ancillary care' means those services required by the individual, comprehensive plan of care provided by qualified therapists.

(3) 'Appraisal' means the process of estimating the fair market value or reconstructing the historical cost of an asset acquired in a past period as performed by a professionally designated real estate appraiser with no pecuniary interest in the property to be appraised. It includes a systematic, analytic determination and the recording and analyzing of property facts, rights, investments, and values based on a personal inspection and inventory of the property.

(4) 'Arm's-length transaction' means a transaction resulting from good-faith bargaining between a buyer and seller who are not related organizations and have adverse positions in the market place. Sales or exchanges of nursing home facilities among two or more parties in which all parties subsequently continue to own one or more of the facilities involved in the transactions shall not be considered as arm's-length transactions for purposes of this chapter. Sale of a nursing home facility which is subsequently leased back to the seller within five years of the date of sale shall not be considered as an arm's-length transaction for purposes of this chapter.

(5) 'Assets' means economic resources of the contractor, recognized and measured in conformity with generally accepted accounting principles.

(6) 'Bad debts' means amounts considered to be uncollectable from accounts and notes receivable.

(7) 'Beds' means the number of set-up beds in the facility, not to exceed the number of licensed beds.

(8) 'Beneficial owner' means:

(a) Any person who, directly or indirectly, through any contract, arrangement, understanding, relationship, or otherwise has or shares:

(i) Voting power which includes the power to vote, or to direct the voting of such ownership interest; and/or

(ii) Investment power which includes the power to dispose, or to direct the disposition of such ownership interest;

(b) Any person who, directly or indirectly, creates or uses a trust, proxy, power of attorney, pooling arrangement, or any other contract, arrangement, or device with the purpose or effect of divesting himself of beneficial ownership of an ownership interest or preventing the vesting of such beneficial ownership as part of a plan or scheme to evade the reporting requirements of this chapter;

(c) Any person who, subject to subparagraph (b) of this subsection, has the right to acquire beneficial ownership of such ownership interest within sixty days, including but not limited to any right to acquire:

(i) Through the exercise of any option, warrant, or right;

(ii) Through the conversion of an ownership interest;

(iii) Pursuant to the power to revoke a trust, discretionary account, or similar arrangement;

or

(iv) Pursuant to the automatic termination of a trust, discretionary account, or similar arrangement;

except that, any person who acquires an ownership interest or power specified in subparagraphs (i), (ii), or (iii) of this subparagraph (c) with the purpose or effect of changing or influencing the control of the contractor, or in connection with or as a participant in any transaction having such purpose or effect, immediately upon such acquisition shall be deemed to be the beneficial owner of the ownership interest which may be acquired through the exercise or conversion of such ownership interest or power;

(d) Any person who in the ordinary course of business is a pledgee of ownership interest under a written pledge agreement shall not be deemed to be the beneficial owner of such pledged ownership interest until the pledgee has taken all formal steps necessary which are required to declare a default and determines that the power to vote or to direct the vote or to dispose or to direct the disposition of such pledged ownership interest will be exercised; except that:

(i) The pledgee agreement is bona fide and was not entered into with the purpose nor with the effect of changing or influencing the control of the contractor, nor in connection with any transaction having such purpose or effect, including persons meeting the conditions set forth in subparagraph (b) of this subsection; and

(ii) The pledgee agreement, prior to default, does not grant to the pledgee:

(A) The power to vote or to direct the vote of the pledged ownership interest; or

(B) The power to dispose or direct the disposition of the pledged ownership interest, other than the grant of such power(s) pursuant to a pledge agreement under which credit is extended and in which the pledgee is a broker or dealer.

(9) 'Capitalization' means the recording of an expenditure as an asset.

(10) 'Contractor' means an entity which contracts with the department to provide services to medical care recipients in a facility and which entity is responsible for operational decisions.

(11) 'Department' means the department of social and health services (DSHS) and its employees.

(12) 'Depreciation' means the systematic distribution of the cost or other basis of tangible assets, less salvage, over the estimated useful life of the assets.

(13) 'Direct care supplies' means medical, pharmaceutical, and other supplies required for the direct nursing and ancillary care of medical care recipients.

(14) 'Entity' means an individual, partnership, corporation, or any other association of individuals capable of entering enforceable contracts.

(15) 'Equity' means the net book value of all tangible and intangible assets less the recorded value of all liabilities, as recognized and measured in conformity with generally accepted accounting principles.

(16) 'Facility' means a nursing home licensed in accordance with chapter 18.51 RCW, excepting nursing homes certified as institutions for mental diseases, or that portion of a hospital licensed in accordance with chapter 70.41 RCW which operates as a nursing home.

(17) 'Fair market value' means the replacement cost of an asset less observed physical depreciation on the date for which the market value is being determined.

(18) 'Financial statements' means statements prepared and presented in conformity with generally accepted accounting principles including, but not limited to, balance sheet, statement of operations, statement of changes in financial position, and related notes.

(19) 'Generally accepted accounting principles' means accounting principles approved by the financial accounting standards board (FASB).

(20) 'Generally accepted auditing standards' means auditing standards approved by the American institute of certified public accountants (AICPA).

(21) 'Goodwill' means the excess of the price paid for a business over the fair market value of all other identifiable, tangible, and intangible assets acquired.

(22) 'Historical cost' means the actual cost incurred in acquiring and preparing an asset for use, including feasibility studies, architect's fees, and engineering studies.

(23) 'Imprest fund' means a fund which is regularly replenished in exactly the amount expended from it.

(24) 'Joint facility costs' means any costs which represent resources which benefit more than one facility, or one facility and any other entity.

(25) 'Lease agreement' means a contract between two parties for the possession and use of real or personal property or assets for a specified period of time in exchange for specified periodic payments. Elimination (due to any cause other than death or divorce) or addition of any party to the contract, expiration, or modification of any lease term in effect on January 1, 1980, or termination of the lease by either party by any means shall constitute a termination of the lease agreement. An extension or renewal of a lease agreement, whether or not pursuant to a renewal provision in the lease agreement, shall be considered a new lease agreement. A strictly formal change in the lease agreement which modifies the method, frequency, or manner in which the lease payments are made, but does not increase the total lease payment obligation of the lessee, shall not be considered modification of a lease term.

(26) 'Medical care program' means medical assistance provided under RCW 74.09.500 or authorized state medical care services.

(27) 'Medical care recipient' or 'recipient' means an individual determined eligible by the department for the services provided in chapter 74.09 RCW.

(28) 'Net book value' means the historical cost of an asset less accumulated depreciation.

(29) 'Net invested funds' means the net book value of tangible fixed assets employed by a contractor to provide services under the medical care program, including land, buildings, and equipment as recognized and measured in conformity with generally accepted accounting principles, plus an allowance for working capital which shall be five percent of the allowable costs of each contractor for the previous calendar year.

(30) 'Operating lease' means a lease under which rental or lease expenses are included in current expenses in accordance with generally accepted accounting principles.

(31) 'Owner' means a sole proprietor, general or limited partners, and beneficial interest holders of five percent or more of a corporation's outstanding stock.

(32) 'Ownership interest' means all interests beneficially owned by a person, calculated in the aggregate, regardless of the form which such beneficial ownership takes.

(33) 'Patient day' or 'client day' means a calendar day of care which will include the day of admission and exclude the day of discharge; except that, when admission and discharge occur on the same day, one day of care shall be deemed to exist.

(34) 'Professionally designated real estate appraiser' means an individual who is regularly engaged in the business of providing real estate valuation services for a fee, and who is deemed qualified by a nationally recognized real estate appraisal educational organization on the basis of extensive practical appraisal experience, including the writing of real estate valuation reports as well as the passing of written examinations on valuation practice and theory, and who by virtue of membership in such organization is required to subscribe and adhere to certain standards of professional practice as such organization prescribes.

(35) 'Qualified therapist' means:

(a) An activities specialist who has specialized education, training, or experience as specified by the department;

(b) An audiologist who is eligible for a certificate of clinical competence in audiology or who has the equivalent education and clinical experience;

(c) A mental health professional as defined by chapter 71.05 RCW;

(d) A mental retardation professional who is either a qualified therapist or a therapist approved by the department who has had specialized training or one year's experience in treating or working with the mentally retarded or developmentally disabled;

(e) A social worker who is a graduate of a school of social work;

(f) A speech pathologist who is eligible for a certificate of clinical competence in speech pathology or who has the equivalent education and clinical experience;

(g) A physical therapist as defined by chapter 18.74 RCW; and

(h) An occupational therapist who is a graduate of a program in occupational therapy, or who has the equivalent of such education or training.

(36) 'Questioned costs' means those costs which have been determined in accordance with generally accepted accounting principles but which may constitute disallowed costs or departures from the provisions of this chapter or rules and regulations adopted by the department.

(37) 'Records' means those data supporting all financial statements and cost reports including, but not limited to, all general and subsidiary ledgers, books of original entry, and transaction documentation, however such data are maintained.

(38) 'Related organization' means an entity which is under common ownership and/or control with, or has control of, or is controlled by, the contractor.

(a) 'Common ownership' exists when an entity is the beneficial owner of five percent or more ownership interest in the contractor and any other entity.

(b) 'Control' exists where an entity has the power, directly or indirectly, significantly to influence or direct the actions or policies of an organization or institution, whether or not it is legally enforceable and however it is exercisable or exercised.

(39) 'Restricted fund' means those funds the principal and/or income of which is limited by agreement with or direction of the donor to a specific purpose.

(40) 'Secretary' means the secretary of the department of social and health services.

(41) 'Title XIX' or 'Medicaid' means the 1965 amendments to the social security act, P.L. 89-07, as amended.

(42) 'Physical plant capital improvement' means a capitalized improvement that is limited to an improvement to the building or the related physical plant.

NEW SECTION. Sec. 18. The department, in cooperation with the state's area agencies on aging, shall prepare printed information regarding the availability of long-term care services in the state. The department shall distribute the information to the state's nursing homes and work with professional organizations representing physicians to encourage distribution of the information to patients in need of long-term care services. Nursing homes shall make the information available prior to accepting new residents for admission.

The information shall include current long-term care services options, including community based and residential services, in an easily understandable manner explaining the nature of the services and other information necessary to allow individuals to assess what services might be appropriate given their functional limitations. The information shall also contain phone numbers and addresses of private and public resources available to assist individuals and their families in assessing the service needs of the individual so that they may make informed decisions about choosing long-term care services.

NEW SECTION. Sec. 19. Section 2 of this act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect July 1, 1989."

On page 1, line 1 of the title, after "homes;" strike the remainder of the title and insert "and amending RCW 18.51.050, 74.46.410, 18.51.430, 18.51.500, 74.42.240, 74.42.380, 18.51.054, 18.51.060, 18.51.065, 18.51.410, 18.51.440, 18.51.460, 74.42.580, 74.09.120, 74.46.440, and 74.46.020; reenacting and amending RCW 74.46.360; creating a new section; providing an effective date; and declaring an emergency."

and the same is herewith transmitted.

W. D. Naismith, Assistant Secretary.

MOTION

Mr. Braddock moved that the House do concur in the Senate amendments to Engrossed Substitute House Bill No. 1864.

Mr. Braddock spoke in favor of the motion, and it was carried.

FINAL PASSAGE OF HOUSE BILL AND SENATE AMENDED

The Speaker stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 1864 as amended by the Senate.

Representatives Day and Brooks spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1864 as amended by the Senate, and the bill passed the House by the following vote: Yeas, 96; absent, 1; excused, 1.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Baugher, Beck, Belcher, Betzoff, Bowman, Braddock, Brekke, Bristow, Brooks, Brough, Brumsickle, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Fraser, Fuhrman, Grant, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Insee, Jacobsen, Jesernig, Jones, King P, King R, Kremen, Leonard, May, McLean, Meyers R, Miller, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Padden, Patrick, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith, Sommers D, Sommers H, Spanel, Sprengle, Tate, Todd, Valle, Van Luven, Vekich, Waik, Walker, Wang, Wilson K, Wilson S, Wineberry, Winsley, Wolfe, Wood, Youngsman, Zellinsky, and Mr. Speaker - 96.

Absent: Representative Locke - 1.

Excused: Representative Gallagher - 1.

Engrossed Substitute House Bill No. 1864 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE SENATE

April 22, 1989

Mr. Speaker:

The Senate has adopted the report of the Conference Committee on SUBSTITUTE SENATE BILL NO. 5686, and granted said committee the powers of Free Conference.

W. D. Naismith, Assistant Secretary.

REPORT OF FREE CONFERENCE COMMITTEE

April 21, 1989

Mr. Speaker:

We of your Free Conference Committee to whom was referred SUBSTITUTE SENATE BILL NO. 5686, making major changes in agriculture statutes, have had the

same under consideration and we recommend that the bill be amended as proposed in the request for Free Conference and that the bill do pass as amended by the Free Conference Committee.

(See Report of Conference Committee on Substitute Senate Bill No. 5686, 104th Day, April 22, 1989, Morning Session.)

Signed by Senators Barr, Newhouse, Madsen; Representatives Rayburn, Grant, Nealey.

MOTION

Ms. Rayburn moved that the House adopt the Report of the Free Conference Committee on Substitute Senate Bill No. 5686. The motion was carried.

FINAL PASSAGE OF SENATE BILL AS AMENDED BY FREE CONFERENCE COMMITTEE

The Speaker stated the question before the House to be the final passage of Substitute Senate Bill No. 5686 as amended by Free Conference Committee.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5686 as amended by Free Conference Committee, and the bill passed the House by the following vote: Yeas, 97; excused, 1.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Baugher, Beck, Belcher, Betrozoff, Bowman, Braddock, Brekke, Bristow, Brooks, Brough, Brumsickle, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Fraser, Fuhrman, Grant, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Inslée, Jacobsen, Jesernig, Jones, King P, King R, Kremen, Leonard, Locke, May, McLean, Meyers R, Miller, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Padden, Patrick, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith, Sommers D, Sommers H, Spanel, Sprenkle, Tate, Todd, Valle, Van Luven, Vekich, Walk, Walker, Wang, Wilson K, Wilson S, Wineberry, Winsley, Wolfe, Wood, Youngsman, Zellinsky, and Mr. Speaker - 97.

Excused: Representative Gallagher - 1.

Substitute Senate Bill No. 5686 as amended by Free Conference Committee, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE SENATE

April 22, 1989

Mr. Speaker:

The Senate has adopted the report of the Conference Committee on ENGROSSED SUBSTITUTE SENATE BILL NO. 5186, and granted said committee the powers of Free Conference.

W. D. Naismith, Assistant Secretary.

REPORT OF FREE CONFERENCE COMMITTEE

April 21, 1989

Mr. Speaker:

We of your Free Conference Committee to whom was referred ENGROSSED SUBSTITUTE SENATE BILL NO. 5186, changing provisions relating to the commission on judicial conduct, have had the same under consideration and we recommend that the bill be amended as proposed in the request for Free Conference and that the bill do pass as amended by the Free Conference Committee.

(See Report of Conference Committee on Engrossed Substitute Senate Bill No. 5186, 103rd Day, April 21, 1989, Afternoon Session.)

Signed by Senators Pullen, Talmadge; Representatives Appelwick, Padden.

MOTION

Mr. Appelwick moved that the House adopt the Report of the Free Conference Committee on Engrossed Substitute Senate Bill No. 5186.

Representatives Appelwick and Padden spoke in favor of the motion, and it was carried.

FINAL PASSAGE OF SENATE BILL
AS AMENDED BY FREE CONFERENCE COMMITTEE

The Speaker stated the question before the House to be the final passage of Engrossed Substitute Senate Bill No. 5186 as amended by Free Conference Committee.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute Senate Bill No. 5186 as amended by Free Conference Committee, and the bill passed the House by the following vote: Yeas, 97; excused, 1.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Baugher, Beck, Belcher, Betrozoff, Bowman, Braddock, Brekke, Bristow, Brooks, Brough, Brumsickle, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Fraser, Fuhrman, Grant, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Inslee, Jacobsen, Jesernig, Jones, King P, King R, Kremen, Leonard, Locke, May, McLean, Meyers R, Miller, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Padden, Patrick, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith, Sommers D, Sommers H, Spanel, Sprengle, Tate, Todd, Valle, Van Luven, Vekich, Walk, Walker, Wang, Wilson K, Wilson S, Wineberry, Winsley, Wolfe, Wood, Youngsman, Zellinsky, and Mr. Speaker - 97.

Excused: Representative Gallagher - 1.

Engrossed Substitute Senate Bill No. 5186 as amended by Free Conference Committee, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

The Speaker called on Representative O'Brien to preside.

MESSAGE FROM THE SENATE

April 22, 1989

Mr. Speaker:

The Senate has adopted the report of the Free Conference Committee on SECOND SUBSTITUTE HOUSE BILL NO. 1476, and passed the bill as amended by the Free Conference Committee, and the same is herewith transmitted.

W. D. Naismith, Assistant Secretary.

REPORT OF FREE CONFERENCE COMMITTEE

April 21, 1989

Mr. Speaker:

We of your Free Conference Committee to whom was referred SECOND SUBSTITUTE HOUSE BILL NO. 1476, establishing the Washington marketplace program, have had the same under consideration and we recommend that the bill be amended as proposed in the request for Free Conference and that the bill do pass as amended by the Free Conference Committee.

(See Report of Conference Committee on Second Substitute House Bill No. 1476, 103rd Day, April 21, 1989, Afternoon Session.)

Signed by Senators Lee, McMullen, Bluechel; Representatives Cantwell, Basich, Doty.

MOTION

Mr. Grant moved that the House adopt the Report of the Free Conference Committee on Second Substitute House Bill No. 1476. The motion was carried.

FINAL PASSAGE OF HOUSE BILL
AS AMENDED BY FREE CONFERENCE COMMITTEE

The Speaker (Mr. O'Brien presiding) stated the question before the House to be the final passage of Second Substitute House Bill No. 1476 as amended by Free Conference Committee.

ROLL CALL

The Clerk called the roll on the final passage of Second Substitute House Bill No. 1476 as amended by Free Conference Committee, and the bill passed the House by the following vote: Yeas, 97; excused, 1.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Baugher, Beck, Belcher, Betzoff, Bowman, Braddock, Brekke, Bristow, Brooks, Brough, Brumsickle, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Fraser, Fuhrman, Grant, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Insee, Jacobsen, Jesernig, Jones, King P, King R, Kremen, Leonard, Locke, May, McLean, Meyers R, Miller, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Padden, Patrick, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith, Sommers D, Sommers H, Spanel, Sprenkle, Tate, Todd, Valle, Van Luven, Vekich, Walk, Walker, Wang, Wilson K, Wilson S, Wineberry, Winsley, Wolfe, Wood, Youngsman, Zellinsky, and Mr. Speaker - 97.

Excused: Representative Gallagher - 1.

Second Substitute House Bill No. 1476 as amended by Free Conference Committee, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE SENATE

April 22, 1989

Mr. Speaker:

The Senate has adopted the report of the Free Conference Committee on SUBSTITUTE HOUSE BILL NO. 1457, and passed the bill as amended by the Free Conference Committee, and the same is herewith transmitted.

W. D. Naismith, Assistant Secretary.

REPORT OF FREE CONFERENCE COMMITTEE

April 21, 1989

Mr. Speaker:

We of your Free Conference Committee to whom was referred SUBSTITUTE HOUSE BILL NO. 1457, regarding the indeterminate sentencing review board, have had the same under consideration and we recommend that the bill be amended as proposed in the request for Free Conference and that the bill do pass as amended by the Free Conference Committee.

(See Report of Conference Committee on Substitute House Bill No. 1457, 103rd Day, April 21, 1989, Afternoon Session.)

Signed by Senators Pullen, Niemi, Nelson; Representatives R. Meyers, P. King, Padden.

MOTION

Mr. Appelwick moved that the House adopt the Report of the Free Conference Committee on Substitute House Bill No. 1457.

Mr. Appelwick spoke in favor of the motion, and Mr. Padden opposed it. The motion was carried.

FINAL PASSAGE OF HOUSE BILL AS AMENDED BY FREE CONFERENCE COMMITTEE

The Speaker (Mr. O'Brien presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1457 as amended by Free Conference Committee.

Mr. Hargrove spoke against passage of the bill, and Mr. Sayan spoke in favor of it.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1457 as amended by Free Conference Committee, and the bill passed the House by the following vote: Yeas, 70; nays, 27; excused, 1.

Voting yea: Representatives Anderson, Appelwick, Baugher, Belcher, Braddock, Brekke, Bristow, Brooks, Cantwell, Cole, Cooper, Crane, Dellwo, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Fraser, Fuhrman, Grant, Haugen, Hine, Insee, Jacobsen, Jones, King P, King R, Kremen, Leonard, Locke, May, Meyers R, Miller, Morris, Moyer, Myers H, Nelson, Nutley, O'Brien, Patrick, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Schoon, Scott, Sommers H, Spanel, Sprenkle, Todd, Valle, Van Luven, Vekich, Walk, Walker, Wang, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 70.

Voting nay: Representatives Ballard, Basich, Beck, Betzoff, Bowman, Brough, Brunsickle, Chandler, Day, Fuhrman, Hankins, Hargrove, Heavey, Holland, Horn, Jesernig, McLean, Nealey, Padden, Peery, Silver, Smith, Sommers D. Tate, Wolfe, Wood, Youngsman - 27.
Excused: Representative Gallagher - 1.

Substitute House Bill No. 1457 as amended by Free Conference Committee, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGES FROM THE SENATE

April 22, 1989

Mr. Speaker:

The Senate has adopted the report of the Free Conference Committee on SUBSTITUTED SENATE BILL NO. 5221, and passed the bill as amended by the Free Conference Committee.

W. D. Naismith, Assistant Secretary.

April 22, 1989

Mr. Speaker:

The Senate has adopted the report of the Free Conference Committee on ENGROSSED SUBSTITUTE SENATE BILL NO. 5314, and passed the bill as amended by the Free Conference Committee.

W. D. Naismith, Assistant Secretary.

MESSAGE FROM THE GOVERNOR

April 20, 1989

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. 1096, entitled:
"AN ACT Relating to the recording of federal liens."

This legislation requires that all notices of federal liens on personal property be filed with the Department of Licensing. While this legislation would set good precedent by requiring a consistent location for the filing of all liens, including federal liens, the fiscal impact of \$135,000 is not included in the Department of Licensing's budget for the 1989-91 biennium. Although the legislation would allow the director to impose a filing fee, it does not contain an appropriation and there is no agreement to fund it in the budget. This critical oversight would require that the agency absorb the cost at the expense of other existing programs.

For this reason, I am vetoing House Bill No. 1096 in its entirety.

Respectfully submitted,
Booth Gardner, Governor.

The Speaker (Mr. O'Brien presiding) referred House Bill No. 1096 to Committee on Rules 2.

MESSAGE FROM THE GOVERNOR

April 4, 1989

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. 1339, entitled:

"AN ACT Relating to counties."

Engrossed Substitute House Bill No. 1339 creates a one-time option in 1989 or 1990 elections for voters in a single county (Spokane) to change its form of government from three to five commissioners. The Constitution currently provides in Article II, Section 4 (Amendment 21) and Article II, Section 16 (Amendment 58), methods for providing Home Rule charters that could include a change to a five-member commission or other forms of governance. Like this bill, the Constitution provides for citizen involvement via the original petition, a freeholder election, and a final vote of the public on the new form of government.

Proponents argue that the bill will provide better representation for the citizens of Spokane County, particularly those living outside the city of Spokane. As a former county official, I understand these concerns and sympathize with those voters who feel disenfranchised. I am also deeply aware of the critical need to improve representation and modernize county governmental structures, particularly in counties with large urban populations like Spokane. For those reasons, I endorsed as executive request legislation a package of local governance bills that implement recommendations of the Local Governance Study Commission, created by the Legislature in 1985. Many elements of that legislation and a proposed constitutional amendment make it easier for counties like Spokane to initiate change -- especially fundamental changes in structure, like the number of county commissioners. That legislation has not yet been acted upon by the Legislature.

Regardless of the perceived need for Engrossed Substitute House Bill No. 1339, I am not convinced that alone it is an appropriate response to the problem. First, questions have been raised regarding the constitutionality of the bill. Article II, Section 4 of the State Constitution states the "legislature shall establish a system of county government, which shall be uniform throughout the state except as hereinafter provided. . . ." Two Attorney General Opinions (AGO 1987 No. 11 and AGLO 1979 No. 8) have discussed the meaning of this provision.

Second, Engrossed Substitute House Bill No. 1339 represents a piecemeal and single-issue approach to restructuring county government. The problems of Spokane County that gave rise to this bill involve more than just representation issues. The established constitutional avenues for review and modification, the county home rule and city-county charter approaches, are appropriate and clearly legal methods to achieve comprehensive structural change and governmental reform. Five counties have successfully used the County Home Rule provisions to solve their particular governmental needs.

And finally, Engrossed Substitute House Bill No. 1339 would establish an unfortunate precedent for resolution of future issues relating to changes in individual county government structure. The home rule charter and the city-county charter processes require citizen participation and discussion. They force citizens and local elected officials to come to grips with tough fundamental issues like structure, representation, accountability, responsiveness, and effectiveness. They result in locally arrived at solutions to local problems. Approval of Engrossed Substitute House Bill No. 1339 would send a message to counties that they can circumvent those processes.

I do endorse those parts of the bill that ensure the participation and vote of the citizens. Substantial and basic changes in governance, such as this measure, do deserve a vote of the public.

For these reasons, I have vetoed Engrossed Substitute House Bill No. 1339.

Respectfully submitted,
Booth Gardner, Governor.

MOTION

Mr. Padden moved that Engrossed Substitute House Bill No. 1339 do pass the House notwithstanding the Governor's veto thereof.

The Speaker (Mr. O'Brien presiding) declared the House to be at ease.

The Speaker (Mr. O'Brien presiding) called the House to order.

The Speaker (Mr. O'Brien presiding) stated the question before the House to be the motion by Representative Padden that the House do pass Engrossed Substitute House Bill No. 1339 notwithstanding the Governor's veto thereof.

MOTION

Mr. Heavey moved that Engrossed Substitute House Bill No. 1339 with the Governor's veto be laid on the table.

Ms. Brough demanded an electric roll call vote, and the demand was sustained.

ROLL CALL

The Clerk called the roll on the motion by Representative Heavey to table Engrossed Substitute House Bill No. 1339 with the Governor's veto, and the motion was carried by the following vote: Yeas, 61; nays, 36; excused, 1.

Voting yea: Representatives Anderson, Appelwick, Basich, Baugher, Belcher, Braddock, Brekke, Bristow, Cantwell, Cole, Cooper, Crane, Day, Dellwo, Dorn, Ebersole, Fisher G, Fisher R, Fraser, Grant, Hargrove, Haugen, Heavey, Hine, Inslee, Jacobsen, Jesernig, Jones, King P, King R, Kremen, Leonard, Locke, Meyers R, Morris, Myers H, Nelson, Nutley, O'Brien, Peery, Phillips, Prentice, Pruitt, Raiter, Rasmussen, Rayburn, Rust, Sayan, Scott, Sommers H, Spanel, Sprenkle, Todd, Valle, Vekich, Walk, Wang, Wilson K, Wineberry, Zellinsky, and Mr. Speaker - 61.

Voting nay: Representatives Bailard, Beck, Betrozoff, Bowman, Brooks, Brough, Brumsickle, Chandler, Doty, Ferguson, Fuhrman, Hankins, Holland, Horn, Mary, McLean, Miller, Moyer, Nealey, Padden, Patrick, Prince, Rector, Schmidt, Schoon, Silver, Smith, Sommers D, Tate, Van Luven, Walker, Wilson S, Winsley, Wolfe, Wood, Youngsman - 36.

Excused: Representative Gallagher - 1.

REPORT OF CONFERENCE COMMITTEE

April 22, 1989

Mr. Speaker:

We of your Conference Committee to whom was referred SECOND SUBSTITUTE SENATE BILL NO. 5400, regarding mental health systems, have had the same under consideration and we report that we are unable to agree, and we respectfully request the powers of Free Conference to amend the bill as follows:

Adopt the House Committee on Appropriations striking amendment as amended (For amendments, see Journal, 100th Day, April 18, 1989,) with the following changes:

On page 2, line 16, after "county-based" insert "and county-managed mental health"

On page 14, line 5, after "resources" strike "and plans submitted by participating regional support networks, and approved by the department" and insert "No contract shall be approved that does not include progress toward meeting the goals of this 1989 act by taking responsibility for: (i) short-term commitments; (ii) residential care; and (iii) emergency response systems"

On page 19, after line 28, strike all of paragraph (e)

Reletter the remaining paragraphs accordingly.

On page 21, after line 5, insert "NEW SECTION, Sec. 6. A new section is added to chapter 71.24 RCW to read as follows:

The legislature finds that administration of chapter 71.05 RCW and this chapter can be most efficiently and effectively implemented as part of the regional support network defined in RCW 71.24.025. For this reason, the legislature intends that any enhanced program funding for implementation of chapter 71.05 RCW or this chapter, except for funds allocated for implementation of mandatory state-wide programs as required by federal statute, be made available primarily to those counties participating in regional support networks."

Renumber the remaining sections accordingly.

On page 24, line 25, after "section" strike "may" and insert "shall"

On page 37, line 22, after "adding" strike "a new section" and insert "new sections"

Signed by Senators West, Niemi; Representatives Bristow, Moyer, Raiter.

MOTION

On motion of Mr. Jesernig, the Report of the Conference Committee on Second Substitute Senate Bill No. 5400 was adopted and the committee was granted the powers of Free Conference.

MESSAGE FROM THE SENATE

April 22, 1989

Mr. Speaker:

The Senate has adopted the report of the Conference Committee on SENATE BILL NO. 5926, and granted said committee the powers of Free Conference.

W. D. Naismith, Assistant Secretary.

REPORT OF FREE CONFERENCE COMMITTEE

April 19, 1989

Mr. Speaker:

We of your Free Conference Committee to whom was referred SENATE BILL NO. 5926, requiring development of contingency plans relating to Hanford facility's

low-level radioactive waste, have had the same under consideration and we recommend that the bill be amended as proposed in the request for Free Conference and that the bill do pass as amended by the Free Conference Committee.

(See Report of Conference Committee on Senate Bill No. 5926, 104th Day, April 22, 1989, Afternoon Session.)

Signed by Senators Benitz, Williams, Bluechel; Representatives Nelson, Jesernig, Hankins.

MOTION

Mr. Nelson moved that the House suspend House Rule 26.

Ms. Hankins spoke in favor of the motion, and it was carried.

MOTION

Mr. Nelson moved that the House adopt the Report of the Free Conference Committee on Senate Bill No. 5926. The motion was carried.

FINAL PASSAGE OF SENATE BILL AS AMENDED BY FREE CONFERENCE COMMITTEE

The Speaker (Mr. O'Brien presiding) stated the question before the House to be the final passage of Senate Bill No. 5926 as amended by Free Conference Committee.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 5926 as amended by Free Conference Committee, and the bill passed the House by the following vote: Yeas, 97; excused, 1.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Baugher, Beck, Belcher, Betrozoff, Bowman, Braddock, Brekke, Bristow, Brooks, Brough, Brumsickle, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Fraser, Fuhrman, Grant, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Insee, Jacobsen, Jesernig, Jones, King P, King R, Kremen, Leonard, Locke, May, McLean, Meyers R, Miller, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Padden, Patrick, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith, Sommers D, Sommers H, Spanel, Sprengle, Tate, Todd, Vaile, Van Luven, Vekich, Walk, Walker, Wang, Wilson K, Wilson S, Wineberry, Winsley, Wolfe, Wood, Youngsman, Zellinsky, and Mr. Speaker - 97.

Excused: Representative Gallagher - 1.

Senate Bill No. 5926 as amended by Free Conference Committee, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE SENATE

April 22, 1989

Mr. Speaker:

The Senate has adopted the report of the Free Conference Committee on ENGROSSED SUBSTITUTE HOUSE BILL NO. 1635, and passed the bill as amended by the Free Conference Committee, and the same is herewith transmitted.

W. D. Naismith, Assistant Secretary.

REPORT OF FREE CONFERENCE COMMITTEE

April 21, 1989

Mr. Speaker:

We of your Free Conference Committee to whom was referred ENGROSSED SUBSTITUTE HOUSE BILL NO. 1635, making changes to support enforcement provisions, have had the same under consideration and we recommend that the bill be amended as proposed in the request for Free Conference and that the bill do pass as amended by the Free Conference Committee.

(See Report of Conference Committee on Engrossed Substitute House Bill No. 1635, 104th Day, April 22, 1989, Afternoon Session.)

Signed by Senators Pullen, Owen, Nelson; Representatives Appelwick, Belcher, Padden.

MOTION

Mr. Crane moved that the House suspend House Rule 26. The motion was carried.

MOTION

Mr. Crane moved that the House adopt the Report of the Free Conference Committee on Engrossed Substitute House Bill No. 1635. The motion was carried.

FINAL PASSAGE OF HOUSE BILL
AS AMENDED BY FREE CONFERENCE COMMITTEE

The Speaker (Mr. O'Brien presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 1635 as amended by Free Conference Committee.

Mr. Padden spoke in favor of passage of the bill.

POINT OF INQUIRY

Mr. Padden yielded to question by Mr. Heavey.

Mr. Heavey: Does this bill, as it is written now, establish a child support registry and, if so, to what extent?

Mr. Padden: There is a requirement in certain industries--I believe it is on page 50 of the bill--such as construction industry, manufacturing industry, transportation equipment, wholesale trade industry, business services and health services which do have to report to the registry new employees. They do have, I believe, thirty-five days to make that report.

POINT OF ORDER

Mr. Heavey: Mr. Speaker, I would like a ruling on the scope and object of that amendment to this bill.

POINT OF ORDER

Mr. Padden: Mr. Speaker, I believe the gentleman is too late. We have already started discussion.

SPEAKER'S RULING

The Speaker (Mr. O'Brien presiding): I think your point of order was raised too late.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1635 as amended by Free Conference Committee, and the bill passed the House by the following vote: Yeas, 91; nays, 6; excused, 1.

Voting yea: Representatives Appelwick, Basich, Baugher, Beck, Belcher, Betrozoff, Braddock, Brekke, Bristow, Brooks, Brough, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Fraser, Fuhrman, Grant, Hankins, Hargrove, Haugen, Hine, Holland, Horn, Inslee, Jacobsen, Jesernig, Jones, King P, King R, Kremen, Leonard, Locke, May, Meyers R, Miller, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Padden, Patrick, Peery, Phillips, Prentice, Prince, Pruitt, Raifer, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith, Sommers D, Sommers H, Spanel, Sprenkle, Tate, Todd, Valle, Van Luven, Vekich, Walk, Walker, Wang, Wilson K, Wilson S, Wineberry, Winsley, Wolfe, Wood, Youngsman, Zellinsky, and Mr. Speaker - 91.

Voting nay: Representatives Anderson, Ballard, Bowman, Brumsickle, Heavey, McLean - 6.
Excused: Representative Gallagher - 1.

Engrossed Substitute House Bill No. 1635 as amended by Free Conference Committee, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE SENATE

April 22, 1989

Mr. Speaker:

The Senate has adopted the report of the Conference Committee on HOUSE BILL NO. 1354, and has granted said committee the powers of Free Conference. The Report of the Conference Committee is herewith transmitted.

W. D. Naismith, Assistant Secretary.

REPORT OF CONFERENCE COMMITTEE

April 19, 1989

Mr. Speaker:

We of your Conference Committee to whom was referred HOUSE BILL NO. 1354, continuing the interagency committee for outdoor recreation, have had the same under consideration and we report that we are unable to agree, and we respectfully request the powers of Free Conference to amend the bill as follows:

Reject the Senate amendment to page 3, beginning on line 11, which was adopted on April 3, 1989, and the accompanying title amendment (For amendments, see Journal, 97th Day, April 15, 1989.), and

Adopt the following amendment:

On page 3, line 27, after "governor," insert:

"The governor shall select the director from a list of three candidates submitted by the committee. However, the governor may request and the committee shall provide an additional list or lists from which the governor may select the director. The lists compiled by the committee shall not be subject to public disclosure."

Signed by Senators Sellar, Kreidler; Representatives Fraser, Anderson, McLean.

MOTION

On motion of Mr. Jesernig, the Report of the Conference Committee on House Bill No. 1354 was adopted and the committee was granted the powers of Free Conference.

The Speaker resumed the Chair.

MESSAGE FROM THE SENATE

April 22, 1989

Mr. Speaker:

The Senate has adopted the report of the Second Free Conference Committee on ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1793 and has passed the bill as amended by the Free Conference Committee, and the same is herewith transmitted.

W. D. Naismith, Assistant Secretary.

REPORT OF SECOND FREE CONFERENCE COMMITTEE

April 22, 1989

Mr. Speaker:

We of your Second Free Conference Committee to whom was referred ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1793, creating the Omnibus Alcohol and Controlled Substance Act of 1989, have had the same under consideration and we recommend that the bill be amended as proposed in the request for Free Conference and that the bill do pass as amended by the Free Conference Committee.

(See Report of Second Conference Committee on Engrossed Second Substitute House Bill No. 1793, 104th Day, April 22, 1989, Afternoon Session.)

Signed by Senators Newhouse, Niemi, Nelson; Representatives Ebersole, Hine, Patrick.

MOTION

Mr. Appelwick moved that the House suspend House Rule 26.

Representatives Appelwick and Patrick spoke in favor of the motion, and it was carried.

MOTION

Mr. Appelwick moved that the House adopt the Report of the Second Free Conference Committee on Engrossed Second Substitute House Bill No. 1793.

POINT OF ORDER

Mr. Vekich: I would like you to rule on the scope and object of Section 246.

SPEAKER'S RULING

The Speaker: Representative Vekich, the Speaker has examined Section 246 of the Report of the Second Free Conference Committee and has also examined the bill as it passed the House. The exact language was in the original bill in Section 249 as it passed the House. I find your point is not well taken, because this language was in the bill as it passed the House in Section 249—same exact language but a different section number.

The Speaker stated the question before the House to be the motion by Representative Appelwick to adopt the Report of the Second Free Conference Committee on Engrossed Second Substitute House Bill No. 1793.

The motion was carried.

FINAL PASSAGE OF HOUSE BILL
AS AMENDED BY SECOND FREE CONFERENCE COMMITTEE

The Speaker stated the question before the House to be the final passage of Engrossed Second Substitute House Bill No. 1793 as amended by Second Free Conference Committee.

Representatives Appelwick, Patrick, Ebersole, Ballard, Hargrove and Wolfe spoke in favor of passage of the bill, and Representatives Wineberry, Nutley, Vekich, Anderson and Leonard spoke against it.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Second Substitute House Bill No. 1793 as amended by Second Free Conference Committee, and the bill passed the House by the following vote: Yeas, 80; nays, 17; excused, 1.

Voting yea: Representatives Appelwick, Ballard, Baugher, Beck, Betrozoff, Bowman, Brekke, Brooks, Brough, Brumsickle, Cantwell, Chandler, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fuhrman, Grant, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Insløe, Jacobsen, Jesernig, Jones, King P, King R, Kremen, May, McLean, Meyers R, Miller, Morris, Moyer, Myers H, Nealey, O'Brien, Padden, Patrick, Peery, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Sayan, Schmidt, Schoon, Scott, Silver, Smith, Sommers D, Sommers H, Sprenkle, Tate, Todd, Valle, Van Luven, Walk, Walker, Wang, Wilson K, Wilson S, Winsley, Wolfe, Wood, Youngsman, Zellinsky, and Mr. Speaker - 80.

Voting nay: Representatives Anderson, Basich, Belcher, Braddock, Bristow, Cole, Fisher R, Fraser, Leonard, Locke, Nelson, Nutley, Phillips, Rust, Spanel, Vekich, Wineberry - 17.

Excused: Representative Gallagher - 1.

Engrossed Second Substitute House Bill No. 1793 as amended by the Second Free Conference Committee, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Ms. Miller, Representative Betrozoff was excused.

MESSAGE FROM THE SENATE

April 22, 1989

Mr. Speaker:

The Senate has adopted the report of the Free Conference Committee on ENGROSSED SUBSTITUTE HOUSE BILL NO. 2137 and has passed the bill as amended by the Free Conference Committee, and the same is herewith transmitted.

W. D. Naismith, Assistant Secretary.

REPORT OF FREE CONFERENCE COMMITTEE

April 21, 1989

Mr. Speaker:

We of your Free Conference Committee to whom was referred ENGROSSED SUBSTITUTE HOUSE BILL NO. 2137, establishing targeted sectors for economic development, have had the same under consideration and we recommend that the bill be amended as proposed in the request for Free Conference and that the bill do pass as amended by the Free Conference Committee.

(See Report of Conference Committee on Engrossed Substitute House Bill No. 2137, 104th Day, April 22, 1989, Morning Session.)

Signed by Senators Lee, McMullen, Amondson; Representatives Cantwell, G. Fisher, Doty.

MOTION

Ms. Cantwell moved that the House adopt the Report of the Free Conference Committee on Engrossed Substitute House Bill No. 2137. The motion was carried.

FINAL PASSAGE OF HOUSE BILL
AS AMENDED BY FREE CONFERENCE COMMITTEE

The Speaker stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 2137 as amended by Free Conference Committee.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 2137 as amended by Free Conference Committee, and the bill passed the House by the following vote: Yeas, 94; absent, 2; excused, 2.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Baugher, Beck, Belcher, Bowman, Braddock, Brekke, Bristow, Brooks, Brough, Brumsickle, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Ferguson, Fisher R, Fraser, Fuhrman, Grant, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Inslee, Jacobsen, Jesernig, Jones, King P, King R, Kremen, Leonard, Locke, May, McLean, Meyers R, Miller, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Padden, Patrick, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith, Sommers D, Sommers H, Spanel, Sprengle, Tate, Todd, Van Luven, Vekich, Walk, Walker, Wang, Wilson K, Wilson S, Wineberry, Winsley, Wolfe, Wood, Youngsman, Zellinsky, and Mr. Speaker - 94.

Absent: Representatives Fisher G, Valle - 2.

Excused: Representatives Betrozoff, Gallagher - 2.

Engrossed Substitute House Bill No. 2137 as amended by Free Conference Committee, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE SENATE

April 22, 1989

Mr. Speaker:

The Senate has adopted the report of the Conference Committee on ENGROSSED SUBSTITUTE HOUSE BILL NO. 1968, and has granted said committee the powers of Free Conference. The Report of the Conference Committee is herewith transmitted.

W. D. Naismith, Assistant Secretary.

REPORT OF CONFERENCE COMMITTEE

April 22, 1989

Mr. Speaker:

We of your Conference Committee to whom was referred ENGROSSED SUBSTITUTE HOUSE BILL NO. 1968, establishing a plan for long-term care services, have had the same under consideration and we report that we are unable to agree, and we respectfully request the powers of Free Conference to amend the bill as follows:

Reject the Senate Committee on Ways & Means striking amendment (For committee amendments, see Journal, 102nd Day, April 20, 1989.) adopted April 19, 1989, and

Adopt the following amendments:

Strike everything after the enacting clause and insert the following:

NEW SECTION, Sec. 1. The legislature finds that:

Washington's chronically functionally disabled population is growing at a rapid pace. This growth, along with economic and social changes and the coming age wave, presents opportunities for the development of long-term care community services networks and enhanced volunteer participation in those networks, and creates a need for different approaches to currently fragmented long-term care programs. The legislature further recognizes that persons with functional disabilities should receive long-term care services that encourage individual dignity, autonomy, and development of their fullest human potential.

NEW SECTION, Sec. 2. The purpose of this chapter is to:

(1) Establish a balanced range of community-based health, social, and supportive services that deliver long-term care services to chronically, functionally disabled persons of all ages;

(2) Ensure that functional disability shall be the determining factor in defining long-term care service needs and that these needs will be determined by a uniform system for comprehensively assessing functional disability;

(3) Ensure that services are provided in the most independent living situation consistent with individual needs;

(4) Ensure that long-term care service options shall be developed and made available that enable functionally disabled persons to continue to live in their homes or other community residential facilities while in the care of their families or other volunteer support persons;

(5) Ensure that long-term care services are coordinated in a way that minimizes administrative cost, eliminates unnecessarily complex organization, minimizes program and service duplication, and maximizes the use of financial resources in directly meeting the needs of persons with functional limitations;

(6) Develop a systematic plan for the coordination, planning, budgeting, and administration of long-term care services now fragmented between the division of developmental disabilities, division of mental health, aging and adult services administration, division of children and family services, division of vocational rehabilitation, office on AIDS, division of health, and bureau of alcohol and substance abuse;

(7) Encourage the development of a state-wide long-term care case management system that effectively coordinates the plan of care and services provided to eligible clients;

(8) Ensure that individuals and organizations affected by or interested in long-term care programs have an opportunity to participate in identification of needs and priorities, policy development, planning, and development, implementation, and monitoring of state supported long-term care programs;

(9) Support educational institutions in Washington state to assist in the procurement of federal support for expanded research and training in long-term care; and

(10) Facilitate the development of a coordinated system of long-term care education that is clearly articulated between all levels of higher education and reflective of both in-home care needs and institutional care needs of functionally disabled persons.

NEW SECTION, Sec. 3. A valuable option available to Washington state to achieve the goals of sections 1 and 2 of this act is the flexibility in personal care and other long-term care services encouraged by the federal government under Title XIX of the federal social security act. These services include options to expand community-based long-term care services, such as adult family homes, congregate care facilities, respite, chore services, hospice, and case management.

I. CHORE SERVICES

Sec. 4. Section 17, chapter 6, Laws of 1981 1st ex. sess. as last amended by section 1, chapter 222, Laws of 1986 and RCW 74.08.541 are each amended to read as follows:

(1) 'Department' as used in this chapter, means the department of social and health services.

(2) 'Long-term care facility' as used in this chapter, means a nursing home licensed under chapter 18.51 RCW or a residential habilitation center licensed under chapter 71A.20 RCW.

(3) 'Chore services,' as used in this chapter, means services in performing (~~light work and household and other~~) personal care and related tasks (~~which eligible persons are unable to do for themselves because of frailty or handicapping conditions~~) as provided in the department's medical assistance state plan provision addressing personal care.

~~((2))~~ (4) Persons eligible for chore services are adult (~~individuals~~) persons having resources less than a level determined by the department, (~~and~~) whose need for chore services and risk of being placed in a (~~residential~~) long-term care facility have been determined by the department, and who are not eligible to receive medical assistance personal care benefits under RCW 74.09.520.

(a) Persons are eligible for the level ~~((or amount))~~ of services determined by the department under RCW 74.08.545 if the persons ~~((are: (i) Adult recipients of supplemental security income or state supplementation; (ii) eligible at the time their eligibility for chore services is determined or redetermined; for limited casualty program medical care as defined by RCW 74.09.010; or (iii)))~~ have an income at or below thirty percent of the state median income.

(b) For other persons, the department shall develop a scale which progressively reduces the level ~~((or amount))~~ of chore services provided by the department based on the ability of applicants and ~~((recipients))~~ clients to purchase the chore services. ~~((To determine the ability of applicants and recipients to purchase chore services.))~~ The department shall not consider income below thirty percent of the state median income.

(c) Effort shall be made to obtain chore services from volunteer chore service providers under the senior citizens services act, chapter 74.38 RCW, for those individuals at risk of being placed in a residential care facility and who are age sixty or over but eligible for five hours of chore services per month or less, rather than have those services provided by paid providers. Any individual at risk of being placed in a residential care facility and who is age sixty or over but not eligible for chore services or eligible for a reduced amount of service shall be referred to a volunteer chore service program under the senior citizens services act, chapter 74.38 RCW, where available for needed services not authorized by the department.

(d) ~~((Individuals))~~ Persons determined by the department to be eligible for adult protective services are eligible to receive emergency chore services without regard to income if the services are essential to, and a subordinate part of, the adult protective services plan. Emergency chore services under adult protective services shall be provided only until the situation necessitating the services has stabilized, not to exceed ninety days.

~~((3))~~ (5) The department shall establish a monthly dollar lid on chore services expenditures as necessary to maintain such expenditures within the legislative appropriation. To maintain expenditures for chore services within the limits of funds appropriated for this purpose, the department may reduce the level ~~((or amount))~~ of services authorized below the level of need assessed pursuant to RCW 74.08.545 for some or all ~~((recipients, but))~~ clients. The reductions shall be done in a manner which maintains state-wide uniformity of eligibility and service authorization standards and which considers the level of need for services and the degree of risk of being placed in a ~~((residential))~~ long-term care facility of all applicants for, and recipients of, chore services; PROVIDED, That the department may implement a ratable reduction of hours or payment for some or all clients receiving chore services.

(6) The department may continue providing chore services for those clients who were receiving assistance only with household tasks prior to December 14, 1987, provided that those clients are receiving this same service as of June 1989.

(7) The department may continue providing chore services to clients who were receiving attendant care services prior to April 1, 1988, provided that those clients are receiving the same services as of June 1989.

Sec. 5. Section 16, chapter 6, Laws of 1981 1st ex. sess. and RCW 74.08.545 are each amended to read as follows:

It is the intent of the legislature that chore services be provided to eligible persons within the limits of funds appropriated for that purpose. Therefore, the department shall provide services only to those persons identified as at risk of being placed in a ~~((residential))~~ long-term care facility in the absence of such services. Chore services shall be provided ~~((only))~~ to the extent necessary to maintain a safe and healthful living environment. It is the policy of the state to encourage the development of volunteer chore services in local communities as a means of meeting chore care service needs and directing financial resources. In determining ~~((an individual's))~~ eligibility for chore services, the department shall consider the following:

- (1) The kind of services needed;
- (2) The degree of service need, and the extent to which an individual is dependent upon such services to remain in his or her home or return to his or her home;
- (3) The availability of personal or community resources which may be utilized to meet the individual's need; and
- (4) Such other factors as the department considers necessary to insure service is provided only to those persons whose chore service needs cannot be met by relatives, friends, nonprofit organizations, or other persons.

In determining the level of services to be provided under this chapter, ~~((the department shall utilize a client review questionnaire designed))~~ client shall be assessed using an instrument designed by the department to determine ((both)) the ((degree and level of service)) level of functional disability, the need for service and the ((individual's)) person's risk of ((institutionalization if such needs are not met by this chapter)) long-term care facility placement.

Sec. 6. Section 3, chapter 51, Laws of 1973 1st ex. sess. as last amended by section 189, chapter 3, Laws of 1983 and RCW 74.08.550 are each amended to read as follows:

- (1) The department ~~((of social and health services))~~ is authorized to develop a program to provide for those services enumerated in RCW 74.08.541.

(2) ~~((The department shall endeavor to assure that, for each individual receiving in-home services, a single caseworker is responsible for coordinating the delivery of all necessary in-home services for which the recipient is eligible.~~

(3)) The department may provide assistance in the recruiting of providers of the services enumerated in RCW 74.08.541 and seek to assure the timely provision of services in emergency situations.

~~((4))~~ (3) The department shall assure that all providers of the services enumerated in RCW 74.08.541 are compensated for the delivery of the services on a prompt and regular basis.

Sec. 7. Section 3, chapter 137, Laws of 1980 and RCW 74.08.570 are each amended to read as follows:

(1) An otherwise eligible disabled person shall not be deemed ineligible for chore services under this chapter if the person's gross income from employment, adjusted downward by the cost of the chore services to be provided and the disabled person's work expenses, does not exceed the maximum eligibility standard established by the department for such chore services. The department shall establish a sliding scale fee schedule for such disabled persons, taking into consideration the person's ability to pay and work expenses.

(2) If a disabled person arranges for chore services through an individual provider arrangement, the ~~((recipient's))~~ client's contribution shall be counted as first dollar toward the total amount owed to the provider for chore services rendered.

(3) As used in this section:

(a) 'Gross income' means total earned wages, commissions, salary, and any bonus;

(b) 'Work expenses' includes:

(i) Payroll deductions required by law or as a condition of employment, in amounts actually withheld;

(ii) The necessary cost of transportation to and from the place of employment by the most economical means, except rental cars; and

(iii) Expenses of employment necessary for continued employment, such as tools, materials, union dues, transportation to service customers if not furnished by the employer, and uniforms and clothing needed on the job and not suitable for wear away from the job;

(c) 'Employment' means any work activity for which a recipient receives monetary compensation;

(d) 'Disabled' means:

(i) Permanently and totally disabled as defined by the department and as such definition is approved by the federal social security ~~((agency))~~ administration for federal matching funds;

(ii) Eighteen years of age or older;

(iii) A resident of the state of Washington; and

(iv) Willing to submit to such examinations as are deemed necessary by the department to establish the extent and nature of the disability.

II. RESPITE SERVICES

Sec. 8. Section 5, chapter 158, Laws of 1984 as amended by section 4, chapter 409, Laws of 1987 and RCW 74.41.050 are each amended to read as follows:

The department shall ~~((select))~~ contract with area agencies on aging or other appropriate agencies to conduct respite care projects to the extent of available funding. The responsibilities of the ~~((selected area))~~ agencies ~~((on aging))~~ shall include but not be limited to: Negotiating rates of payment, administering sliding-fee scales to enable eligible participants to participate in paying for respite care, and arranging for respite care services. Rates of payment to respite care service providers shall not exceed, and may be less than, rates paid by the department to providers for the same level of service. In evaluating the need for respite services, consideration shall be given to the mental and physical ability of the caregiver to perform necessary caregiver functions.

III. TITLE XIX COMMUNITY-BASED LONG-TERM CARE SERVICES

NEW SECTION. Sec. 9. Title XIX of the federal social security act offers valuable opportunities to increase federal funds available to provide community-based long-term care services to functionally disabled persons in their homes, and in noninstitutional residential facilities, such as adult family homes and congregate care facilities.

A. PERSONAL CARE, HOSPICE

Sec. 10. Section 5, chapter 30, Laws of 1967 ex. sess. as last amended by section 3, chapter 5, Laws of 1985 and RCW 74.09.520 are each amended to read as follows:

(1) The term 'medical assistance' may include the following care and services: ~~((1))~~ (a) Inpatient hospital services; ~~((2))~~ (b) outpatient hospital services; ~~((3))~~ (c) other laboratory and x-ray services; ~~((4))~~ (d) skilled nursing home services; ~~((5))~~ (e) physicians' services, which shall include prescribed medication and instruction on birth control devices; ~~((6))~~ (f) medical care, or any other type of remedial care as may be established by the secretary; ~~((7))~~ (g) home health care services; ~~((8))~~ (h) private duty nursing services; ~~((9))~~ (i) dental services; ~~((10))~~ (j) physical therapy and related services; ~~((11))~~ (k) prescribed drugs, dentures, and prosthetic devices; and eyeglasses prescribed by a physician skilled in diseases of the eye or by an optometrist, whichever the individual may select; ~~((12))~~ (l) personal care services, as provided in this section; (m) hospice services; (n) other diagnostic, screening, preventive, and

rehabilitative services: PROVIDED, That the department may not cut off any prescription medications, oxygen supplies, respiratory services, or other life-sustaining medical services or supplies.

'Medical assistance,' notwithstanding any other provision of law, shall not include routine foot care, or dental services delivered by any health care provider, that are not mandated by Title XIX of the social security act unless there is a specific appropriation for these services.

(2) The department shall amend the state plan for medical assistance under Title XIX of the federal social security act to include personal care services, as defined in 42 C.F.R. 440.170(f), in the categorically needy program.

(3) The department shall adopt, amend, or rescind such administrative rules as are necessary to ensure that Title XIX personal care services are provided to eligible persons in conformance with federal regulations.

(a) These administrative rules shall include financial eligibility indexed according to the requirements of the social security act providing for medical eligibility.

(b) The rules shall require clients be assessed as having a medical condition requiring assistance with personal care tasks. Plans of care must be approved by a physician and reviewed by a nurse every ninety days.

(4) The department shall design and implement a means to assess the level of functional disability of persons eligible for personal care services under this section. The personal care services benefit shall be provided to the extent funding is available according to the assessed level of functional disability. Any reductions in services made necessary for funding reasons should be accomplished in a manner that assures that priority for maintaining services is given to persons with the greatest need as determined by the assessment of functional disability.

(5) The department shall report to the appropriate fiscal committees of the legislature on the utilization and associated costs of the personal care option under Title XIX of the federal social security act, as defined in 42 C.F.R. 440.170(f), in the categorically needy program. This report shall be submitted by January 1, 1990, and submitted on a yearly basis thereafter.

(6) Effective July 1, 1989, the department shall offer hospice services in accordance with available funds. The department shall provide a complete accounting of the costs of providing hospice services under this section by December 20, 1989. The report shall include an assessment of cost savings which may result by providing hospice to persons who otherwise would use hospitals, nursing homes, or more expensive care. The hospice benefit under this section shall terminate on April 1, 1990, unless extended by the legislature.

B. COPE RESPITE SERVICES

NEW SECTION. Sec. 11. The department shall request an amendment to its community options program entry system waiver under section 1905(c) of the federal social security act to include respite services as a service available under the waiver.

C. COMMUNITY-BASED SERVICES FOR PERSONS WITH AIDS

NEW SECTION. Sec. 12. A new section is added to chapter 74.09 RCW to read as follows:

The department shall prepare and request a waiver under section 1915(c) of the federal social security act to provide community based long-term care services to persons with AIDS or AIDS-related conditions who qualify for the medical assistance program under RCW 74.09.510 or the limited casualty program for the medically needy under RCW 74.09.700. Respite services shall be included as a service available under the waiver.

IV. LONG-TERM CARE REFORM IMPLEMENTATION TEAM

NEW SECTION. Sec. 13. (1) A long-term care commission is created. It shall consist of:

(a) Four legislators who shall serve on the executive committee, one from each of the two largest caucuses in the house of representatives and the senate who shall be selected by the president of the senate and the speaker of the house of representatives;

(b) Six members, to be selected by the executive committee, who shall be authorities in gerontology, developmental disabilities, neurological impairments, physical disabilities, mental illness, nursing, long-term care service delivery, long-term care service financing, systems development, or systems analysis;

(c) Three members, to be selected by the executive committee, who represent long-term care consumers, services providers, or advocates;

(d) Two members, to be selected by the executive committee, who represent county government;

(e) One member, to be selected by the secretary of social and health services, to represent the department of social and health services long-term care programs, including at least developmental disabilities, mental health, aging and adult services, AIDS, children's services, alcohol and substance abuse, and vocational rehabilitation; and

(f) Two members, to represent the governor, who shall serve on the executive committee.

The legislative members shall select a chair from the membership of the commission.

The commission shall be staffed, to the extent possible, by staff from the appropriate senate and house of representatives committees.

The commission may form technical advisory committees to assist it with any particular matters deemed necessary by the commission.

The commission and technical advisory committee members shall receive no compensation, but except for publicly funded agency staff, shall, to the extent funds are available, be reimbursed for their expenses while attending any meetings in the same manner as legislators engaged in interim committee business as specified in RCW 44.04.120.

The commission may receive appropriations, grants, gifts, and other payments from any governmental or other public or private entity or person which it may use to defray the cost of its operations or to contract for technical assistance, with the approval of the senate committee on facilities and operations and the house of representatives executive rules committee.

(2) The long-term care commission shall develop legislation and recommend administrative actions necessary to achieve the following long-term care reforms:

(a) The systematic coordination, planning, budgeting, and administration of long-term care services currently administered by the department of social and health services, division of developmental disabilities, aging and adult services administration, division of vocational rehabilitation, office on AIDS, division of health, and the bureau of alcohol and substance abuse;

(b) Provision of long-term care services to persons based on their functional disabilities noncategorically and in the most independent living situation consistent with the person's needs;

(c) A consistent definition of appropriate roles and responsibilities for state and local government, regional organizations, and private organizations in the planning, administration, financing, and delivery of long-term care services;

(d) Technical assistance to enable local communities to have greater participation and control in the planning, administration, and provision of long-term care services;

(e) A case management system that coordinates an appropriate and cost-effective plan of care and services for eligible functionally disabled persons based on their individual needs and preferences;

(f) A sufficient supply of quality noninstitutional residential alternatives for functionally disabled persons, and supports for the providers of such services;

(g) Public and private alternative funding for long-term care services, such as federal Title XIX funding of personal care services through the limited casualty program for the medically needy and other optional services, a uniform fee scale for client participation in state-funded, long-term care programs, and private, long-term care insurance;

(h) A systematic and balanced long-term care services payment and reimbursement system, including nursing home reimbursement, that will provide access to needed services while controlling the rate of cost increases for such services;

(i) Active involvement of volunteers and advocacy groups;

(j) An integrated data base that provides long-term care client tracking;

(k) A coordinated education system for long-term care; and

(l) Other issues deemed appropriate by the implementation team.

The commission shall report to the legislature with its findings, recommendations, and proposed legislation by December 1, 1990.

V. ADULT FAMILY HOME LICENSING

NEW SECTION. Sec. 14. The legislature finds that adult family homes are an important part of the state's long-term care system. Adult family homes provide an alternative to institutional care and promote a high degree of independent living for residents.

NEW SECTION. Sec. 15. The purposes of this chapter are to:

(1) Encourage the establishment and maintenance of adult family homes that provide a humane, safe, and homelike environment for persons with functional limitations who need personal and special care;

(2) Establish standards for regulating adult family homes that adequately protect residents, but are consistent with the abilities and resources of an adult family home so as not to discourage individuals from serving as adult family home providers; and

(3) Encourage consumers, families, providers, and the public to become active in assuring their full participation in development of adult family homes that provide high quality care.

NEW SECTION. Sec. 16. Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) 'Adult family home' means a regular family abode of a person or persons who are providing personal care, room, and board to more than one but not more than four adults who are not related by blood or marriage to the person or persons providing the services; except that a maximum of six adults may be permitted if the department determines that the home is of adequate size and that the home and the provider are capable of meeting standards and qualifications as provided for in this act.

(2) 'Provider' means any person who is licensed under this chapter to operate an adult family home. The provider shall reside at the adult family home, except that exceptions may be authorized by the department for good cause, as defined in rule.

(3) 'Department' means the department of social and health services.

(4) 'Resident' means an adult in need of personal or special care in an adult family home who is not related to the provider.

(5) 'Adults' means persons who have attained the age of eighteen years.

(6) 'Home' means an adult family home.

(7) 'Imminent danger' means serious physical harm to or death of a resident has occurred, or there is a serious threat to resident life, health, or safety.

(8) 'Special care' means care beyond personal care as defined by the department, in rule.

NEW SECTION. Sec. 17. The following residential facilities shall be exempt from the operation of this chapter:

(1) Nursing homes licensed under chapter 18.51 RCW;

(2) Boarding homes licensed under chapter 18.20 RCW;

(3) Facilities approved and certified under chapter 71A.22 RCW;

(4) Residential treatment centers for the mentally ill licensed under chapter 71.24 RCW;

(5) Hospitals licensed under chapter 70.41 RCW;

(6) Homes for the developmentally disabled licensed under chapter 74.15 RCW.

NEW SECTION. Sec. 18. (1) The department shall adopt rules and standards with respect to all adult family homes and the operators thereof to be licensed under this chapter to carry out the purposes and requirements of this chapter. In developing rules and standards the department shall recognize the residential family-like nature of adult family homes and not develop rules and standards which by their complexity serve as an overly restrictive barrier to the development of the adult family homes in the state. Procedures and forms established by the department shall be developed so they are easy to understand and comply with. Paper work requirements shall be minimal. Easy to understand materials shall be developed for homes explaining licensure requirements and procedures.

(2) During the initial stages of development of proposed rules, the department shall provide notice of development of the rules to organizations representing adult family homes and their residents, and other groups that the department finds appropriate. The notice shall state the subject of the rules under consideration and solicit written recommendations regarding their form and content.

(3) Except where provided otherwise, chapter 34.05 RCW shall govern all department rule-making and adjudicative activities under this chapter.

NEW SECTION. Sec. 19. After July 1, 1990, no person shall operate or maintain an adult family home in this state without a license under this chapter.

NEW SECTION. Sec. 20. (1) An application for license shall be made to the department upon forms provided by it and shall contain such information as the department reasonably requires.

(2) The department shall issue a license to an adult family home if the department finds that the applicant and the home are in compliance with this chapter and the rules adopted under this chapter; and that the applicant has no prior violations of this chapter relating to the adult family home subject to the application or any other adult family home, or of any other law regulating residential care facilities within the past five years that resulted in revocation or nonrenewal of a license.

(3) The license fee shall be submitted with the application.

(4) The department shall serve upon the applicant a copy of the decision granting or denying an application for a license. An applicant shall have the right to contest denial of his or her application for a license as provided in chapter 34.05 RCW by requesting a hearing in writing within ten days after receipt of the notice of denial.

(5) A provider shall not be licensed for more than one adult family home. Exceptions may be authorized by the department for good cause, as defined in rule. The department shall submit to appropriate committees of the legislature, by December 1, 1991, a report on the number and type of good cause exceptions granted.

(6) The license fee shall be set at fifty dollars per year for each home. A fifty dollar processing fee shall also be charged each home when the home is initially licensed.

NEW SECTION. Sec. 21. An adult family home shall have readily available for review:

(1) Its license to operate; and

(2) A copy of each inspection report received by the home from the department for the past three years.

NEW SECTION. Sec. 22. (1) A license shall be valid for one year.

(2) At least ninety days prior to expiration of the license, the provider shall submit an application for renewal of a license. The department shall send the provider an application for renewal prior to this time. The department shall have the authority to investigate any information included in the application for renewal of a license.

(3)(a) Homes applying for a license shall be inspected at the time of licensure.

(b) Homes licensed by the department shall be inspected every eighteen months subject to available funds.

(c) Licensed homes where a complaint has been received by the department may be inspected at any time.

(4) If the department finds that the home is not in compliance with this chapter, it shall require the home to correct any violations as provided in this chapter. If the department finds

that the home is in compliance with this chapter and the rules adopted under this chapter, the department shall renew the license of the home.

NEW SECTION. Sec. 23. (1) No public agency contractor or employee shall place, refer, or recommend placement of a person into an adult family home that is operating without a license.

(2) Any public agency contractor or employee who knows that an adult family home is operating without a license shall report the name and address of the home to the department. The department shall investigate any report filed under this section.

NEW SECTION. Sec. 24. An adult family home provider shall have the following minimum qualifications:

- (1) Twenty-one years of age or older;
- (2) Good moral and responsible character and reputation;
- (3) Literacy; and
- (4) Management and administrative ability to carry out the requirements of this chapter.

NEW SECTION. Sec. 25. The department shall promulgate a list of residents' rights for adult family homes, by rule, which shall be equal to those in rule as of January 1, 1989.

NEW SECTION. Sec. 26. (1) Adult family homes shall be maintained internally and externally in good repair and condition. Such homes shall have safe and functioning systems for heating, cooling, hot and cold water, electricity, plumbing, garbage disposal, sewage, cooking, laundry, artificial and natural light, ventilation, and any other feature of the home.

(2) Adult family homes shall be maintained in a clean and sanitary manner, including proper sewage disposal, food handling, and hygiene practices.

(3) Adult family homes shall develop a fire drill plan for emergency evacuation of residents, shall have smoke detectors in each bedroom where a resident is located, shall have fire extinguishers on each floor of the home, and shall not keep nonambulatory patients above the first floor of the home.

(4) Adult family homes shall have clean, functioning, and safe household items and furnishings.

(5) Adult family homes shall provide a nutritious and balanced diet and shall recognize residents' needs for special diets.

(6) Adult family homes shall establish health care procedures for the care of residents including medication administration and emergency medical care.

(a) Adult family home residents shall be permitted to self-administer medications.

(b) Adult family home providers may administer medications and deliver special care only to the extent that the provider is a licensed health care professional for whom the administration of medications is within the scope of practice under Washington law.

NEW SECTION. Sec. 27. Each adult family home shall meet applicable local licensing, zoning, building, and housing codes, and state and local fire safety regulations. It is the responsibility of the home to check with local authorities to ensure all local codes are met.

NEW SECTION. Sec. 28. Whenever possible adult family homes are encouraged to contact and work with local quality assurance projects such as the volunteer ombudsman with the goal of assuring high quality care is provided in the home.

NEW SECTION. Sec. 29. The department shall develop written training material to distribute to adult family home providers. The material shall explain licensure requirements established by this chapter and cover other areas to include issues affecting the health, mental health, nutrition, and hygiene of residents as well as other areas pertinent to the care of residents or of the home. The department of social and health services shall provide a report to the long-term care commission by December 1, 1991, on the appropriate provider training and education on adult family homes.

NEW SECTION. Sec. 30. (1) During inspections of an adult family home, the department shall have access and authority to examine areas and articles in the home used to provide care or support to residents, including residents' records, accounts, and the physical premises, including the buildings, grounds, and equipment. The department also shall have the authority to interview the provider and residents of an adult family home.

(2) Whenever an inspection is conducted, the department shall prepare a written report that summarizes all information obtained during the inspection, and if the home is in violation of this chapter, serve a copy of the inspection report upon the provider at the same time as a notice of violation. If the home is not in violation of this chapter, a copy of the inspection report shall be mailed to the provider within ten days of the inspection of the home. All inspection reports shall be made available to the public at the department during business hours.

(3) The inspection report shall describe any corrective measures on the part of the provider necessary to pass a reinspection. If the department finds upon reinspection of the home that the corrective measures have been satisfactorily implemented, the department shall cease any actions taken against the home. Nothing in this section shall require the department to license or renew the license of a home where serious physical harm or death has occurred to a resident.

NEW SECTION. Sec. 31. (1) The department is authorized to take one or more of the actions listed in subsection (2) of this section in any case in which the department finds that an adult family home provider has:

(a) Failed or refused to comply with the requirements of this chapter or the rules adopted under this chapter;

(b) Operated an adult family home without a license or under a revoked license;

(c) Knowingly or with reason to know made a false statement of material fact on his or her application for license or any data attached thereto, or in any matter under investigation by the department; or

(d) Willfully prevented or interfered with any inspection or investigation by the department.

(2) When authorized by subsection (1) of this section, the department may take one or more of the following actions:

(a) Refuse to issue a license;

(b) Suspend, revoke, or refuse to renew a license; or

(c) Suspend admissions to the adult family home.

NEW SECTION. Sec. 32. The department has the authority to immediately suspend a license if it finds that conditions there constitute an imminent danger to residents.

NEW SECTION. Sec. 33. Nothing in this chapter or the rules adopted under it may be construed as authorizing the supervision, regulation, or control of the remedial care or treatment of residents in any adult family home conducted by and for the adherents of a church or religious denomination who rely upon spiritual means alone through prayer for healing in accordance with the tenets and practices of such church or religious denomination and the bona fide religious beliefs genuinely held by such adherents.

NEW SECTION. Sec. 34. Section 11, chapter 172, Laws of 1969 ex. sess., section 1, chapter 52, Laws of 1975-'76 2nd ex. sess. and RCW 74.08.044 are each repealed.

VI. RESIDENTIAL CARE FACILITY SITING

NEW SECTION. Sec. 35. (1) Unless the context clearly requires otherwise, these definitions shall apply throughout this section and sections 36, 37, 38, 39, 40, and 41 of this act:

(a) 'Adult family home' means a residential care facility that is regulated by the department of social and health services.

(b) 'Residential care facility' means a facility that cares for at least five, but not more than fifteen functionally disabled persons.

(c) 'Department' means the department of social and health services.

(2) An adult family home shall be considered a residential use of property for zoning purposes. Adult family homes shall be a permitted use in all areas zoned for residential or commercial purposes, including areas zoned for single family dwellings.

NEW SECTION. Sec. 36. A new section is added to chapter 35.63 RCW to read as follows:

Each municipality that does not provide for the siting of residential care facilities in zones or areas that are designated for single family or other residential uses, shall conduct a review of the need and demand for the facilities, including the cost of any conditional or special use permit that may be required. The review shall be completed by August 31, 1990. A copy of the findings, conclusions, and recommendations resulting from the review shall be sent to the department of community development by September 30, 1990.

On or before June 30, 1991, each municipality that plans and zones under this chapter shall have adopted an ordinance or ordinances that are necessary to implement the findings of this review, if the findings indicate that such changes are necessary, or shall notify the department of community development as to why such implementing ordinances were not adopted.

NEW SECTION. Sec. 37. A new section is added to chapter 35A.63 RCW to read as follows:

Each municipality that does not provide for the siting of residential care facilities in zones or areas that are designated for single family or other residential uses, shall conduct a review of the need and demand for the facilities, including the cost of any conditional or special use permit that may be required. The review shall be completed by August 31, 1990. A copy of the findings, conclusions, and recommendations resulting from the review shall be sent to the department of community development by September 30, 1990.

On or before June 30, 1991, each municipality that plans and zones under this chapter shall have adopted an ordinance or ordinances that are necessary to implement the findings of this review, if the findings indicate that such changes are necessary, or shall notify the department of community development as to why such implementing ordinances were not adopted.

NEW SECTION. Sec. 38. A new section is added to chapter 36.70 RCW to read as follows:

Each county that does not provide for the siting of residential care facilities in zones that are designated for single family or other residential uses, shall conduct a review of the need and demand for the facilities, including the cost of any conditional or special use permit that may be required. The review shall be completed by August 30, 1990. A copy of the findings, conclusions, and recommendations resulting from the review shall be sent to the department of community development by September 30, 1990.

On or before June 30, 1991, each municipality that plans and zones under this chapter shall have adopted an ordinance or ordinances that are necessary to implement the findings of this review, if the findings indicate that such changes are necessary, or shall notify the department of community development as to why such implementing ordinances were not adopted.

NEW SECTION. Sec. 39. A new section is added to chapter 35.22 RCW to read as follows:

If a first class city zones pursuant to its inherent charter authority and not pursuant to chapter 35.63 RCW, and does not provide for the siting of residential care facilities in zones or areas that are designated for single family or other residential uses, the city shall conduct a review of the need and demand for the facilities, including the cost of any conditional or special use permit that may be required. The review shall be completed by August 30, 1990. A copy of the findings, conclusions, and recommendations resulting from the review shall be sent to the department of community development by September 30, 1990.

On or before June 30, 1991, each municipality that plans and zones under this chapter shall have adopted an ordinance or ordinances that are necessary to implement the findings of this review, if the findings indicate that such changes are necessary, or shall notify the department of community development as to why such implementing ordinances were not adopted.

NEW SECTION. Sec. 40. A new section is added to chapter 36.32 RCW to read as follows:

If a county operating under home rule charter zones pursuant to its inherent charter authority and not pursuant to chapter 35.63 RCW, nor chapter 36.70 RCW, and that county does not provide for the siting of residential care facilities in zones or areas that are designated for single family or other residential uses, the county shall conduct a review of the need and demand for the facilities, including the cost of any conditional or special use permit that may be required. The review shall be completed by August 30, 1990. A copy of the findings, conclusions, and recommendations resulting from the review shall be sent to the department of community development by September 30, 1990.

On or before June 30, 1991, each municipality that plans and zones under this chapter shall have adopted an ordinance or ordinances that are necessary to implement the findings of this review, if the findings indicate that such changes are necessary, or shall notify the department of community development as to why such implementing ordinances were not adopted.

NEW SECTION. Sec. 41. The department of community development shall:

(1) Report to the appropriate committees of the legislature the results of the local reviews provided for in sections 36 through 40 of this act by December 31, 1990.

(2) In consultation with the association of Washington cities, the Washington association of counties, and the long-term care commission, develop a model ordinance for the siting of residential care facilities. The model ordinance shall be developed by December 31, 1990.

NEW SECTION. Sec. 42. The sum of one hundred fifty thousand dollars, or as much thereof as may be necessary, is appropriated for the biennium ending June 30, 1991, from the general fund to the senate and house of representatives solely for the long-term care commission created under section 13 of this act.

NEW SECTION. Sec. 43. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 44. Sections 2 through 43 of this act are necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect immediately.

NEW SECTION. Sec. 45. Sections 2, 3, 9, 11, 13, and 35 of this act shall constitute a new chapter in Title 74 RCW.

NEW SECTION. Sec. 46. Sections 14 through 33 of this act shall constitute a new chapter in Title 70 RCW.

NEW SECTION. Sec. 47. Subchapter headings as used in this act do not constitute any part of the law."

On page 1, line 1 of the title, after "care;" strike the remainder of the title and insert "amending RCW 74.08.541, 74.08.545, 74.08.550, 74.08.570, 74.41.050, and 74.09.520; adding a new chapter to Title 74 RCW; adding a new chapter to Title 70 RCW; adding a new section to chapter 74.09 RCW; adding a new section to chapter 35.63 RCW; adding a new section to chapter 35A.63 RCW; adding a new section to chapter 36.70 RCW; adding a new section to chapter 35.22 RCW; adding a new section to chapter 36.32 RCW; creating new sections; repealing RCW 74.08.044; making an appropriation; and declaring an emergency."

Signed by Senators Smith, Kreidler, Johnson; Representatives Braddock, Morris, D. Sommers.

MOTION

On motion of Mr. Jesernig, the Report of the Conference Committee on Engrossed Substitute House Bill No. 1968 was adopted and the committee was granted the powers of Free Conference.

MESSAGE FROM THE SENATE

April 22, 1989

Mr. Speaker:

The Senate has adopted the report of the Free Conference Committee on SECOND SUBSTITUTE SENATE BILL NO. 6051, and passed the bill as amended by the Free Conference Committee.

W. D. Naismith, Assistant Secretary.

There being no objection, the House advanced to the eleventh order of business.

MOTION

On motion of Mr. Heavey, the House adjourned until 12:00 p.m., Sunday, April 23, 1989.

JOSEPH E. KING, Speaker

ALAN THOMPSON, Chief Clerk

ONE HUNDRED-FIFTH DAY

NOON SESSION

House Chamber, Olympia, Sunday, April 23, 1989

The House was called to order at 12:00 p.m. by the Speaker (Mr. O'Brien presiding). The Clerk called the roll and all members were present except Representatives Doty, Gallagher, Moyer, and H. Sommers. On motion of Ms. Bowman, Representatives Doty and Moyer were excused. On motion of Ms. Fraser, Representatives Gallagher and H. Sommers were excused.

The flag was escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Jennifer Carson and Tara Batrum. Prayer was offered by Representative Doug Sayan.

Reading of the Journal of the previous day was dispensed with and it was ordered to stand approved.

CENTENNIAL MESSAGE FROM THE WASHINGTON STATE HISTORICAL SOCIETY

April 23, 1989

On this day in 1889, a newspaper reported that the Portland Oregonian had a larger circulation in Washington than in Oregon and added that "this fact may be a silent compliment to the intelligence of our people compared to the people of Oregon." And, a newspaper reported that, if Washington were ever to become as thickly settled as Massachusetts, it would have fourteen million inhabitants.

On April 23, 1896 the University of Washington student newspaper reported a women's basketball game against Ellensburg Normal School, which the University of Washington won with a score of 2 to 1. By 1909, women's basketball had ceased to exist; men's basketball became an intercollegiate sport that year.

On April 23, 1903 the University of Puget Sound was reincorporated, replacing Puget Sound University, which had been incorporated March 17, 1888 and began instruction in September, 1890.

On April 23, 1907 in Seattle, the Jackson Street Regrade was begun. Completed in 1910, it cut eighty-five feet from Jackson Street and was part of the larger effort from 1903 to 1911 to flatten many of Seattle's hills.

And, on this day in 1915, Frank Lacy established a new world record for piano playing. He played for fifty-five hours and five minutes without stopping in a Kelso theater.

The Speaker (Mr. O'Brien presiding) declared the House to be at ease.

The Speaker (Mr. O'Brien presiding) called the House to order.

REPORT OF CONFERENCE COMMITTEE

April 22, 1989

Mr. Speaker:

We of your Conference Committee to whom was referred SECOND SUBSTITUTE SENATE BILL NO. 5372, revising laws concerning recreational boating, have had the same under consideration and we report that we are unable to agree, and we respectfully request the powers of Free Conference to amend the bill as follows:

Reject all previous amendments, and

Adopt the following amendments:

Strike everything after the enacting clause and insert the following:

***NEW SECTION.** Sec. 1. The legislature finds that the waters of Washington state provide a unique and valuable recreational resource to large and growing numbers of boaters. Proper stewardship of, and respect for, these waters requires that, while enjoying them for their scenic

and recreational benefits, boaters must exercise care to assure that such activities do not contribute to the despoliation of these waters, and that watercraft be operated in a safe and responsible manner. The legislature has specifically addressed the topic of access to clean and safe waterways by requiring the 1987 boating safety study and by establishing the Puget Sound water quality authority.

The legislature finds that there is a need to educate Washington's boating community about safe and responsible actions on our waters and to increase the level and visibility of the enforcement of boating laws. To address the incidence of fatalities and injuries due to recreational boating on our state's waters, local and state efforts directed towards safe boating must be stimulated. To provide for safe waterways and public enjoyment, portions of the watercraft excise tax and boat registration fees should be made available for boating safety and other boating recreation purposes.

In recognition of the need for clean waterways, and in keeping with the Puget Sound water quality authority's 1987 management plan, the legislature finds that adequate opportunities for responsible disposal of boat sewage must be made available. There is hereby established a five-year initiative to install sewage pumpout or sewage dump stations at appropriate marinas.

To assure the use of these sewage facilities, a boater environmental education program must accompany the five-year initiative and continue to educate boaters about boat wastes and aquatic resources.

The legislature also finds that, in light of the increasing numbers of boaters utilizing state waterways, a program to acquire and develop sufficient waterway access facilities for boaters must be undertaken.

To support boating safety, environmental protection and education, and public access to our waterways, the legislature declares that a portion of the income from boating-related activities, as specified in RCW 82.49.030 and 88.02.040, should support these efforts.

NEW SECTION. Sec. 2. As used in this chapter, the following terms have the meanings indicated unless the context clearly requires otherwise.

(1) 'Boat wastes' shall include, but are not limited to, sewage, garbage, marine debris, plastics, contaminated bilge water, cleaning solvents, paint scrapings or discarded petroleum products associated with the use of vessels.

(2) 'Boater' means any person on a vessel on waters of the state of Washington.

(3) 'Commission' means the Washington state parks and recreation commission.

(4) 'Environmentally sensitive area' means a restricted body of water where discharge of untreated sewage from boats is especially detrimental because of limited flushing, shallow water, commercial or recreational shellfish, swimming areas, diversity of species, the absence of other pollution sources, or other characteristics.

(5) 'Marina' means a facility providing boat moorage space, fuel, or commercial services. Commercial services include but are not limited to overnight or live-aboard boating accommodations.

(6) 'Polluted area' means a body of water used by boaters that is contaminated by boat wastes at unacceptable levels, based on applicable water quality and shellfish standards.

(7) 'Public entities' means all elected or appointed bodies, including tribal governments, responsible for collecting and spending public funds.

(8) 'Sewage dump station' means any receiving chamber or tank designed to receive vessel sewage from a 'porta-potty' or a portable container.

(9) 'Sewage pumpout station' means a mechanical device, generally stationed on a dock, pier, float, barge, or other location convenient to boaters, designed to remove sewage waste from holding tanks on vessels.

(10) 'Vessel' means every watercraft used or capable of being used as a means of transportation on the water, other than a seaplane.

NEW SECTION. Sec. 3. The commission, in consultation with the departments of ecology, fisheries, wildlife, natural resources, social and health services, and the Puget Sound water quality authority shall conduct a literature search and analyze pertinent studies to identify areas which are polluted or environmentally sensitive within the state's waters. Based on this review the commission shall designate appropriate areas as polluted or environmentally sensitive, for the purposes of this act only.

NEW SECTION. Sec. 4. (1) A marina which meets one or more of the following criteria shall be designated by the commission as appropriate for installation of a sewage pumpout or sewage dump station:

(a) The marina is located in an environmentally sensitive or polluted area; or

(b) The marina has one hundred twenty-five slips or more and there is a lack of sewage pumpouts within a reasonable distance.

(2) In addition to subsection (1) of this section, the commission may at its discretion designate a marina as appropriate for installation of a sewage pumpout or sewage dump station if there is a demonstrated need for a sewage pumpout or sewage dump station at the marina based on professionally conducted studies undertaken by federal, state, or local government, or the private sector; and it meets the following criteria:

(a) The marina provides commercial services, such as sales of food, fuel or supplies, or overnight or live-aboard moorage opportunities;

(b) The marina is located at a heavily used boating destination or on a heavily traveled route, as determined by the commission; or

(c) There is a lack of adequate sewage pumpout station capacity within a reasonable distance.

(3) Exceptions to the designation made under this section may be made by the commission if no sewer, septic, water, or electrical services are available at the marina.

(4) In addition to marinas, the commission may designate boat launches or boater destinations as appropriate for installation of a sewage pumpout or sewage dump station based on the criteria found in subsections (1) and (2) of this section.

NEW SECTION. Sec. 5. (1) Marinas and boat launches designated as appropriate for installation of a sewage pumpout or sewage dump station under section 4 of this act shall be eligible for funding support for installation of such facilities from funds specified in section 11 of this act. The commission shall notify owners or operators of all designated marinas and boat launches of the designation, and of the availability of funding to support installation of appropriate sewage disposal facilities. The commission shall encourage the owners and operators to apply for available funding.

(2) The commission shall contract with, or enter into an interagency agreement with another state agency to contract with, applicants based on the criteria specified below:

(a)(i) Contracts may be awarded to publicly owned, tribal, or privately owned marinas or boat launches.

(ii) Contracts may provide for state reimbursement to cover eligible costs as deemed reasonable by commission rule. Eligible costs include purchase, installation, or major renovation of the sewage pumpout or sewage dump stations, including sewer, water, electrical connections, and those costs attendant to the purchase, installation, and other necessary appurtenances, such as required pier space, as determined by the commission.

(iii) Ownership of the sewage pumpout or sewage dump station will be retained by the state through the commission in privately owned marinas. Ownership of the sewage pumpout or sewage dump station in publicly owned marinas will be held by the public entity.

(iv) Operation, normal and expected maintenance, and ongoing utility costs will be the responsibility of the marina or boat launch operator. The sewage pumpout or sewage dump station must be kept in operating condition and available for public use at all times during operating hours of the facility, excluding necessary maintenance periods.

(v) The marina owner agrees to allow the installation, existence and use of the sewage pumpout or sewage dump station by granting an easement at no cost for such purposes.

(b) Contracts awarded pursuant to (a) of this subsection shall be subject, for a period of at least ten years, to the following conditions:

(i) Any facility entering into a contract under this section must allow the boating public access to the sewage pumpout or sewage dump station during operating hours.

(ii) The applicant must agree to monitor and encourage the use of the sewage pumpout or sewage dump station, and to cooperate in any related boater environmental education program administered or approved by the commission.

(iii) The applicant must agree not to charge a fee for the use of the sewage pumpout or sewage dump station.

(iv) The applicant must agree to arrange and pay a reasonable fee for a periodic inspection of the sewage pumpout facility by the local health department or appropriate authority.

(v) Use of a free sewage pumpout or sewage dump station by the boating public shall be deemed to be included in the term 'outdoor recreation' for the purposes of chapter 4.24 RCW.

NEW SECTION. Sec. 6. The department of ecology, in consultation with the commission, shall, for initiation of the state-wide program only, develop criteria for the design, installation, and operation of sewage pumpout and sewage dump stations, taking into consideration the ease of access to the station by the boating public. The department of ecology may adopt rules to administer the provisions of this section.

NEW SECTION. Sec. 7. The commission shall undertake a state-wide boater environmental education program concerning the effects of boat wastes. The boater environmental education program shall provide informational materials on proper boat waste disposal methods, environmentally safe boat maintenance practices, locations of sewage pumpout and sewage dump stations, and boat oil recycling facilities.

NEW SECTION. Sec. 8. The commission shall award grants to local government entities for boater environmental education or boat waste management planning. Grants shall be allocated according to criteria developed by the commission.

NEW SECTION. Sec. 9. The commission shall, in consultation with interested parties, review progress on installation of sewage pumpout and sewage dump stations, the boater environmental education program, and the boating safety program. The commission shall report its findings to the legislature by December 1994.

Sec. 10. Section 10, chapter 7, Laws of 1983 and RCW 82.49.030 are each amended to read as follows:

(1) The excise tax imposed under this chapter is due and payable to the department of licensing or its agents at the time of registration of a vessel. The department of licensing shall not issue or renew a registration for a vessel until the tax is paid in full.

(2) The excise tax collected under this chapter shall be deposited in the general fund.

(3) Until June 30, 1995, the watercraft excise tax revenues exceeding five million dollars in each fiscal year, but not exceeding six million dollars, may, subject to appropriation by the legislature, be used for the purposes specified in section 11 of this act.

NEW SECTION. Sec. 11. The amounts allocated in accordance with RCW 82.49.030(3) shall be expended upon appropriation in accordance with the following limitations:

(1) Thirty percent of the funds shall be appropriated to the interagency committee for outdoor recreation and be expended for use by state and local government for public recreational waterway boater access and boater destination sites. Priority shall be given to critical site acquisition. The interagency committee for outdoor recreation shall administer such funds as a competitive grants program. The amounts provided for in this subsection shall be evenly divided between state and local governments.

(2) Thirty percent of the funds shall be expended by the commission exclusively for sewage pumpout or sewage dump stations at publicly and privately owned marinas as provided for in sections 4 and 5 of this act.

(3) Twenty-five percent of the funds shall be expended for grants to state agencies and other public entities to enforce boating safety and registration laws and to carry out boating safety programs. The commission shall administer such grant program.

(4) Fifteen percent shall be expended for instructional materials, programs or grants to the public school system, public entities, or other nonprofit community organizations to support boating safety and boater environmental education or boat waste management planning. The commission shall administer this program.

Sec. 12. Section 17, chapter 7, Laws of 1983 and RCW 88.02.040 are each amended to read as follows:

The department shall provide for the issuance of vessel registrations and may appoint agents for collecting fees and issuing registration numbers and decals. Fees for vessel registrations collected by the director shall be deposited in the general fund; PROVIDED, That any amount above one million one hundred thousand dollars per fiscal year shall be allocated to counties by the state treasurer for boating safety/education and law enforcement programs. Eligibility for such allocation shall be contingent upon approval of the local boating safety program by the state parks and recreation commission. Fund allocation shall be based on the numbers of registered vessels by county of moorage. Each benefitting county shall be responsible for equitable distribution of such allocation to other jurisdictions with approved boating safety programs within said county. Any fees not allocated to counties due to the absence of an approved boating safety program, shall be allocated to the commission for awards to local governments to offset law enforcement and boating safety impacts of boaters recreating in jurisdictions other than where registered.

Sec. 13. Section 16, chapter 7, Laws of 1983 as last amended by section 1, chapter 452, Laws of 1985 and RCW 88.02.030 are each amended to read as follows:

Vessel registration is required under this chapter except for the following:

(1) Military or public vessels of the United States, except recreational-type public vessels;
 (2) Vessels owned by a state or subdivision thereof, used principally for governmental purposes and clearly identifiable as such;

(3) Vessels owned by a resident of a country other than the United States if the vessel is not physically located upon the waters of this state for a period of more than sixty days;

(4) Vessels owned by a resident of another state if the vessel is registered in accordance with the laws of the state in which the owner resides, but only to the extent that a similar exemption or privilege is granted under the laws of that state for vessels registered in this state; PROVIDED, That any vessel which is validly registered in another state and which is physically located in this state for a period of more than sixty days is subject to registration under this chapter;

(5) Vessels used as a ship's lifeboat;

(6) Vessels equipped with propulsion machinery of less than ten horse power that:

(a) Are owned by the owner of a vessel for which a valid vessel number has been issued;
 (b) Display the number of that numbered vessel followed by the suffix '1' in the manner prescribed by the department; and

(c) Are used as a tender for direct transportation between that vessel and the shore and for no other purpose;

(7) Vessels under sixteen feet in overall length which have no propulsion machinery of any type or which are not used on waters subject to the jurisdiction of the United States or on the high seas beyond the territorial seas for vessels owned in the United States and are powered by propulsion machinery of ten or less horsepower;

(8) Vessels with no propulsion machinery of any type for which the primary mode of propulsion is human power;

(9) Vessels which are temporarily in this state undergoing repair or alteration;

(10) Vessels primarily engaged in commerce which have or are required to have a valid marine document as a vessel of the United States. Commercial vessels which the department of revenue determines have the external appearance of vessels which would otherwise be required to register under this chapter, must display decals issued annually by the department of revenue that indicate the vessel's exempt status; and

(11) Vessels primarily engaged in commerce which are owned by a resident of a country other than the United States.

NEW SECTION, Sec. 14. The commission shall adopt rules as are necessary to carry out all sections of this act except for sections 6, 10, and 11(1)(a) of this act. The commission shall comply with all applicable provisions of chapter 34.05 RCW in adopting the rules.

NEW SECTION, Sec. 15. The interagency committee for outdoor recreation shall adopt rules as are necessary to carry out section 11(1)(a) and (2) of this act. The interagency committee for outdoor recreation shall comply with all applicable provisions of chapter 34.05 RCW in adopting the rules.

NEW SECTION, Sec. 16. A new section is added to chapter 75.10 RCW to read as follows:

Fisheries patrol officers are authorized to enforce all provisions of chapter 88.02 RCW and any rules adopted thereunder, and the provisions of RCW 43.51.400 and any rules adopted thereunder.

NEW SECTION, Sec. 17. On or before January 1, 1992, the department of fisheries shall report to the legislature on the number of citations issued or other enforcement actions taken regarding the provisions enumerated in section 16 of this act. The report shall provide an accounting of the registration fees, penalties, and other funds accruing of the state, and the expenses to the department in undertaking the enforcement actions.

NEW SECTION, Sec. 18. By January 1, 1991, the commission shall issue a report to the appropriate committees of the house of representatives and senate showing how funds have been allocated under sections 1 through 17 of this act and the extent to which the allocations have resulted in additional vessel registrations and increased watercraft excise tax revenues.

NEW SECTION, Sec. 19. Sections 1 through 9 and 11 of this act shall constitute a new chapter in Title 88 RCW."

On page 1, line 1 of the title, after "boating;" strike the remainder of the title and insert "amending RCW 82.49.030, 88.02.040, and 88.02.030; adding a new section to chapter 75.10 RCW; adding a new chapter to Title 88 RCW; and creating new sections."

Signed by Senators Nelson, Talmadge, Bluechel; Representatives Belcher, G. Fisher.

MOTION

On motion of Mr. Jesernig, the Report of the Conference Committee on Second Substitute Senate Bill No. 5372 was adopted and the committee was granted the powers of Free Conference.

MESSAGE FROM THE SENATE

April 22, 1989

Mr. Speaker:

The Senate has adopted the report of the Conference Committee on ENGROSSED SUBSTITUTE SENATE BILL NO. 5911, and granted said committee the powers of Free Conference.

W. D. Naismith, Assistant Secretary.

REPORT OF FREE CONFERENCE COMMITTEE

April 22, 1989

Mr. Speaker:

We of your Free Conference Committee to whom was referred ENGROSSED SUBSTITUTE SENATE BILL NO. 5911, providing for the sale of state timber, have had the same under consideration and we recommend that the bill be amended as proposed in the request for Free Conference and that the bill do pass as amended by the Free Conference Committee.

(See Report of Conference Committee on Engrossed Substitute Senate Bill No. 5911, 104th Day, April 22, 1989, Afternoon Session.)

Signed by Senators Amondson, McMullen; Representatives Belcher, Raiter, Fuhrman.

MOTION

Ms. Belcher moved that the House adopt the Report of the Free Conference Committee on Engrossed Substitute Senate Bill No. 5911.

Representatives Belcher and Basich spoke in favor of the motion, and it was carried.

FINAL PASSAGE OF SENATE BILL
AS AMENDED BY FREE CONFERENCE COMMITTEE

The Speaker (Mr. O'Brien presiding) stated the question before the House to be the final passage of Engrossed Substitute Senate Bill No. 5911 as amended by Free Conference Committee.

Mr. Fuhrman spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute Senate Bill No. 5911 as amended by Free Conference Committee, and the bill passed the House by the following vote: Yeas, 94; excused, 4.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Baugher, Beck, Belcher, Betzoff, Bowman, Braddock, Brekke, Bristow, Brooks, Brough, Brumsickle, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Dorn, Ebersole, Ferguson, Fisher G, Fisher R, Fraser, Fuhrman, Grant, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Insee, Jacobsen, Jesernig, Jones, King P, King R, Kremen, Leonard, Locke, May, McLean, Meyers R, Miller, Morris, Myers H, Nealey, Nelson, Nutley, O'Brien, Padden, Patrick, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith, Sommers D, Spanel, Sprengle, Tate, Todd, Valle, Van Luven, Vekich, Walk, Walker, Wang, Wilson K, Wilson S, Wineberry, Winsley, Wolfe, Wood, Youngsman, Zellinsky, and Mr. Speaker - 94.

Excused: Representatives Doty, Gallagher, Moyer, Sommers H - 4.

Engrossed Substitute Senate Bill No. 5911 as amended by Free Conference Committee, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

The Speaker (Mr. O'Brien presiding) declared the House to be at ease.

The Speaker (Mr. O'Brien presiding) called the House to order.

Representatives Doty, Moyer and H. Sommers appeared at the bar of the House.

MESSAGES FROM THE SENATE

April 22, 1989

Mr. Speaker:

The President ruled Sections 22 and 23 of the Free Conference Committee report on SUBSTITUTE HOUSE BILL NO. 2011 beyond the scope and object of the bill. The Senate refused to adopt the report of the Free Conference Committee, and requested the Free Conference Committee prepare a report conforming to the President's ruling.

W. D. Naismith, Assistant Secretary.

April 23, 1989

Mr. Speaker:

The Senate receded from its amendments to HOUSE BILL NO. 2016, and passed the bill without said amendments, and the same is herewith transmitted.

W. D. Naismith, Assistant Secretary.

April 23, 1989

Mr. Speaker:

The Senate concurred in the House amendments to ENGROSSED SENATE BILL NO. 5185, and passed the bill as amended by the House.

W. D. Naismith, Assistant Secretary.

April 23, 1989

Mr. Speaker:

The Senate has adopted the report of the Free Conference Committee on ENGROSSED SUBSTITUTE SENATE BILL NO. 5186, and passed the bill as amended by the Free Conference Committee.

W. D. Naismith, Assistant Secretary.

April 23, 1989

Mr. Speaker:

The Senate has adopted the report of the Free Conference Committee on SUBSTITUTED SENATE BILL NO. 5686, and passed the bill as amended by the Free Conference Committee.

W. D. Naismith, Assistant Secretary.

April 23, 1989

Mr. Speaker:

The Senate has adopted the report of the Free Conference Committee on ENGROSSED SUBSTITUTED SENATE BILL NO. 5926, and passed the bill as amended by the Free Conference Committee.

W. D. Naismith, Assistant Secretary.

MESSAGE FROM THE SENATE

April 23, 1989

Mr. Speaker:

The Senate has granted the request of the House for further conference on SUBSTITUTED SENATE BILL NO. 5289.

W. D. Naismith, Assistant Secretary.

SECOND REPORT OF CONFERENCE COMMITTEE

April 22, 1989

Mr. Speaker:

We of your Conference Committee to whom was referred SUBSTITUTED SENATE BILL NO. 5289, authorizing the formation of regional fisheries enhancement groups, have had the same under consideration and we report that we are unable to agree, and we respectfully request the powers of Free Conference to amend the bill as follows:

Reject all previous amendments, and

Adopt the following amendments:

Strike everything after the enacting clause and insert the following:

NEW SECTION, Sec. 1. The legislature finds that it is in the best interest of the salmon resource of the state to encourage the development of regional fisheries enhancement groups. The accomplishments of one existing group, the Grays Harbor fisheries enhancement task force, have been widely recognized as being exemplary. The legislature recognizes the potential benefits to the state that would occur if each region of the state had a similar group of dedicated citizens working to enhance the salmon resource.

The legislature authorizes the formation of regional fisheries enhancement groups. These groups shall be eligible for state financial support and shall be actively supported by the department of fisheries. The regional groups shall be operated on a strictly nonprofit basis, and shall seek to maximize the efforts of volunteer and private donations to improve the salmon resource for all citizens of the state.

NEW SECTION, Sec. 2. Any interested person may become a member of a regional fisheries enhancement group. To obtain funding from the regional fisheries enhancement group account, the membership of each group shall select its board members and chair by a democratic process. It is desirable for the group to have representation from all categories of fishermen that have interest in salmon within the region, as well as the general public.

The director shall appoint a department employee to serve as a liaison between the department and the group. The department liaison shall actively participate in the activities of the group and facilitate its operation in any way possible.

NEW SECTION, Sec. 3. Eight regional fisheries enhancement groups are authorized:

- (1) Columbia river, and its tributaries, above Bonneville dam;
- (2) Columbia river, and its tributaries, below Bonneville dam;
- (3) Grays Harbor;
- (4) Willapa Bay;
- (5) North Coast and the Straits of Juan de Fuca;
- (6) Puget Sound, and adjacent rivers and lakes, north of Everett;
- (7) Central Puget Sound between Everett and Tacoma; and
- (8) South Puget Sound, and adjacent rivers and lakes, south of Tacoma.

NEW SECTION, Sec. 4. Regional fisheries enhancement groups, consistent with the long-term regional policy statements developed under RCW 75.50.020, shall seek to:

- (1) Enhance the salmon resource of the state;
- (2) Maximize volunteer efforts and private donations to improve the salmon resource for all citizens;

(3) Assist the department in achieving the goal to double the state-wide salmon catch by the year 2000 under chapter 214, Laws of 1988; and

(4) Develop projects designed to supplement the fishery enhancement capability of the department of fisheries.

NEW SECTION. Sec. 5. The director shall cooperate fully with the regional fisheries enhancement groups authorized by this chapter. The director shall supply salmon eggs, technical information, surplus equipment, professional consultation, and any other assistance that can be provided to the group.

NEW SECTION. Sec. 6. The chair of each regional fisheries enhancement group shall coordinate with the department to assure that the department and the group are working in harmony toward mutually agreeable goals.

NEW SECTION. Sec. 7. (1) The legislature finds that the wise management and economic health of the state's recreational and commercial fishing industries are of paramount importance to the people of the state and to the economy of the state as a whole. The legislature finds that it is in the best social, economic, and cultural interest of the state to provide, maintain, and enhance recreational fishing opportunities in the state and offshore waters while maintaining and encouraging a healthy commercial fishing industry.

(2) Funding for regional fisheries enhancement groups shall be from a variety of funding sources.

(a) Start up grant - Each group is authorized to apply for a one time grant of eight thousand dollars per group. The grant will be administered by the director and shall be utilized for initial organizational and planning expenses.

(b) State loan - Each group may apply for state-funded enhancement loans. Loan applications shall be submitted to the salmon advisory council for initial recommendations. The director shall further review loan applications and then submit the applications to the legislature for approval. Payback of said loans shall be structured to coincide with probable income generated from the group's cost recovery program. Funds for enhancement loans shall be appropriated from the regional fisheries enhancement group account.

(c) Cost recovery - Sale of salmon carcasses and eggs under RCW 75.52.035 that return to group facilities.

(d) Operational grants - A surcharge of one dollar shall be collected annually on every recreational salmon license sold in the state. The revenues derived from this surcharge shall be placed in the regional fisheries enhancement group account hereby created in the state treasury. A surcharge of fifty dollars shall be collected annually on every commercial salmon fishing license and charter boat license sold in the state. The revenue from this surcharge shall be placed in the regional fisheries enhancement group account.

The director shall administer the regional fisheries enhancement group account. Operational grants are to be made to regional groups of up to ninety percent of the project costs to match direct and in-kind contributions secured by the regional group. The director may utilize up to ten percent of the account for department expenses.

(e) Private contributions - The groups are encouraged to conduct periodic fundraising activities.

NEW SECTION. Sec. 8. A new section is added to chapter 75.08 RCW to read as follows:

The director shall report annually to the senate environment and natural resources committee and the house fisheries and wildlife committee or their successor committees on the catch by commercial and sport fishers of the fishery resource resulting from enhancement efforts both by the department and volunteer cooperative projects. The first report shall be submitted by January 1, 1990.

NEW SECTION. Sec. 9. The sum of sixty-four thousand dollars, or as much thereof as may be necessary, is appropriated from the general fund to the department of fisheries for the biennium ending June 30, 1991, to carry out the purposes of start up grants to regional fisheries enhancement groups.

NEW SECTION. Sec. 10. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 11. Sections 1 through 7 of this act shall constitute a new chapter in Title 75 RCW."

On page 1, line 1 of the title, after "enhancement:" strike the remainder of the title and insert "adding a new chapter to Title 75 RCW; adding a new section to chapter 75.08 RCW; and making an appropriation."

Signed by Senators Metcalf, Owen, Anderson; Representatives R. King, Basich, S. Wilson.

MOTION

On motion of Mr. Jesernig, the Second Report of the Conference Committee on Substitute Senate Bill No. 5289 was adopted and the committee was granted the powers of Free Conference.

MESSAGE FROM THE SENATE

April 22, 1989

Mr. Speaker:

The Senate has adopted the second report of the Conference Committee on SUBSTITUTE HOUSE BILL NO. 2011, and has granted said committee the powers of Free Conference. The Second Report of the Conference Committee is herewith transmitted.

W. D. Naismith, Assistant Secretary.

SECOND REPORT OF CONFERENCE COMMITTEE

April 22, 1989

Mr. Speaker:

We of your Conference Committee to whom was referred SUBSTITUTE HOUSE BILL NO. 2011, changing provisions regulating commercial fishing licenses, have had the same under consideration and we report that we are unable to agree, and we respectfully request the powers of Free Conference to amend the bill as follows:

Reject the Senate Committee on Environment & Natural Resources amendments (For committee amendments, see Journal, 100th Day, April 18, 1989.) adopted on April 14, 1989, and

Adopt the following amendments:

Strike everything after the enacting clause and insert the following:

*Sec. 1. Section 75.28.100, chapter 12, Laws of 1955 as last amended by section 107, chapter 46, Laws of 1983 1st ex. sess. and RCW 75.28.035 are each amended to read as follows:

An application for issuance or renewal of a commercial fishing license (~~(or permit)~~) shall contain the name and address of the vessel owner, the name and address of the vessel operator, the name and number of the vessel, a description of the vessel and fishing gear to be carried on the vessel, and other information required by the department.

At the time of issuance of a commercial fishing license (~~(or permit)~~) the director shall furnish the licensee with a vessel registration and two license decals.

Vessel registrations and license (~~(and permit)~~) decals issued by the director shall be displayed as provided by rule of the director.

A commercial fishing license (~~(or permit)~~) is not valid if the vessel is operated by a person other than the operator listed on the license (~~(or permit)~~). The director may authorize additional operators for the license (~~(or permit)~~). Unless adjusted by the director pursuant to the director's authority granted in section 19 of this 1989 act, the fee for an additional operator is ((ten)) twenty dollars.

The vessel owner shall notify the director on forms provided by the department of changes of ownership or operator and a new license (~~(or permit)~~) shall be issued upon payment of a fee of ((ten)) twenty dollars.

A defaced, mutilated, or lost license or license decal shall be replaced immediately. Unless adjusted by the director pursuant to the director's authority granted in section 19 of this 1989 act, the replacement fee is ((two)) ten dollars.

Sec. 2. Section 1, chapter 90, Laws of 1969 as last amended by section 1, chapter 9, Laws of 1988 and RCW 75.28.095 are each amended to read as follows:

(1) A charter boat license is required for a vessel to be operated as a charter boat from which food fish are taken for personal use. Unless adjusted by the director pursuant to the director's authority granted in section 19 of this 1989 act, the annual license fees are:

Species	Resident	Nonresident
	Fee	Fee
(a) Food fish other than salmon	\$ ((+00)) <u>135</u>	\$ ((200)) <u>270</u>
(b) Salmon and other food fish	\$ ((200)) <u>275</u>	\$ ((200)) <u>550</u>

(2) 'Charter boat' means a vessel from which persons may, for a fee, fish for food fish, and which delivers food fish into state ports or delivers food fish taken from state waters into United States ports. 'Charter boat' does not mean:

(a) Vessels not generally engaged in charter boat fishing which are under private lease or charter and operated by the lessee for the lessee's personal recreational enjoyment; or

(b) Vessels used by guides for clients fishing for food fish for personal use in freshwater rivers, streams, and lakes, other than Lake Washington or that part of the Columbia River below the bridge at Longview.

(3) A vessel shall not engage in both charter or sports fishing and commercial fishing on the same day. A vessel may be licensed for both charter boat fishing and for commercial fishing at the same time. ~~((The license or delivery permit allowing the activity not being engaged~~

in shall be deposited with the fisheries patrol officer for that area or an agent designated by the director:))

Sec. 3. Section 75.28.110, chapter 12, Laws of 1955 as last amended by section 1, chapter 107, Laws of 1985 and RCW 75.28.110 are each amended to read as follows:

(1) The following commercial salmon fishing licenses are required for the licensee to use the specified gear to fish for salmon and other food fish in state waters. Unless adjusted by the director pursuant to the director's authority granted in section 19 of this 1989 act, the annual license fees are:

Gear	Resident Fee	Nonresident Fee
(a) Purse seine	\$((300)) 410	\$((600)) 820
(b) Gill net	\$((200)) 275	\$((400)) 550
(c) Troll	\$((200)) 275	\$((400)) 550
(d) Reef net	\$((200)) 275	\$((400)) 550

(2) Holders of commercial salmon fishing licenses may retain incidentally caught food fish other than salmon, subject to rules of the director.

(3) A salmon troll license allows fishing in all licensing districts and includes a salmon delivery ((permit)) license.

(4) A separate gill net license is required to fish for salmon in each of the licensing districts established in RCW 75.28.012.

Sec. 4. Section 75.18.080, chapter 12, Laws of 1955 as last amended by section 115, chapter 46, Laws of 1983 1st ex. sess. and RCW 75.28.113 are each amended to read as follows:

(1) A person operating a commercial fishing vessel used in taking salmon in offshore waters and delivering the salmon to a place or port in the state shall obtain a salmon delivery ((permit)) license from the director. Unless adjusted by the director pursuant to the director's authority granted in section 19 of this 1989 act, the annual fee for a salmon delivery ((permit)) license is two hundred seventy-five dollars for residents and five hundred fifty dollars for non-residents. Persons operating fishing vessels licensed under RCW 75.28.125 may apply the delivery ((permit)) license fee of ((ten)) fifty dollars against the salmon delivery ((permit)) license fee.

(2) If the director determines that the operation of a vessel under a salmon delivery ((permit)) license results in the depletion or destruction of the state's salmon resource or the delivery into this state of salmon products prohibited by law, the director may revoke the ((permit)) license.

Sec. 5. Section 1, chapter 80, Laws of 1984 and RCW 75.28.116 are each amended to read as follows:

The owner of a commercial salmon fishing vessel which is not qualified for a license ((or permit)) under RCW 75.30.120 is required to obtain a salmon single delivery ((permit)) license in order to make one landing of salmon taken in offshore waters. The director shall not issue a salmon single delivery ((permit)) license unless, as determined by the director, a bona fide emergency exists. Unless adjusted by the director pursuant to the director's authority granted in section 19 of this 1989 act, the ((permit)) license fee is one hundred thirty-five dollars for residents and two hundred seventy dollars for nonresidents.

Sec. 6. Section 75.28.120, chapter 12, Laws of 1955 as last amended by section 117, chapter 46, Laws of 1983 1st ex. sess. and RCW 75.28.120 are each amended to read as follows:

The following commercial fishing licenses are required for the licensee to use the specified gear to fish for food fish other than salmon in state waters. Unless adjusted by the director pursuant to the director's authority granted in section 19 of this 1989 act, the annual license fees are:

Gear	Resident Fee	Nonresident Fee
(1) Jig	\$((27-50)) 50	\$((55)) 100
(2) Set line	\$((35)) 50	\$((70)) 100
(3) Set net	\$((35)) 50	\$((70)) 100
(4) Drag seine	\$((45)) 50	\$((70)) 100
(5) Gill net	\$((200)) 275	\$((400)) 550
(6) Purse seine	\$((300)) 410	\$((600)) 820
(7) Troll	\$((27-50)) 50	\$((55)) 100
(8) Bottom fish pots	\$((35)) 50	\$((60)) 100
((Each pot over 100	\$0.25	\$0.50))
(9) Lampara	\$((57-50)) 100	\$((115)) 200
(10) Dip bag net	\$((27-50)) 50	\$((55)) 100
(11) Brush weir	\$((85)) 100	\$((160)) 200
(12) Other gear	\$100	\$200

Sec. 7. Section 5, chapter 309, Laws of 1959 as last amended by section 119, chapter 46, Laws of 1983 1st ex. sess. and RCW 75.28.125 are each amended to read as follows:

A delivery ((permit)) license is required to deliver shellfish or food fish other than salmon taken in offshore waters to a port in the state. Unless adjusted by the director pursuant to the director's authority granted in section 19 of this 1989 act, the annual ((permit)) license fee is

~~((ten))~~ fifty dollars for residents and ~~((twenty))~~ one hundred dollars for nonresidents. ~~((A permit-tee))~~ Licenses Issued under RCW 75.28.113 (salmon delivery ~~((permit is not required to obtain))~~ license), RCW 75.28.130(4) (crab pot, other than Puget Sound), or RCW 75.28.140(2) (trawl, other than Puget Sound) shall include a delivery ~~((permit under this section))~~ license.

Sec. 8. Section 75.28.130, chapter 12, Laws of 1955 as last amended by section 120, chapter 46, Laws of 1983 1st ex. sess. and RCW 75.28.130 are each amended to read as follows:

The following commercial fishing licenses are required for the licensee to use the specified gear to fish for shellfish in state waters. Unless adjusted by the director pursuant to the director's authority granted in section 19 of this 1989 act, the annual license fees are:

Gear	Resident	Nonresident
	Fee	Fee
(1) Ring net	\$(27-50)) 50	\$(45)) 100
(2) Shellfish pots (excluding crab)	\$(35)) 50	\$(60)) 100
((Each pot over 100	\$0-25	\$0-50))
(3) Crab pots (Puget Sound)	\$(35)) 50	\$(60)) 100
((Each pot over 100	\$0-25	\$0-50))
(4) Crab pots (other than Puget Sound)	\$200	\$400
(5) Shellfish diver (excluding clams)	\$(27-50)) 50	\$(55)) 100
(6) Squid gear, all types	\$100	\$200
(7) Ghost shrimp gear	\$100	\$200
(8) Commercial razor clam license	\$50	\$100
(9) Geoduck diver license	\$100	\$200
(10) Other shellfish gear	\$100	\$200

Sec. 9. Section 2, chapter 31, Laws of 1983 1st ex. sess. and RCW 75.28.134 are each amended to read as follows:

(1) In addition to a shellfish pot license, a Hood Canal shrimp endorsement is required to take shrimp commercially in that portion of Hood Canal lying south of the Hood Canal floating bridge. Unless adjusted by the director pursuant to the director's authority granted in section 19 of this 1989 act, the annual endorsement fee is ((one)) two hundred ((sixty-five)) twenty-five dollars for a resident and ((three)) four hundred ((forty)) fifty dollars for a nonresident.

(2) Not more than fifty shrimp pots may be used while commercially fishing for shrimp in that portion of Hood Canal lying south of the Hood Canal floating bridge.

Sec. 10. Section 75.28.140, chapter 12, Laws of 1955 as last amended by section 121, chapter 46, Laws of 1983 1st ex. sess. and RCW 75.28.140 are each amended to read as follows:

The following commercial fishing licenses are required for the licensee to use the specified gear to fish for shellfish and food fish other than salmon in state waters. Unless adjusted by the director pursuant to the director's authority granted in section 19 of this 1989 act, the annual license fees are:

Gear	Resident	Nonresident
	Fee	Fee
(1) Trawl (Puget Sound)	\$(67-50)) 100	\$(135-00)) 200
(2) Trawl (other than Puget Sound)	\$150	\$300

Sec. 11. Section 5, chapter 212, Laws of 1955 as amended by section 122, chapter 46, Laws of 1983 1st ex. sess. and RCW 75.28.255 are each amended to read as follows:

The following commercial fishing licenses are required for the licensee to fish for the specified species in state waters with gear authorized by rule of the director. Unless adjusted by the director pursuant to the director's authority granted in section 19 of this 1989 act, the annual license fees are:

Species	Resident	Nonresident
	Fee	Fee
(1) Columbia River smelt	\$(200)) 275	\$(200)) 550
(2) Carp	\$(5)) 50	\$(5)) 100

Sec. 12. Section 75.28.280, chapter 12, Laws of 1955 as last amended by section 19, chapter 457, Laws of 1985 and RCW 75.28.280 are each amended to read as follows:

A mechanical harvester license is required to operate a mechanical or hydraulic device for commercially harvesting clams, other than geoduck clams, on a clam farm unless the requirements of RCW 75.20.100 are fulfilled for the proposed activity. Unless adjusted by the director pursuant to the director's authority granted in section 19 of this 1989 act, the annual license fee is ((three)) four hundred ten dollars for residents and eight hundred twenty dollars for nonresidents.

Sec. 13. Section 4, chapter 253, Laws of 1969 ex. sess. as last amended by section 130, chapter 46, Laws of 1983 1st ex. sess. and RCW 75.28.287 are each amended to read as follows:

(1) A geoduck tract license is required for the commercial harvest of geoducks from each subtidal tract for which harvest rights have been granted by the department of natural resources. Unless adjusted by the director pursuant to the director's authority granted in section 19 of this 1989 act, the annual license fee is one hundred thirty-five dollars for residents and two hundred seventy dollars for nonresidents.

(2) Every diver engaged in the commercial harvest of geoduck or other clams shall obtain a nontransferable geoduck diver license. ((The annual license fee is fifty dollars for residents and nonresidents.))

Sec. 14. Section 75.28.290, chapter 12, Laws of 1955 as last amended by section 131, chapter 46, Laws of 1983 1st ex. sess. and RCW 75.28.290 are each amended to read as follows:

An oyster reserve license is required for the commercial taking of shellfish from state oyster reserves. Unless adjusted by the director pursuant to the director's authority granted in section 19 of this 1989 act, the annual license fee is ((fifteen)) fifty dollars for residents and one hundred dollars for nonresidents.

NEW SECTION. Sec. 15. A new section is added to chapter 75.28 RCW to read as follows:

An oyster cultch permit is required for commercial cultching of oysters on state oyster reserves. The director shall require that ten percent of the cultch bags or other collecting materials be provided to the state after the oysters have set, for the purposes of increasing the supply of oysters on state oyster reserves and enhancing oyster supplies on public beaches.

Sec. 16. Section 75.28.300, chapter 12, Laws of 1955 as last amended by section 1, chapter 248, Laws of 1985 and by section 20, chapter 457, Laws of 1985 and RCW 75.28.300 are each reenacted and amended to read as follows:

A wholesale fish dealer's license is required for:

(1) A business in the state to engage in the commercial processing of food fish or shellfish, including custom canning or processing of personal use food fish or shellfish.

(2) A business in the state to engage in the wholesale selling, buying, or brokering of food fish or shellfish. A wholesale fish dealer's license is not required of those businesses which buy exclusively from Washington licensed wholesale dealers and sell solely at retail.

(3) Fishermen who land and sell their catch or harvest in the state to anyone other than a licensed wholesale dealer within or outside the state.

(4) A business to engage in the commercial manufacture or preparation of fertilizer, oil, meal, caviar, fish bait, or other byproducts from food fish or shellfish.

(5) A business employing a fish buyer as defined under RCW 75.28.340.

Unless adjusted by the director pursuant to the director's authority granted in section 19 of this 1989 act, the annual license fee is ((thirty-seven)) one hundred dollars ((and fifty cents)). A wholesale fish dealer's license is not required for persons engaged in the processing, wholesale selling, buying, or brokering of private sector cultured aquatic products as defined in RCW 15.85.020. However, if a means of identifying such products is required by rules adopted under RCW 15.85.060, the exemption from licensing requirements established by this subsection applies only if the aquatic products are identified in conformance with those rules.

Sec. 17. Section 2, chapter 248, Laws of 1985 and RCW 75.28.340 are each amended to read as follows:

(1) A fish buyer's ((permit)) license is required of and shall be carried by each individual engaged by a wholesale fish dealer ((as a fish buyer)) to purchase food fish or shellfish from a licensed commercial fisherman. A fish buyer may represent only one wholesale fish dealer.

(2) Unless adjusted by the director pursuant to the director's authority granted in section 19 of this 1989 act, the annual fee for a fish buyer's ((permit)) license is ((seven)) twenty dollars ((and fifty cents)).

((3) As used in this chapter, "fish buyer" means an individual who purchases food fish or shellfish and is a permit holder under this section.))

Sec. 18. Section 2, chapter 227, Laws of 1981 as amended by section 137, chapter 46, Laws of 1983 1st ex. sess. and RCW 75.28.690 are each amended to read as follows:

(1) A deckhand license is required for a crew member on a licensed salmon charter boat to sell salmon roe as provided in subsection (2) of this section. Unless adjusted by the director pursuant to the director's authority granted in section 19 of this 1989 act, the annual license fee is ((ten)) twenty dollars.

(2) A deckhand on a licensed salmon charter boat may sell salmon roe taken from fish caught for personal use, subject to rules of the director and the following conditions:

(a) The salmon is taken while fishing on the charter boat;

(b) The roe is the property of the angler until the roe is given to the deckhand. The charter boat's passengers are notified of this fact by the deckhand;

(c) The roe is sold to a licensed wholesale dealer; and

(d) The deckhand is licensed as provided in subsection (1) of this section and has the license in possession whenever salmon roe is sold.

NEW SECTION. Sec. 19. A new section is added to chapter 75.28 RCW to read as follows:

On January 1, 1993, the director shall adjust all fees under this chapter in accordance with the implicit price deflator published by the United States department of commerce. This section

shall cease to exist on January 1, 1994, unless extended by law for an additional fixed period of time.

NEW SECTION. Sec. 20. A new section is added to chapter 75.28 RCW to read as follows:

All revenues generated from the license fee increases in sections 1 through 14 and 16 through 19 of this act shall be deposited in the general fund and shall be appropriated for the food fish and shellfish enhancement programs.

NEW SECTION. Sec. 21. The following acts or parts of acts are each repealed:

(1) Section 14, chapter 283, Laws of 1971 ex. sess., section 2, chapter 40, Laws of 1975-'76 2nd ex. sess., section 111, chapter 46, Laws of 1983 1st ex. sess. and RCW 75.28.081;

(2) Section 2, chapter 300, Laws of 1983 and RCW 75.28.123;

(3) Section 75.28.285, chapter 12, Laws of 1955, section 1; chapter 27, Laws of 1965 ex. sess., section 3, chapter 31, Laws of 1983 1st ex. sess., section 127, chapter 46, Laws of 1983 1st ex. sess. and RCW 75.28.285; and

(4) Section 75.28.370, chapter 12, Laws of 1955, section 2, chapter 66, Laws of 1979, section 134, chapter 46, Laws of 1983 1st ex. sess. and RCW 75.28.370.

NEW SECTION. Sec. 22. This act shall take effect on January 1, 1990. The director of fisheries may immediately take such steps as are necessary to ensure that this act is implemented on its effective date."

On page 1, line 1 of the title, after "licenses;" strike the remainder of the title and insert "amending RCW 75.28.035, 75.28.095, 75.28.110, 75.28.113, 75.28.116, 75.28.120, 75.28.125, 75.28.130, 75.28.134, 75.28.140, 75.28.255, 75.28.280, 75.28.287, 75.28.290, 75.28.340, and 75.28.690; reenacting and amending RCW 75.28.300; adding new sections to chapter 75.28 RCW; repealing RCW 75.28.081, 75.28.123, 75.28.285, and 75.28.370; and providing an effective date."

Signed by Senators Metcalf, Owen; Representatives R. King, Morris, S. Wilson.

MOTION

On motion of Mr. Jesernig, the Second Report of the Conference Committee on Substitute House Bill No. 2011 was adopted and the committee was granted the powers of Free Conference.

MESSAGE FROM THE SENATE

April 22, 1989

Mr. Speaker:

The Senate has adopted the report of the Conference Committee on SECOND SUBSTITUTE SENATE BILL NO. 5400, and granted said committee the powers of Free Conference Committee.

W. D. Naismith, Assistant Secretary.

REPORT OF FREE CONFERENCE COMMITTEE

April 22, 1989

Mr. Speaker:

We of your Free Conference Committee to whom was referred SECOND SUBSTITUTE SENATE BILL NO. 5400, regarding mental health systems, have had the same under consideration and we recommend that the bill be amended as proposed in the request for Free Conference and that the bill do pass as amended by the Free Conference Committee.

(See Report of Conference Committee on Second Substitute Senate Bill No. 5400, 104th Day, April 22, 1989, Afternoon Session.)

Signed by Senators West, Niemi; Representatives Bristow, Moyer, Raiter.

MOTION

Mr. Bristow moved that the House adopt the Report of the Free Conference Committee on Second Substitute Senate Bill No. 5400.

Mr. Bristow spoke in favor of the motion, and it was carried.

FINAL PASSAGE OF SENATE BILL AS AMENDED BY FREE CONFERENCE COMMITTEE

The Speaker (Mr. O'Brien presiding) stated the question before the House to be the final passage of Second Substitute Senate Bill No. 5400 as amended by Free Conference Committee.

Mr. Raiter spoke in favor of passage of the bill.

POINT OF INQUIRY

Mr. Raiter yielded to question by Mr. Moyer.

Mr. Moyer: Section 9 of the bill adds new language which reads "The duty of a state hospital to accept persons for evaluation and treatment under this section shall be limited by chapter 71.24 RCW." My question is: If regional support networks are not created statewide, does that mean patients from counties, not part of regional support networks, cannot be admitted to the state hospitals and have to be assumed by the counties, regardless?

Mr. Raiter: No. That language is intended to apply only to regional support networks which have been created. If a regional support network is not in place for a given county, the state hospitals have an obligation to accept persons from that county.

Mr. Moyer spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Second Substitute Senate Bill No. 5400 as amended by Free Conference Committee, and the bill passed the House by the following vote: Yeas, 97; excused, 1.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Baugher, Beck, Belcher, Betrozoff, Bowman, Braddock, Brekke, Bristow, Brooks, Brough, Brumsickle, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Fraser, Fuhrman, Grant, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Inslee, Jacobsen, Jesernig, Jones, King P, King R, Kremen, Leonard, Locke, May, McLean, Meyers R, Miller, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Padden, Patrick, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith, Sommers D, Sommers H, Spanel, Sprengle, Tate, Todd, Valle, Van Luven, Vekich, Walk, Walker, Wang, Wilson K, Wilson S, Wineberry, Winsley, Wolfe, Wood, Youngsman, Zellinsky, and Mr. Speaker - 97.

Excused: Representative Gallagher - 1.

Second Substitute Senate Bill No. 5400 as amended by Free Conference Committee, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE SENATE

April 23, 1989

Mr. Speaker:

On motion, the Senate suspended the 24-hour rule on ENGROSSED SUBSTITUTE HOUSE BILL NO. 1968. The Senate adopted the report of the Free Conference Committee and passed the bill as amended by the Free Conference Committee, and the same is herewith transmitted.

W. D. Naismith, Assistant Secretary.

REPORT OF FREE CONFERENCE COMMITTEE

April 22, 1989

Mr. Speaker:

We of your Free Conference Committee to whom was referred ENGROSSED SUBSTITUTE HOUSE BILL NO. 1968, establishing a plan for long-term care services, have had the same under consideration and we recommend that the bill be amended as proposed in the request for Free Conference and that the bill do pass as amended by the Free Conference Committee.

(See Report of Conference Committee on Engrossed Substitute House Bill No. 1968, 104th Day, April 22, 1989, Afternoon Session.)

Signed by Senators Smith, Kreidler, Johnson; Representatives Braddock, Morris, D. Sommers.

MOTION

Mr. Braddock moved that the House suspend House Rule 26, and the motion was carried.

MOTION

Mr. Braddock moved that the House adopt the Report of the Free Conference Committee on Engrossed Substitute House Bill No. 1968.

Representatives Braddock, Brooks and Day spoke in favor of the motion, and it was carried.

FINAL PASSAGE OF HOUSE BILL
AS AMENDED BY FREE CONFERENCE COMMITTEE

The Speaker (Mr. O'Brien presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 1968 as amended by Free Conference Committee.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1968 as amended by Free Conference Committee, and the bill passed the House by the following vote: Yeas, 97; excused, 1.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Baugher, Beck, Belcher, Betzoff, Bowman, Braddock, Brekke, Bristow, Brooks, Brough, Brumsickle, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Fraser, Fuhrman, Grant, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Inslee, Jacobsen, Jesernig, Jones, King P, King R, Kremen, Leonard, Locke, May, McLean, Meyers R, Miller, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Padden, Patrick, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith, Sommers D, Sommers H, Spanel, Sprenkle, Tate, Todd, Valle, Van Luven, Vekich, Walk, Walker, Wang, Wilson K, Wilson S, Wineberry, Winsley, Wolfe, Wood, Youngsman, Zellinsky, and Mr. Speaker - 97.

Excused: Representative Gallagher - 1.

Engrossed Substitute House Bill No. 1968 as amended by Free Conference Committee, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE SENATE

April 23, 1989

Mr. Speaker:

The Senate has adopted the report of the Conference Committee on ENGROSSED HOUSE BILL NO. 1103, and passed the bill as recommended by the Conference Committee. The Report of the Conference Committee is herewith transmitted.

W. D. Naismith, Assistant Secretary.

REPORT OF CONFERENCE COMMITTEE

April 18, 1989

Mr. Speaker:

We of your Conference Committee to whom was referred ENGROSSED HOUSE BILL NO. 1103, revising provisions for motor vehicle warranties, have had the same under consideration and we recommend that the Senate Committee on Economic Development & Labor amendments adopted by the Senate on April 3, 1989, on page 4, line 25 and page 5, line 4, be adopted. (For committee amendments, see Journal, 99th Day, April 17, 1989.)

Signed by Senators Saling, Warnke, Thorsness; Representatives Jones, Wolfe

MOTION

Ms. Cole moved that the House adopt the report of the Conference Committee.

Representatives Cole and Wolfe spoke in favor of the motion, and it was carried.

FINAL PASSAGE OF HOUSE BILL
AS RECOMMENDED BY CONFERENCE COMMITTEE

The Speaker (Mr. O'Brien presiding) stated the question before the House to be the final passage of Engrossed House Bill No. 1103 as recommended by Conference Committee.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 1103 as recommended by Conference Committee, and the bill passed the House by the following vote: Yeas, 97; excused, 1.

Voting yeas: Representatives Anderson, Appelwick, Ballard, Basich, Baugher, Beck, Belcher, Betrozoff, Bowman, Braddock, Brekke, Bristow, Brooks, Brough, Brumsickle, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Fraser, Fuhrman, Grant, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Inslee, Jacobsen, Jesernig, Jones, King P, King R, Kremen, Leonard, Locke, May, McLean, Meyers R, Miller, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Padden, Patrick, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith, Sommers D, Sommers H, Spanel, Sprenkle, Tate, Todd, Valle, Van Luvan, Vekich, Waik, Walker, Wang, Wilson K, Wilson S, Wineberry, Winsley, Wolfe, Wood, Youngsman, Zellinsky, and Mr. Speaker - 97.

Excused: Representative Gallagher - 1.

Engrossed House Bill No. 1103 as recommended by Conference Committee, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE SENATE

April 23, 1989

Mr. Speaker:

The Senate has adopted the report of the Conference Committee on SECOND SUBSTITUTE SENATE BILL NO. 5372, and has granted said committee the powers of Free Conference.

W. D. Naismith, Assistant Secretary.

REPORT OF FREE CONFERENCE COMMITTEE

April 22, 1989

Mr. Speaker:

We of your Free Conference Committee to whom was referred SECOND SUBSTITUTE SENATE BILL NO. 5372, revising laws concerning recreational boats, have had the same under consideration and we recommend that the bill be amended as proposed in the request for Free Conference and that the bill do pass as amended by the Free Conference Committee.

(See Report of Conference Committee on Second Substitute Senate Bill No. 5372, 105th Day, April 23, 1989.)

Signed by Senators Nelson, Talmadge, Bluechel; Representatives Belcher, G. Fisher

MOTION

Ms. Belcher moved that the House suspend House Rule 26, and the motion was carried.

MOTION

Ms. Belcher moved that the House adopt the Report of the Free Conference Committee on Second Substitute Senate Bill No. 5372.

Representatives Belcher and Beck spoke in favor of the motion, and it was carried.

FINAL PASSAGE OF SENATE BILL
AS AMENDED BY FREE CONFERENCE COMMITTEE

The Speaker (Mr. O'Brien presiding) stated the question before the House to be the final passage of Second Substitute Senate Bill No. 5372 as amended by Free Conference Committee.

ROLL CALL

The Clerk called the roll on the final passage of Second Substitute Senate Bill No. 5372 as amended by Free Conference Committee, and the bill passed the House by the following vote: Yeas, 97; excused, 1.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Baugher, Beck, Belcher, Betrozoff, Bowman, Braddock, Brekke, Bristow, Brooks, Brough, Brumsickle, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Fraser, Fuhrman, Grant, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Inslee, Jacobsen, Jesernig, Jones, King P, King R, Kremen, Leonard, Locke, May, McLean, Meyers R, Miller, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Padden, Patrick, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith, Sommers D, Sommers H, Spanel, Sprengle, Tate, Todd, Valle, Van Luven, Vekich, Walk, Walker, Wang, Wilson K, Wilson S, Wineberry, Winsley, Wolfe, Wood, Youngsman, Zellinsky, and Mr. Speaker - 97.

Excused: Representative Gallagher - 1.

Second Substitute Senate Bill No. 5372 as amended by Free Conference Committee, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE SENATE

April 23, 1989

Mr. Speaker:

The Senate refuses to recede from its amendments to SUBSTITUTE HOUSE BILL NO. 1251, adheres to its position, and again asks the house to concur therein, and the same is herewith transmitted.

W. D. Naismith, Assistant Secretary.

MOTION

Ms. Haugen moved that the House do concur in the Senate amendments to Substitute House Bill No. 1251.

Representatives Haugen and Padden spoke in favor of the motion, and it was carried.

FINAL PASSAGE OF HOUSE BILL AS AMENDED BY SENATE

The Speaker (Mr. O'Brien presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1251 as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1251 as amended by the Senate, and the bill passed the House by the following vote: Yeas, 97; excused, 1.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Baugher, Beck, Belcher, Betrozoff, Bowman, Braddock, Brekke, Bristow, Brooks, Brough, Brumsickle, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Fraser, Fuhrman, Grant, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Inslee, Jacobsen, Jesernig, Jones, King P, King R, Kremen, Leonard, Locke, May, McLean, Meyers R, Miller, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Padden, Patrick, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith, Sommers D, Sommers H, Spanel, Sprengle, Tate, Todd, Valle, Van Luven, Vekich, Walk, Walker, Wang, Wilson K, Wilson S, Wineberry, Winsley, Wolfe, Wood, Youngsman, Zellinsky, and Mr. Speaker - 97.

Excused: Representative Gallagher - 1.

Substitute House Bill No. 1251 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

There being no objection, the House advanced to the fourth order of business.

INTRODUCTIONS AND FIRST READING

HCR 4413 by Representative Ebersole

Modifying the cut-off date for Engrossed Substitute House Bill No. 2198.

Held on First Reading from 4/20/89.

HCR 4415 by Representatives Day, O'Brien, Ebersole, S. Wilson, Schmidt, Anderson, Dorn, Rasmussen, Appelwick, Ballard, Basich, Baugher, Beck, Belcher, Betzoff, Bowman, Braddock, Brekke, Bristow, Brooks, Brough, Brumsickle, Cantwell, Chandler, Cole, Cooper, Crane, Dellwo, Doty, Ferguson, G. Fisher, R. Fisher, Fraser, Fuhrman, Grant, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Insee, Jacobsen, Jesernig, Jones, J. King, P. King, R. King, Kremen, Leonard, Locke, May, McLean, R. Meyers, Miller, Morris, Moyer, H. Myers, Nealey, Nelson, Nutley, Padden, Patrick, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rayburn, Rector, Rust, Sayan, Schoon, Scott, Silver, Smith, D. Sommers, H. Sommers, Spanel, Sprenkle, Tate, Todd, Valle, Van Luven, Vekich, Walk, Walker, Wang, K. Wilson, Wineberry, Winsley, Wolfe, Wood, Youngsman and Zellinsky

Resolving to name a Pierce County overpass after P.J. "Jim" Gallagher.

HCR 4416 by Representatives Ebersole and Ballard

Notifying the Governor that the Legislature is about to adjourn sine die.

HCR 4417 by Representatives Ebersole and Ballard

Providing for transmittal of bills, resolutions, and memorials upon adjournment of the Legislature.

HCR 4418 by Representatives Hine, Miller, R. Fisher and Anderson

Resolving to appoint a joint select committee to develop legislation on campaign financing.

ESSB 5373 by Committee on Transportation (originally sponsored by Senators Patterson, Bender, Nelson and Conner; by request of Governor)

Making transportation appropriations for the 1989-91 biennium.

MOTION

Mr. Heavey moved that the rules be suspended and House Concurrent Resolution No. 4415 be placed on the second reading calendar. The motion was carried.

There being no objection, the House advanced to the sixth order of business.

SECOND READING

HOUSE CONCURRENT RESOLUTION NO. 4415, by Representatives Day, O'Brien, Ebersole, S. Wilson, Schmidt, Anderson, Dorn, Rasmussen, Appelwick, Ballard, Basich, Baugher, Beck, Belcher, Betzoff, Bowman, Braddock, Brekke, Bristow, Brooks, Brough, Brumsickle, Cantwell, Chandler, Cole, Cooper, Crane, Dellwo, Doty, Ferguson, G. Fisher, R. Fisher, Fraser, Fuhrman, Grant, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Insee, Jacobsen, Jesernig, Jones, J. King, P. King, R. King, Kremen, Leonard, Locke, May, McLean, R. Meyers, Miller, Morris, Moyer, H. Myers, Nealey, Nelson, Nutley, Padden, Patrick, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rayburn, Rector, Rust, Sayan, Schoon, Scott, Silver, Smith, D. Sommers, H. Sommers, Spanel, Sprenkle, Tate, Todd, Valle, Van Luven, Vekich, Walk, Walker, Wang, K. Wilson, Wineberry, Winsley, Wolfe, Wood, Youngsman and Zellinsky

Resolving to name a Pierce County overpass after P.J. "Jim" Gallagher.

The resolution was read the second time.

With consent of the House, the rules were suspended, the second reading considered the third, and the resolution was placed on final passage.

Representatives Day, P. King, Crane, Schmidt, Prince, Heavey and R. Fisher spoke in favor of the resolution.

On motion of Mr. Heavey, the rules were suspended and the names of all members of the House of Representatives were added as sponsors of the resolution.

House Concurrent Resolution No. 4415 was adopted.

MOTION

Mr. Heavey moved that the rules be suspended and House Concurrent Resolution No. 4418 be placed on the second reading calendar. The motion was carried.

HOUSE CONCURRENT RESOLUTION NO. 4418, by Representatives Hine, Miller, R. Fisher and Anderson

Resolving to appoint a joint select committee to develop legislation on campaign financing.

The resolution was read the second time.

With consent of the House, the rules were suspended, the second reading considered the third, and the resolution was placed on final passage.

Representatives Hine and Miller spoke in favor of the resolution.

House Concurrent Resolution No. 4418 was adopted.

There being no objection, the House advanced to the eighth order of business.

RESOLUTION

HOUSE FLOOR RESOLUTION NO. 89-4697, by Representatives Schmidt, Anderson, Appelwick, Ballard, Basich, Baugher, Beck, Belcher, Betrozoff, Bowman, Braddock, Brekke, Bristow, Brooks, Brough, Brumsickle, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Ferguson, G. Fisher, R. Fisher, Fraser, Fuhrman, Gallagher, Grant, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Inslee, Jacobsen, Jesernig, Jones, J. King, P. King, R. King, Kremen, Leonard, Locke, May, McLean, R. Meyers, Miller, Morris, Moyer, H. Myers, Nealey, Nelson, Nutley, O'Brien, Padden, Patrick, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schoon, Scott, Silver, Smith, D. Sommers, H. Sommers, Spanel, Sprengle, Tate, Todd, Valle, Van Luvan, Vekich, Walk, Walker, Wang, K. Wilson, S. Wilson, Wineberry, Winsley, Wolfe, Wood and Youngsman

WHEREAS, It is the policy of the House of Representatives to recognize outstanding public service; and

WHEREAS, Paul Zellinsky, Sr. is serving his seventh year as a distinguished member of the House of Representatives; and

WHEREAS, This may be the last session of service for Representative Paul Zellinsky, Sr. in this body; and

WHEREAS, He has served the 23rd Legislative District, Position 1, and the citizens of the State of Washington with distinction; and

WHEREAS, Paul Zellinsky, Sr. is considering serving the public as the Mayor of Bremerton, Washington; and

WHEREAS, It appears there may even be a good chance he will have that opportunity; and

WHEREAS, Paul Zellinsky, Sr. has, through the years, earned the deep and abiding respect of both sides of the aisle of both the House of Representatives and the Senate; and

WHEREAS, He has consistently and harmoniously worked with other elected legislators of the 23rd Legislative District, regardless of political affiliation; and

WHEREAS, Paul Zellinsky, Sr., Democrat, has in fact worked more effectively with the Republican legislators of his district than other Democrats or Republicans work among themselves; and

WHEREAS, He has worked to the benefit of his district in spite of dissent from other members of the House of Representatives; and

WHEREAS, Paul Zellinsky, Sr. always treats every person of every affiliation fairly and honestly, whether or not he agrees with their point of view; and

WHEREAS, Paul has had the love and support of his wife Joanne, his two children, P.J. and Pam, and his special dog, Millie; and

WHEREAS, Paul Zellinsky, Sr. is expected to continue his public service career in the best interests of his community and our great state;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State House of Representatives commend Representative Paul Zellinsky, Sr. for his many years of exceptional service to the people of the 23rd Legislative District and to the people of Washington State; and

BE IT FURTHER RESOLVED, That a copy of this Resolution be immediately transmitted by the Chief Clerk of the House of Representatives to Representative Paul Zellinsky.

Ms. Schmidt moved adoption of the resolution. Representatives Schmidt, Dellwo, Hearvey, R. Meyers and Haugen spoke in favor of the resolution.

On motion of Ms. Haugen, the rules were suspended and the names of all members of the House of Representatives were added as sponsors of the resolution.

Representatives P. King, Kremen, Day, Hargrove, Wineberry and Ballard spoke in favor of the resolution.

POINT OF PERSONAL PRIVILEGE

Mr. Zellinsky: Thank you, Mr. Speaker. You know, I could probably cry. I have not announced formally, but I can say that I have been giving it a great deal of thought. It has some merits. First of all, I have to win--that's a problem oftentimes, as we all know. Winning is a job, if I do throw my hat in the ring, I will work very hard to prevail, which is part of this system that we have all learned and that my seven years here have taught me well. If I should make this change and am fortunate enough with the constituency to prevail, there are things here that I will miss. This is like a family. A family is close, as this group is, and we see friends come and go. You never think that you will be leaving, and so I am not too sure, after this. I'll take my picture and my tape and thank you folks for that. I want to thank each and every one of you for your kindness today.

House Floor Resolution No. 89-4697 was adopted.

SUBSTITUTE SENATE BILL NO. 5241, by Committee on Economic Development & Labor (originally sponsored by Senators Anderson, Lee, Saling, McMullen and West)

Promoting small business growth.

The House resumed consideration of Substitute Senate Bill No. 5241. (See Journal, 104th Day, April 22, 1989, Morning and Afternoon Sessions, for previous action.)

MOTIONS

On motion of Ms. Cantwell, the House relieved the Conference Committee of further consideration on Substitute Senate Bill No. 5241.

Ms. Cantwell moved that the House recede from its amendments to Substitute Senate Bill No. 5241.

Ms. Doty spoke in favor of the motion, and it was carried.

FINAL PASSAGE OF SENATE BILL WITHOUT HOUSE AMENDMENTS

The Speaker (Mr. O'Brien presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 5241 without the House amendments.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5241 without the House amendments, and the bill passed the House by the following vote: Yeas, 97; excused, 1.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Baugher, Beck, Belcher, Betrozoff, Bowman, Braddock, Brække, Bristow, Brooks, Brough, Brumsickle, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Fraser, Fuhrman, Grant, Hankins, Hargrove, Haugen, Hearvey, Hine, Holland, Horn, Inslee, Jacobsen, Jesernig, Jones, King P, King R, Kremen, Leonard, Locke, May, McLean, Meyers R, Miller, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Padden, Patrick, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith, Sommers D, Sommers H, Spanel, Sprengle, Tate, Todd, Valle, Van Luvan, Vekich, Waik, Walker, Wang, Wilson K, Wilson S, Wineberry, Winsley, Wolfe, Wood, Youngsman, Zellinsky, and Mr. Speaker - 97.

Excused: Representative Gallagher - 1.

Substitute Senate Bill No. 5241 without the House amendments, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

The Speaker (Mr. O'Brien presiding) declared the House to be at ease.
The Speaker (Mr. O'Brien presiding) called the House to order.

MESSAGES FROM THE SENATE

April 23, 1989

Mr. Speaker:

The President has signed:

SUBSTITUTE SENATE BILL NO. 5221,
SUBSTITUTE SENATE BILL NO. 5288,
SUBSTITUTE SENATE BILL NO. 5314,
SECOND SUBSTITUTE SENATE BILL NO. 5375,
SUBSTITUTE SENATE BILL NO. 5759,
SUBSTITUTE SENATE BILL NO. 5827,
SENATE BILL NO. 5833,
SECOND SUBSTITUTE SENATE BILL NO. 6051.

and the same are herewith transmitted.

Gordon A. Golob, Secretary.

April 23, 1989

Mr. Speaker:

On motion, the Senate suspended the 24-hour rule on SECOND SUBSTITUTE SENATE BILL NO. 5372. The Senate adopted the report of the Free Conference Committee and passed the bill as amended by the Free Conference Committee.

W. D. Naismith, Assistant Secretary.

April 23, 1989

Mr. Speaker:

The Senate has adopted the report of the Free Conference Committee on ENGROSSED SUBSTITUTE SENATE BILL NO. 5911, and passed the bill as amended by the Free Conference Committee.

W. D. Naismith, Assistant Secretary.

MESSAGE FROM THE SENATE

April 23, 1989

Mr. Speaker:

The Senate has adopted the report of the Free Conference Committee on HOUSE BILL NO. 1354 and has passed the bill as amended by the Free Conference Committee, and the same is herewith transmitted.

W. D. Naismith, Assistant Secretary.

REPORT OF FREE CONFERENCE COMMITTEE

April 21, 1989

Mr. Speaker:

We of your Free Conference Committee to whom was referred HOUSE BILL NO. 1354, continuing the interagency committee for outdoor recreation, have had the same under consideration and we recommend that the bill be amended as proposed in the request for Free Conference and that the bill do pass as amended by the Free Conference Committee.

(See Report of Conference Committee on House Bill No. 1354, 104th Day, April 22, 1989, Afternoon Session.)

Signed by Senators Sellar, Kreidler; Representatives Fraser, Anderson, McLean.

MOTION

Mr. Anderson moved that the House adopt the Report of the Free Conference Committee on House Bill No. 1354. The motion was carried.

FINAL PASSAGE OF HOUSE BILL
AS AMENDED BY FREE CONFERENCE COMMITTEE

The Speaker (Mr. O'Brien presiding) stated the question before the House to be the final passage of House Bill No. 1354 as amended by Free Conference Committee.

Representatives Fraser and McLean spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1354 as amended by Free Conference Committee, and the bill passed the House by the following vote: Yeas, 87; nays, 10; excused, 1.

Voting yea: Representatives Anderson, Appelwick, Basich, Baugher, Beck, Belcher, Bowman, Braddock, Brekke, Bristow, Brooks, Brough, Brumsickle, Cantwell, Cole, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Fraser, Grant, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Inslee, Jacobsen, Jesernig, Jones, King P, King R, Kremen, Leonard, Locke, May, McLean, Meyers R, Miller, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Padden, Patrick, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schoon, Scott, Silver, Sommers D, Sommers H, Spanel, Sprenkle, Todd, Valle, Vekich, Walk, Walker, Wang, Wilson K, Wineberry, Winsley, Wolfe, Wood, Youngsman, Zellinsky, and Mr. Speaker - 87.

Voting nay: Representatives Ballard, Betzoff, Chandler, Fuhrman, Hankins, Schmidt, Smith, Tate, Van Luven, Wilson S - 10.

Excused: Representative Gallagher - 1.

House Bill No. 1354 as amended by Free Conference Committee, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE SENATE

April 23, 1989

Mr. Speaker:

On motion, the Senate suspended the 24-hour rule on SUBSTITUTE HOUSE BILL NO. 2011. The Senate has adopted the second report of the Free Conference Committee and passed the bill as amended by the Free Conference Committee, and the same is herewith transmitted.

W. D. Naismith, Assistant Secretary.

SECOND REPORT OF FREE CONFERENCE COMMITTEE

April 22, 1989

Mr. Speaker:

We of your Free Conference Committee to whom was referred SUBSTITUTE HOUSE BILL NO. 2011, changing provisions regulating commercial fishing licenses, have had the same under consideration and we recommend that the bill be amended as proposed in the request for Free Conference and that the bill do pass as amended by the Free Conference Committee.

(See Second Report of Conference Committee on Substitute House Bill No. 2011, 105th Day, April 23, 1989.)

Signed by Senators Metcalf, Owen; Representatives R. King, Morris, S. Wilson.

MOTION

Ms. Morris moved that the House adopt the Second Report of the Free Conference Committee on Substitute House Bill No. 2011.

Ms. Morris spoke in favor of the motion, and it was carried.

FINAL PASSAGE OF HOUSE BILL
AS AMENDED BY FREE CONFERENCE COMMITTEE

The Speaker (Mr. O'Brien presiding) stated the question before the House to be the final passage of Substitute House Bill No. 2011 as amended by Free Conference Committee.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2011 as amended by Free Conference Committee, and the bill passed the House by the following vote: Yeas, 96; nays, 1; excused, 1.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Baugher, Beck, Belcher, Betzoff, Bowman, Braddock, Brekke, Bristow, Brooks, Brough, Brumsickle, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Fraser, Fuhrman, Grant, Hankins, Hargrove, Haugen, Hine, Holland, Horn, Inslee, Jacobsen, Jesernig, Jones, King P, King R, Kremen, Leonard, Locke, May, McLean, Meyers R, Miller, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Padden, Patrick, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith, Sommers D, Sommers H, Spanel, Sprenkle, Tate, Todd, Valle, Van Luven, Vekich, Walk, Walker, Wang, Wilson K, Wilson S, Wineberry, Winsley, Wolfe, Wood, Youngsman, Zellinsky, and Mr. Speaker - 96.

Voting nay: Representative Heavey - 1.

Excused: Representative Gallagher - 1.

Substitute House Bill No. 2011 as amended by Free Conference Committee, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE SENATE

April 23, 1989

Mr. Speaker:

The Senate has adopted the second report of the Conference Committee on SUBSTITUTE SENATE BILL NO. 5289, and granted said committee the powers of Free Conference.

W. D. Naismith, Assistant Secretary.

SECOND REPORT OF FREE CONFERENCE COMMITTEE

April 22, 1989

Mr. Speaker:

We of your Free Conference Committee to whom was referred SUBSTITUTE SENATE BILL NO. 5289, authorizing the formation of regional fisheries enhancement groups, have had the same under consideration and we recommend that the bill be amended as proposed in the request for Free Conference and that the bill do pass as amended by the Free Conference Committee.

(See Second Report of Conference Committee on Substitute Senate Bill No. 5289, 105th Day, April 23, 1989.)

Signed by Senators Metcalf, Owen, Anderson; Representatives R. King, Basich, S. Wilson.

MOTION

Mr. R. King moved that the House adopt the Second Report of the Free Conference Committee on Substitute Senate Bill No. 5289. The motion was carried.

FINAL PASSAGE OF SENATE BILL
AS AMENDED BY FREE CONFERENCE COMMITTEE

The Speaker (Mr. O'Brien presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 5289 as amended by Free Conference Committee.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5289 as amended by Free Conference Committee, and the bill passed the House by the following vote: Yeas, 96; nays, 1; excused, 1.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Baugher, Beck, Belcher, Betzoff, Bowman, Braddock, Brekke, Bristow, Brooks, Brough, Brumsickle, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Fraser, Fuhrman, Grant, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Inslee, Jacobsen, Jesernig, Jones, King P, King R, Kremen, Leonard, Locke, May, McLean, Meyers R, Miller, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Padden, Patrick, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith, Sommers D, Sommers H, Sprenkle, Tate, Todd, Valle, Van Luven, Vekich, Walk,

Walker, Wang, Wilson K. Wilson S, Wineberry, Winsley, Wolfe, Wood, Youngsman, Zellinsky, and Mr. Speaker - 96.

Voting nay: Representative Spanel - 1.

Excused: Representative Gallagher - 1.

Substitute Senate Bill No. 5289 as amended by Free Conference Committee, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE SENATE

April 23, 1989

Mr. Speaker:

The Senate has adopted the report of the Free Conference Committee on SECOND SUBSTITUTE SENATE BILL NO. 5400, and passed the bill as amended by the Free Conference Committee.

W. D. Naismith, Assistant Secretary.

The Speaker (Mr. O'Brien presiding) declared the House to be at ease.
The Speaker called the House to order.

The Speaker declared the House to be at ease.
The Speaker called the House to order.

MOTIONS

On motion of Ms. Miller, Representative Schmidt was excused. On motion of Ms. Cole, Representative Basich was excused.

SENATE AMENDMENTS TO HOUSE BILL

April 23, 1989

Mr. Speaker:

The Senate passed ENGROSSED SUBSTITUTE HOUSE BILL NO. 1542 with the following amendments:

Strike everything after the enacting clause and insert the following:

***NEW SECTION.** Sec. 1. The purpose of this act is to create a system that: (1) Assists the courts in sentencing felony offenders regarding the offenders' legal financial obligations; (2) holds offenders accountable to victims, counties, cities, the state, municipalities, and society for the assessed costs associated with their crimes; and (3) provides remedies for an individual or other entities to recoup or at least defray a portion of the loss associated with the costs of felonious behavior.

Sec. 2. Section 11, chapter 145, Laws of 1988, section 1, chapter 153, Laws of 1988, section 2, chapter 154, Laws of 1988 and section 1, chapter 157, Laws of 1988 and RCW 9.94A.030 are each reenacted and amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) 'Collect,' or any derivative thereof, 'collect and remit,' or 'collect and deliver,' when used with reference to the department of corrections, means that the department is responsible for monitoring and enforcing the offender's sentence with regard to the legal financial obligation, receiving payment thereof from the offender, and, consistent with current law, delivering daily the entire payment to the superior court clerk without depositing it in a departmental account.

(2) 'Commission' means the sentencing guidelines commission.

((2)) (3) 'Community corrections officer' means an employee of the department who is responsible for carrying out specific duties in supervision of sentenced offenders and monitoring of sentence conditions.

((3)) (4) 'Community custody' means that portion of an inmate's sentence of confinement in lieu of earned early release time served in the community subject to controls placed on the inmate's movement and activities by the department of corrections.

((4)) (5) 'Community placement' means a one-year period during which the offender is subject to the conditions of community custody and/or postrelease supervision, which begins either upon completion of the term of confinement (postrelease supervision) or at such time as the offender is transferred to community custody in lieu of earned early release. Community placement may consist of entirely community custody, entirely postrelease supervision, or a combination of the two.

((5)) (6) 'Community service' means compulsory service, without compensation, performed for the benefit of the community by the offender.

((6)) (7) 'Community supervision' means a period of time during which a convicted offender is subject to crime-related prohibitions and other sentence conditions imposed pursuant to this chapter by a court. For first-time offenders, the supervision may include crime-related prohibitions and other conditions imposed pursuant to RCW 9.94A.120(5). For purposes of the interstate compact for out-of-state supervision of parolees and probationers, RCW 9.95-.270, community supervision is the functional equivalent of probation and should be considered the same as probation by other states.

((7)) (8) 'Confinement' means total or partial confinement as defined in this section.

((8)) (9) 'Conviction' means an adjudication of guilt pursuant to Titles 10 or 13 RCW and includes a verdict of guilty, a finding of guilty, and acceptance of a plea of guilty.

((9)) (10) 'Court-ordered legal financial obligation' means a sum of money that is ordered by a superior court of the state of Washington for legal financial obligations which may include restitution to the victim, statutorily imposed crime victims' compensation fees as assessed pursuant to RCW 7.68.035, court costs, county or interlocal drug funds, court-appointed attorneys' fees, and costs of defense, fines, and any other financial obligation that is assessed to the offender as a result of a felony conviction.

(11) 'Crime-related prohibition' means an order of a court prohibiting conduct that directly relates to the circumstances of the crime for which the offender has been convicted, and shall not be construed to mean orders directing an offender affirmatively to participate in rehabilitative programs or to otherwise perform affirmative conduct.

((10)) (12) (a) 'Criminal history' means the list of a defendant's prior convictions, whether in this state, in federal court, or elsewhere. The history shall include, where known, for each conviction (i) whether the defendant has been placed on probation and the length and terms thereof; and (ii) whether the defendant has been incarcerated and the length of incarceration.

(b) 'Criminal history' includes a defendant's prior convictions in juvenile court if: (i) The conviction was for an offense which is a felony or a serious traffic offense and is criminal history as defined in RCW 13.40.020(6)(a); (ii) the defendant was fifteen years of age or older at the time the offense was committed; and (iii) with respect to prior juvenile class B and C felonies or serious traffic offenses, the defendant was less than twenty-three years of age at the time the offense for which he or she is being sentenced was committed.

((11)) (13) 'Department' means the department of corrections.

((12)) (14) 'Determinate sentence' means a sentence that states with exactitude the number of actual years, months, or days of total confinement, of partial confinement, of community supervision, the number of actual hours or days of community service work, or dollars or terms of a ~~((fine or restitution))~~ legal financial obligation. The fact that an offender through 'earned early release' can reduce the actual period of confinement shall not affect the classification of the sentence as a determinate sentence.

((13)) (15) 'Disposable earnings' means that part of the earnings of an individual remaining after the deduction from those earnings of any amount required by law to be withheld. For the purposes of this definition, 'earnings' means compensation paid or payable for personal services, whether denominated as wages, salary, commission, bonuses, or otherwise, and, notwithstanding any other provision of law making the payments exempt from garnishment, attachment, or other process to satisfy a court-ordered legal financial obligation, specifically includes periodic payments pursuant to pension or retirement programs, or insurance policies of any type, but does not include payments made under Title 50 RCW, except as provided in RCW 50.40.020 and 50.40.050, or Title 74 RCW.

(16) 'Drug offense' means:

(a) Any felony violation of chapter 69.50 RCW except possession of a controlled substance (RCW 69.50.401(d)) or forged prescription for a controlled substance (RCW 69.50.403);

(b) Any offense defined as a felony under federal law that relates to the possession, manufacture, distribution, or transportation of a controlled substance; or

(c) Any out-of-state conviction for an offense that under the laws of this state would be a felony classified as a drug offense under (a) of this subsection.

((14)) (17) 'Escape' means:

(a) Escape in the first degree (RCW 9A.76.110), escape in the second degree (RCW 9A.76-.120), willful failure to return from furlough (RCW 72.66.060), willful failure to return from work release (RCW 72.65.070), or willful failure to comply with any limitations on the inmate's movements while in community custody (RCW 72.09.310); or

(b) Any federal or out-of-state conviction for an offense that under the laws of this state would be a felony classified as an escape under (a) of this subsection.

((15)) (18) 'Felony traffic offense' means:

(a) Vehicular homicide (RCW 46.61.520), vehicular assault (RCW 46.61.522), eluding a police officer (RCW 46.61.024), or felony hit-and-run injury-accident (RCW 46.52.020(4)); or

(b) Any federal or out-of-state conviction for an offense that under the laws of this state would be a felony classified as a felony traffic offense under (a) of this subsection.

((16)) (19) 'Fines' means the requirement that the offender pay a specific sum of money over a specific period of time to the court.

((17)) (20) (a) 'First-time offender' means any person who is convicted of a felony (i) not classified as a violent offense or a sex offense under this chapter, or (ii) that is not the manufacture, delivery, or possession with intent to manufacture or deliver a controlled substance classified in schedule I or II that is a narcotic drug, and except as provided in (b) of this subsection, who previously has never been convicted of a felony in this state, federal court, or another state, and who has never participated in a program of deferred prosecution for a felony offense.

(b) For purposes of (a) of this subsection, a juvenile adjudication for an offense committed before the age of fifteen years is not a previous felony conviction.

((18)) (21) 'Nonviolent offense' means an offense which is not a violent offense.

((19)) (22) 'Offender' means a person who has committed a felony established by state law and is eighteen years of age or older or is less than eighteen years of age but whose case has been transferred by the appropriate juvenile court to a criminal court pursuant to RCW 13.40.110. Throughout this chapter, the terms 'offender' and 'defendant' are used interchangeably.

((20)) (23) 'Partial confinement' means confinement for no more than one year in a facility or institution operated or utilized under contract by the state or any other unit of government, or, if home detention has been ordered by the court, in the residence of either the defendant or a member of the defendant's immediate family, for a substantial portion of each day with the balance of the day spent in the community. Partial confinement includes work release and home detention as defined in this section.

((21)) (24) 'Postrelease supervision' is that portion of an offender's community placement that is not community custody.

((22)) (25) 'Restitution' means the requirement that the offender pay a specific sum of money over a specific period of time to the court as payment of damages. The sum may include both public and private costs. The imposition of a restitution order does not preclude civil redress.

((23)) (26) 'Serious traffic offense' means:

(a) Driving while intoxicated (RCW 46.61.502), actual physical control while intoxicated (RCW 46.61.504), reckless driving (RCW 46.61.500), or hit-and-run an attended vehicle (RCW 46.52.020(5)); or

(b) Any federal, out-of-state, county, or municipal conviction for an offense that under the laws of this state would be classified as a serious traffic offense under (a) of this subsection.

((24)) (27) 'Serious violent offense' is a subcategory of violent offense and means:

(a) Murder in the first degree, homicide by abuse, murder in the second degree, assault in the first degree, kidnapping in the first degree, or rape in the first degree, or an attempt, criminal solicitation, or criminal conspiracy to commit one of these felonies; or

(b) Any federal or out-of-state conviction for an offense that under the laws of this state would be a felony classified as a serious violent offense under (a) of this subsection.

((25)) (28) 'Sentence range' means the sentencing court's discretionary range in imposing a nonappealable sentence.

((26)) (29) 'Sex offense' means:

(a) A felony that is a violation of chapter 9A.44 RCW or RCW 9A.64.020 or 9.68A.090 or that is, under chapter 9A.28 RCW, a criminal attempt, criminal solicitation, or criminal conspiracy to commit such crimes; or

(b) Any federal or out-of-state conviction for an offense that under the laws of this state would be a felony classified as a sex offense under (a) of this subsection.

((27)) (30) 'Total confinement' means confinement inside the physical boundaries of a facility or institution operated or utilized under contract by the state or any other unit of government for twenty-four hours a day, or pursuant to RCW 72.64.050 and 72.64.060.

((28)) (31) 'Victim' means any person who has sustained physical or financial injury to person or property as a direct result of the crime charged.

((29)) (32) 'Violent offense' means:

(a) Any of the following felonies, as now existing or hereafter amended: Any felony defined under any law as a class A felony or an attempt to commit a class A felony, criminal solicitation or criminal conspiracy to commit a class A felony, manslaughter in the first degree, manslaughter in the second degree, indecent liberties if committed by forcible compulsion, child molestation in the first degree, rape in the second degree, kidnapping in the second degree, arson in the second degree, assault in the second degree, extortion in the first degree, robbery in the second degree, vehicular assault, and vehicular homicide, when proximately caused by the driving of any vehicle by any person while under the influence of intoxicating liquor or any drug as defined by RCW 46.61.502, or by the operation of any vehicle in a reckless manner;

(b) Any conviction for a felony offense in effect at any time prior to July 1, 1976, that is comparable to a felony classified as a violent offense in (a) of this subsection; and

(c) Any federal or out-of-state conviction for an offense that under the laws of this state would be a felony classified as a violent offense under (a) or (b) of this subsection.

~~((33))~~ (33) 'Work release' means a program of partial confinement available to offenders who are employed or engaged as a student in a regular course of study at school. Participation in work release shall be conditioned upon the offender attending work or school at regularly defined hours and abiding by the rules of the work release facility.

~~((34))~~ (34) 'Home detention' means a program of partial confinement available to offenders wherein the offender is confined in a private residence subject to electronic surveillance. Home detention may not be imposed for offenders convicted of a violent offense, any sex offense, for the manufacture, delivery, or possession with intent to manufacture or deliver a controlled substance classified in schedule I or II that is a narcotic drug, reckless burning in the first or second degree as defined in RCW 9A.48.040 or 9A.48.050, assault in the third degree as defined in RCW 9A.36.031, unlawful imprisonment as defined in RCW 9A.40.040, burglary in the second degree as defined in RCW 9A.52.030, or harassment as defined in RCW 9A.46.020. Participation in a home detention program shall be conditioned upon: (a) The offender obtaining or maintaining current employment or attending a regular course of school study at regularly defined hours, (b) abiding by the rules of the home detention program, and (c) compliance with court-ordered ~~((restitution))~~ legal financial obligations.

NEW SECTION, Sec. 3. (1) Whenever a person is convicted of a felony, the court may order the payment of a legal financial obligation as part of the sentence. The court must on either the judgment and sentence or on a subsequent order to pay, designate the total amount of a legal financial obligation and segregate this amount among the separate assessments made for restitution, costs fines, and other assessments required by law. On the same order, the court is also to set a sum that the offender is required to pay on a monthly basis towards satisfying the legal financial obligation.

(2) All legal financial obligations that are ordered as a result of a conviction for a felony, may also be enforced in the same manner as a judgment in a civil action by the party or entity to whom the legal financial obligation is owed. These obligations may be enforced at any time during the ten-year period following the offender's release from total confinement or within ten years of entry of the judgment and sentence, whichever period is longer. Independent of the department, the party or entity to whom the legal financial obligation is owed shall have the authority to utilize any other remedies available to the party or entity to collect the legal financial obligation.

(3) In order to assist the court in setting a monthly sum that the offender must pay during the period of supervision, the offender is required to report to the department for purposes of preparing a recommendation to the court. When reporting, the offender is required, under oath, to truthfully and honestly respond to all questions concerning present, past, and future earning capabilities and the location and nature of all property or financial assets. The offender is further required to bring any and all documents as requested by the department.

(4) After completing the investigation, the department shall make a report to the court on the amount of the monthly payment that the offender should be required to make towards a satisfied legal financial obligation.

(5) During the period of supervision, the department may make a recommendation to the court that the offender's monthly payment schedule be modified so as to reflect a change in financial circumstances. Also, during the period of supervision, the offender may be required at the request of the department to report to the department for the purposes of reviewing the appropriateness of the collection schedule for the legal financial obligation. During this reporting, the offender is required under oath to truthfully and honestly respond to all questions concerning earning capabilities and the location and nature of all property or financial assets. Also, the offender is required to bring any and all documents as requested by the department in order to prepare the collection schedule.

(6) After the judgment and sentence or payment order is entered, the department shall for any period of supervision be authorized to collect the legal financial obligation from the offender. Any amount collected by the department shall be remitted daily to the county clerk for the purposes of disbursements. The department is authorized to accept credit cards as payment for a legal financial obligation, and any costs incurred related to accepting credit card payments shall be the responsibility of the offender.

(7) The department or any obligee of the legal financial obligation may seek a mandatory wage assignment for the purposes of obtaining satisfaction for the legal financial obligation pursuant to section 9 of this act.

(8) The requirement that the offender pay a monthly sum towards a legal financial obligation constitutes a condition and term of community supervision and the offender is subject to the penalties as provided in RCW 9.94A.200 for noncompliance.

(9) The county clerk shall provide the department with individualized monthly billings for each offender with an unsatisfied legal financial obligation and shall provide the department with written notice of payments by such offenders no less frequently than weekly.

Sec. 4. Section 21, chapter 143, Laws of 1988, section 2, chapter 153, Laws of 1988 and section 3, chapter 154, Laws of 1988 and RCW 9.94A.120 are each reenacted and amended to read as follows:

When a person is convicted of a felony, the court shall impose punishment as provided in this section.

(1) Except as authorized in subsections (2), (5), and (7) of this section, the court shall impose a sentence within the sentence range for the offense.

(2) The court may impose a sentence outside the standard sentence range for that offense if it finds, considering the purpose of this chapter, that there are substantial and compelling reasons justifying an exceptional sentence.

(3) Whenever a sentence outside the standard range is imposed, the court shall set forth the reasons for its decision in written findings of fact and conclusions of law. A sentence outside the standard range shall be a determinate sentence.

(4) An offender convicted of the crime of murder in the first degree shall be sentenced to a term of total confinement not less than twenty years. An offender convicted of the crime of assault in the first degree where the offender used force or means likely to result in death or intended to kill the victim shall be sentenced to a term of total confinement not less than five years. An offender convicted of the crime of rape in the first degree shall be sentenced to a term of total confinement not less than three years, and shall not be eligible for furlough, work release or other authorized leave of absence from the correctional facility during such minimum three year term except for the purpose of commitment to an inpatient treatment facility. The foregoing minimum terms of total confinement are mandatory and shall not be varied or modified as provided in subsection (2) of this section.

(5) In sentencing a first-time offender the court may waive the imposition of a sentence within the sentence range and impose a sentence which may include up to ninety days of confinement in a facility operated or utilized under contract by the county and a requirement that the offender refrain from committing new offenses. The sentence may also include up to two years of community supervision, which, in addition to crime-related prohibitions, may include requirements that the offender perform any one or more of the following:

(a) Devote time to a specific employment or occupation;

(b) Undergo available outpatient treatment for up to two years, or inpatient treatment not to exceed the standard range of confinement for that offense;

(c) Pursue a prescribed, secular course of study or vocational training;

(d) Remain within prescribed geographical boundaries and notify the court or the community corrections officer prior to any change in the offender's address or employment;

(e) Report as directed to the court and a community corrections officer; or

(f) Pay ~~((a fine))~~ all court-ordered legal financial obligations as provided in RCW 9.94A.030 and/or ((accomplish some)) perform community service work.

(6) If a sentence range has not been established for the defendant's crime, the court shall impose a determinate sentence which may include not more than one year of confinement, community service work, a term of community supervision not to exceed one year, and/or ~~((a fine))~~ other legal financial obligations. The court may impose a sentence which provides more than one year of confinement if the court finds, considering the purpose of this chapter, that there are substantial and compelling reasons justifying an exceptional sentence.

(7) (a) When an offender is convicted of a sex offense other than a violation of RCW 9A.44.040 or RCW 9A.44.050 and has no prior convictions for a sex offense or any other felony sexual offenses in this or any other state, the sentencing court, on its own motion or the motion of the state or the defendant, may order an examination to determine whether the defendant is amenable to treatment.

After receipt of the reports, the court shall then determine whether the offender and the community will benefit from use of this special sexual offender sentencing alternative. If the court determines that both the offender and the community will benefit from use of this provision, the court shall then impose a sentence within the sentence range and, if this sentence is less than six years of confinement, the court may suspend the execution of the sentence and place the offender on community supervision for up to two years. As a condition of the suspended sentence, the court may impose other sentence conditions including up to six months of confinement, not to exceed the sentence range of confinement for that offense, crime-related prohibitions, and requirements that the offender perform any one or more of the following:

(i) Devote time to a specific employment or occupation;

(ii) Undergo available outpatient sex offender treatment for up to two years, or inpatient sex offender treatment not to exceed the standard range of confinement for that offense. A community mental health center may not be used for such treatment unless it has an appropriate program designed for sex offender treatment;

(iii) Remain within prescribed geographical boundaries and notify the court or the community corrections officer prior to any change in the offender's address or employment;

(iv) Report as directed to the court and a community corrections officer;

(v) Pay ~~((a fine, accomplish some,))~~ all court-ordered legal financial obligations as provided in RCW 9.94A.030, perform community service work, or any combination thereof; or

(vi) Make recoupment to the victim for the cost of any counseling required as a result of the offender's crime.

If the offender violates these sentence conditions the court may revoke the suspension and order execution of the sentence. All confinement time served during the period of community supervision shall be credited to the offender if the suspended sentence is revoked.

(b) When an offender is convicted of any felony sexual offense committed before July 1, 1987, and is sentenced to a term of confinement of more than one year but less than six years, the sentencing court may, on its own motion or on the motion of the offender or the state, order the offender committed for up to thirty days to the custody of the secretary of social and health services for evaluation and report to the court on the offender's amenability to treatment at these facilities. If the secretary of social and health services cannot begin the evaluation within thirty days of the court's order of commitment, the offender shall be transferred to the state for confinement pending an opportunity to be evaluated at the appropriate facility. The court shall review the reports and may order that the term of confinement imposed be served in the sexual offender treatment program at the location determined by the secretary of social and health services or the secretary's designee, only if the report indicates that the offender is amenable to the treatment program provided at these facilities. The offender shall be transferred to the state pending placement in the treatment program. Any offender who has escaped from the treatment program shall be referred back to the sentencing court.

If the offender does not comply with the conditions of the treatment program, the secretary of social and health services may refer the matter to the sentencing court. The sentencing court shall commit the offender to the department of corrections to serve the balance of the term of confinement.

If the offender successfully completes the treatment program before the expiration of the term of confinement, the court may convert the balance of confinement to community supervision and may place conditions on the offender including crime-related prohibitions and requirements that the offender perform any one or more of the following:

- (i) Devote time to a specific employment or occupation;
- (ii) Remain within prescribed geographical boundaries and notify the court or the community corrections officer prior to any change in the offender's address or employment;
- (iii) Report as directed to the court and a community corrections officer;
- (iv) Undergo available outpatient treatment.

If the offender violates any of the terms of community supervision, the court may order the offender to serve out the balance of the community supervision term in confinement in the custody of the department of corrections.

After June 30, 1993, this subsection (b) shall cease to have effect.

(c) When an offender commits any felony sexual offense on or after July 1, 1987, and is sentenced to a term of confinement of more than one year but less than six years, the sentencing court may, on its own motion or on the motion of the offender or the state, request the department of corrections to evaluate whether the offender is amenable to treatment and the department may place the offender in a treatment program within a correctional facility operated by the department.

Except for an offender who has been convicted of a violation of RCW 9A.44.040 or 9A.44.050, if the offender completes the treatment program before the expiration of his term of confinement, the department of corrections may request the court to convert the balance of confinement to community supervision and to place conditions on the offender including crime-related prohibitions and requirements that the offender perform any one or more of the following:

- (i) Devote time to a specific employment or occupation;
- (ii) Remain within prescribed geographical boundaries and notify the court or the community corrections officer prior to any change in the offender's address or employment;
- (iii) Report as directed to the court and a community corrections officer;
- (iv) Undergo available outpatient treatment.

If the offender violates any of the terms of his community supervision, the court may order the offender to serve out the balance of his community supervision term in confinement in the custody of the department of corrections.

Nothing in (c) of this subsection shall confer eligibility for such programs for offenders convicted and sentenced for a sexual offense committed prior to July 1, 1987.

(8) (a) When a court sentences a person to a term of total confinement to the custody of the department of corrections for an offense categorized as a sex offense, a serious violent offense, assault in the second degree, any crime against a person where it is determined in accordance with RCW 9.94A.125 that the defendant or an accomplice was armed with a deadly weapon at the time of commission, or any felony offense under chapter 69.50 or 69.52 RCW, committed on or after July 1, 1988, the court shall in addition to the other terms of the sentence, sentence the offender to a one-year term of community placement beginning either upon completion of the term of confinement or at such time as the offender is transferred to community custody in lieu of earned early release in accordance with RCW 9.94A.150(1). When the court sentences an offender under this section to the statutory maximum period of confinement then the community placement portion of the sentence shall consist entirely of such community custody to which the offender may become eligible, in accordance with RCW 9.94A.150(1).

Any period of community custody actually served shall be credited against the community placement portion of the sentence.

(b) When a court sentences a person to a term of total confinement to the custody of the department of corrections for an offense categorized as a sex offense, a serious violent offense, assault in the second degree, any crime against a person where it is determined in accordance with RCW 9.94A.125 that the defendant or an accomplice was armed with a deadly weapon at the time of commission, or any felony offense under chapter 69.50 or 69.52 RCW, committed on or after July 1, 1988, unless a condition is waived by the court, the sentence shall include, in addition to the other terms of the sentence, a one-year term of community placement on the following conditions:

(i) The offender shall report to and be available for contact with the assigned community corrections officer as directed;

(ii) The offender shall work at department of corrections-approved education, employment, and/or community service;

(iii) The offender shall not consume controlled substances except pursuant to lawfully issued prescriptions;

(iv) An offender in community custody shall not unlawfully possess controlled substances; and

(v) The offender shall pay ~~((community placement))~~ supervision fees as determined by the department of corrections.

(c) The court may also order any of the following special conditions:

(i) The offender shall remain within, or outside of, a specified geographical boundary;

(ii) The offender shall not have direct or indirect contact with the victim of the crime or a specified class of individuals;

(iii) The offender shall participate in crime-related treatment or counseling services;

(iv) The offender shall not consume alcohol;

(v) The residence location and living arrangements of a sex offender shall be subject to the prior approval of the department of corrections; or

(vi) The offender shall comply with any crime-related prohibitions.

(d) Prior to transfer to, or during, community placement, any conditions of community placement may be removed or modified so as not to be more restrictive by the sentencing court, upon recommendation of the department of corrections.

(9) If the court imposes a sentence requiring confinement of thirty days or less, the court may, in its discretion, specify that the sentence be served on consecutive or intermittent days. A sentence requiring more than thirty days of confinement shall be served on consecutive days. Local jail administrators may schedule court-ordered intermittent sentences as space permits.

(10) If a sentence imposed includes ~~((a fine or restitution))~~ payment of a legal financial obligation, the sentence shall specify ~~((a reasonable manner and time in which the fine or restitution shall be paid. Restitution to victims shall be paid prior to any other payments of monetary obligations in any sentence under this chapter the court may also require the offender to make such monetary payments on such terms as it deems appropriate under the circumstances, as are necessary (a) to pay court costs, including reimbursement of the state for costs of extradition if return to this state by extradition was required, (b) to make recoupment of the cost of defense attorney's fees if counsel is provided at public expense, (c) to contribute to a county or interlocal drug fund, and (d) to make such other payments as provided by law))~~ the total amount of the legal financial obligation owed, and shall require the offender to pay a specified monthly sum toward that legal financial obligation. Restitution to victims shall be paid prior to any other payments of monetary obligations. Any legal financial obligation that is imposed by the court may be collected by the department, which shall deliver the amount paid to the county clerk for credit. The offender's compliance with payment of ((monetary) legal financial obligations shall be supervised by the department((The rate of payment shall be determined by the court or, in the absence of a rate determined by the court, the rate shall be set by the department)). All monetary payments ordered shall be paid no later than ten years after the ((most recent of either the)) last date of release from confinement pursuant to a felony conviction or the date the sentence was entered. Independent of the department, the party or entity to whom the legal financial obligation is owed shall have the authority to utilize any other remedies available to the party or entity to collect the legal financial obligation. Nothing in this section makes the department, the state, or any of its employees, agents, or other persons acting on their behalf liable under any circumstances for the payment of these legal financial obligations. If an order includes restitution as one of the monetary assessments, the county clerk shall make disbursements to victims named in the order. ((The restitution to victims named in the order shall be paid prior to any payment for other penalties or monetary assessments:))

(11) Except as provided under RCW 9.94A.140(1) and 9.94A.142(1), a court may not impose a sentence providing for a term of confinement or community supervision or community placement which exceeds the statutory maximum for the crime as provided in chapter 9A.20 RCW.

(12) All offenders sentenced to terms involving community supervision, community service, ~~((restitution, or fines))~~ or legal financial obligation shall be under the supervision of the secretary of the department of corrections or such person as the secretary may designate and shall follow explicitly the instructions of the secretary including reporting as directed to a community corrections officer, remaining within prescribed geographical boundaries, and notifying the community corrections officer of any change in the offender's address or employment.

(13) The sentencing court shall give the offender credit for all confinement time served before the sentencing if that confinement was solely in regard to the offense for which the offender is being sentenced.

(14) A departure from the standards in RCW 9.94A.400(1) and (2) governing whether sentences are to be served consecutively or concurrently is an exceptional sentence subject to the limitations in subsections (2) and (3) of this section, and may be appealed by the defendant or the state as set forth in RCW 9.94A.210(2) through (6).

(15) The court shall order restitution whenever the offender is convicted of a felony that results in injury to any person or damage to or loss of property, whether the offender is sentenced to confinement or placed under community supervision, unless extraordinary circumstances exist that make restitution inappropriate in the court's judgment. The court shall set forth the extraordinary circumstances in the record if it does not order restitution.

(16) As a part of any sentence, the court may impose and enforce an order that relates directly to the circumstances of the crime for which the offender has been convicted, prohibiting the offender from having any contact with other specified individuals or a specific class of individuals for a period not to exceed the maximum allowable sentence for the crime, regardless of the expiration of the offender's term of community supervision.

(17) In any sentence of partial confinement, the court may require the defendant to serve the partial confinement in work release or in a program of home detention.

(18) All court-ordered legal financial obligations collected by the department and remitted to the county clerk shall be credited and paid where restitution is ordered. Restitution shall be paid prior to any other payments of monetary obligations.

Sec. 5. Section 14, chapter 137, Laws of 1981 as last amended by section 3, chapter 281, Laws of 1987 and RCW 9.94A.140 are each amended to read as follows:

(1) If restitution is ordered, the court shall determine the amount of restitution due at the sentencing hearing or within sixty days ~~((and may set the terms and conditions under which the defendant shall make restitution))~~. The court shall then set a minimum monthly payment that the offender is required to make towards the restitution that is ordered. The court should take into consideration the total amount of the restitution owed, the offender's present, past, and future ability to pay, as well as any assets that the offender may have. During the period of supervision, the community corrections officer may examine the offender to determine if there has been a change in circumstances that warrants an amendment of the monthly payment schedule. The community corrections officer may recommend a change to the schedule of payment and shall inform the court of the recommended change and the reasons for the change. The sentencing court may then reset the monthly minimum payments based on the report from the community corrections officer of the change in circumstances. Restitution ordered by a court pursuant to a criminal conviction shall be based on easily ascertainable damages for injury to or loss of property, actual expenses incurred for treatment for injury to persons, and lost wages resulting from injury. Restitution shall not include reimbursement for damages for mental anguish, pain and suffering, or other intangible losses, but may include the costs of counseling reasonably related to the offense. The amount of restitution shall not exceed double the amount of the offender's gain or the victim's loss from the commission of the crime. For the purposes of this section, the offender shall remain under the court's jurisdiction for a maximum term of ten years subsequent to the imposition of sentence. The portion of the sentence concerning restitution may be modified as to amount, terms and conditions during the ten-year period, regardless of the expiration of the offender's term of community supervision and regardless of the statutory maximum for the crime. The offender's compliance with the restitution shall be supervised by the department.

(2) Restitution may be ordered whenever the offender is convicted of an offense which results in injury to any person or damage to or loss of property. In addition, restitution may be ordered to pay for an injury, loss, or damage if the offender pleads guilty to a lesser offense or fewer offenses and agrees with the prosecutor's recommendation that the offender be required to pay restitution to a victim of an offense or offenses which are not prosecuted pursuant to a plea agreement.

(3) In addition to any sentence that may be imposed, a defendant who has been found guilty of an offense involving fraud or other deceptive practice or an organization which has been found guilty of any such offense may be ordered by the sentencing court to give notice of the conviction to the class of persons or to the sector of the public affected by the conviction or financially interested in the subject matter of the offense by mail, by advertising in designated areas or through designated media, or by other appropriate means.

(4) This section does not limit civil remedies or defenses available to the victim or defendant.

Sec. 6. Section 10, chapter 443, Laws of 1985 as amended by section 4, chapter 281, Laws of 1987 and RCW 9.94A.142 are each amended to read as follows:

(1) When restitution is ordered, the court shall determine the amount of restitution due at the sentencing hearing or within sixty days (~~and shall set the terms and conditions under which the defendant shall make restitution~~). The court shall then set a minimum monthly payment that the offender is required to make towards the restitution that is ordered. The court should take into consideration the total amount of the restitution owed, the offender's present, past, and future ability to pay, as well as any assets that the offender may have. During the period of supervision, the community corrections officer may examine the offender to determine if there has been a change in circumstances that warrants an amendment of the monthly payment schedule. The community corrections officer may recommend a change to the schedule of payment and shall inform the court of the recommended change and the reasons for the change. The sentencing court may then reset the monthly minimum payments based on the report from the community corrections officer of the change in circumstances. Restitution ordered by a court pursuant to a criminal conviction shall be based on easily ascertainable damages for injury to or loss of property, actual expenses incurred for treatment for injury to persons, and lost wages resulting from injury. Restitution shall not include reimbursement for damages for mental anguish, pain and suffering, or other intangible losses, but may include the costs of counseling reasonably related to the offense. The amount of restitution shall not exceed double the amount of the offender's gain or the victim's loss from the commission of the crime. For the purposes of this section, the offender shall remain under the court's jurisdiction for a maximum term of ten years subsequent to the imposition of sentence. The portion of the sentence concerning restitution may be modified as to amount, terms and conditions during the ten-year period, regardless of the expiration of the offender's term of community supervision and regardless of the statutory maximum for the crime. The offender's compliance with the restitution shall be supervised by the department.

(2) Restitution shall be ordered whenever the offender is convicted of an offense which results in injury to any person or damage to or loss of property unless extraordinary circumstances exist which make restitution inappropriate in the court's judgment and the court sets forth such circumstances in the record. In addition, restitution shall be ordered to pay for an injury, loss, or damage if the offender pleads guilty to a lesser offense or fewer offenses and agrees with the prosecutor's recommendation that the offender be required to pay restitution to a victim of an offense or offenses which are not prosecuted pursuant to a plea agreement.

(3) In addition to any sentence that may be imposed, a defendant who has been found guilty of an offense involving fraud or other deceptive practice or an organization which has been found guilty of any such offense may be ordered by the sentencing court to give notice of the conviction to the class of persons or to the sector of the public affected by the conviction or financially interested in the subject matter of the offense by mail, by advertising in designated areas or through designated media, or by other appropriate means.

(4) This section does not limit civil remedies or defenses available to the victim, survivors of the victim, or defendant.

(5) This section shall apply to offenses committed after July 1, 1985.

Sec. 7. Section 20, chapter 137, Laws of 1981 as last amended by section 11, chapter 153, Laws of 1988 and by section 2, chapter 155, Laws of 1988 and RCW 9.94A.200 are each reenacted and amended to read as follows:

(1) If an offender violates any condition or requirement of a sentence, the court may modify its order of judgment and sentence and impose further punishment in accordance with this section.

(2) If an offender fails to comply with any of the requirements or conditions of a sentence the following provisions apply:

(a) The court, upon the motion of the state, or upon its own motion, shall require the offender to show cause why the offender should not be punished for the noncompliance. The court may issue a summons or a warrant of arrest for the offender's appearance;

(b) The state has the burden of showing noncompliance by a preponderance of the evidence. If the court finds that the violation has occurred, it may order the offender to be confined for a period not to exceed sixty days for each violation, and may (i) convert a term of partial confinement to total confinement, (ii) convert community service obligation to total or partial confinement, or (iii) convert monetary obligations, except restitution and the crime victim penalty assessment, to community service hours at the rate of the state minimum wage as established in RCW 49.46.020 for each hour of community service. Any time served in confinement awaiting a hearing on noncompliance shall be credited against any confinement order by the court; and

(c) If the court finds that the violation was not willful, the court may modify its previous order regarding payment of (~~times or other monetary payments~~) legal financial obligations and regarding community service obligations.

(3) Nothing in this section prohibits the filing of escape charges if appropriate.

Sec. 8. Section 2, chapter 207, Laws of 1982 as amended by section 15, chapter 209, Laws of 1984 and RCW 9.94A.270 are each amended to read as follows:

(1) Whenever a punishment imposed under this chapter requires community supervision services to be provided, the sentencing court shall require that the offender pay to the department of corrections the monthly assessment, prescribed under subsection (2) of this section, which shall be for the duration of the probation and which shall be considered as payment or part payment of the cost of providing probation supervision to the probationer. The court may exempt a person from the payment of all or any part of the assessment based upon any of the following factors:

(a) The offender has diligently attempted but has been unable to obtain employment that provides the offender sufficient income to make such payments.

(b) The offender is a student in a school, college, university, or a course of vocational or technical training designed to fit the student for gainful employment.

(c) The offender has an employment handicap, as determined by an examination acceptable to or ordered by the court.

(d) The offender's age prevents him from obtaining employment.

(e) The offender is responsible for the support of dependents and the payment of the assessment constitutes an undue hardship on the offender.

(f) Other extenuating circumstances as determined by the court.

(2) The department of corrections shall adopt a rule prescribing the amount of the assessment. The department may, if it finds it appropriate, prescribe a schedule of assessments that shall vary in accordance with the intensity or cost of the supervision. The department may not prescribe any assessment that is less than ten dollars nor more than fifty dollars.

(3) All amounts required to be paid under this section shall be collected by the department of corrections and deposited by the department in the ~~((state general))~~ dedicated fund established pursuant to section 26 of this act.

(4) This section shall not apply to probation services provided under an interstate compact pursuant to chapter 9.95 RCW or to probation services provided for persons placed on probation prior to June 10, 1982.

NEW SECTION, Sec. 9. A petition or motion seeking a mandatory wage assignment in a criminal action may be filed by the department or any obligee if the offender is more than thirty days past due in monthly payments in an amount equal to or greater than the amount payable for one month. The petition or motion shall include a sworn statement by the secretary or designee, or if filed solely by an obligee, by such obligee, stating the facts authorizing the issuance of the wage assignment order, including: (1) That the offender, stating his or her name and last known residence, is more than thirty days past due in payments in an amount equal to or greater than the amount payable for one month; (2) a description of the terms of the judgment and sentence and/or payment order requiring payment of a court-ordered legal financial obligation, the total amount remaining unpaid, and the amount past due; (3) the name and address of the offender's employer; (4) that notice by personal service, or any form of mail requiring a return receipt, has been provided to the offender at least fifteen days prior to the filing of a mandatory wage assignment, unless the judgment and sentence or the order for payment states that the department or obligee may seek a mandatory wage assignment without notice to the defendant. A copy of the judgment and sentence or payment order shall be attached to the petition or motion seeking the wage assignment.

NEW SECTION, Sec. 10. Upon receipt of a petition or motion seeking a mandatory wage assignment that complies with section 9 of this act, the court shall issue a wage assignment order as provided in section 12 of this act and including the information required in section 9 of this act, directed to the employer, and commanding the employer to answer the order on the forms served with the order that comply with section 14 of this act within twenty days after service of the order upon the employer.

NEW SECTION, Sec. 11. (1) The wage assignment order in section 10 of this act shall include: (a) The maximum amount or current amount owed on a court-ordered legal financial obligation, if any, to be withheld from the defendant's earnings each month, or from each earnings disbursement; and (b) the total amount of the arrearage or reimbursement judgment previously entered by the court, if any, together with interest, if any.

(2) The total amount to be withheld from the defendant's earnings each month, or from each earnings disbursement, shall not exceed twenty-five percent of the disposable earnings of the defendant. If the amounts to be paid toward the arrearage are specified in the payment order, then the maximum amount to be withheld is the sum of the current amount owed and the amount ordered to be paid toward the arrearage, or twenty-five percent of the disposable earnings of the defendant, whichever is less.

(3) If the defendant is subject to two or more attachments for payment of a court-ordered legal financial obligation on account of different obligees, the employer shall, if the nonexempt portion of the defendant's earnings is not sufficient to respond fully to all the attachments, apportion the defendant's nonexempt disposable earnings between or among the various obligees equally. Any obligee may seek a court order reapportioning the defendant's nonexempt disposable earnings upon notice to all interested parties. Notice shall be by personal service, or in the manner provided by the civil rules of superior court or applicable statute.

NEW SECTION. Sec. 12. The department shall develop a form and adopt rules for the wage assignment order.

NEW SECTION. Sec. 13. (1) An employer upon whom service of a wage assignment order has been made shall answer the order by sworn affidavit within twenty days after the date of service. The answer shall state whether the offender is employed by or receives earnings from the employer, whether the employer will honor the wage assignment order, and whether there are multiple attachments against the offender.

(2) If the employer possesses any earnings due and owing to the offender, the earnings subject to the wage assignment order shall be withheld immediately upon receipt of the wage assignment order. The employer shall deliver the withheld earnings to the clerk of the court pursuant to the wage assignment order. The employer shall make the first delivery no sooner than twenty days after receipt of the wage assignment order.

(3) The employer shall continue to withhold the ordered amounts from nonexempt earnings of the offender until notified that the wage assignment has been modified or terminated. The employer shall promptly notify the clerk of the court who entered the order when the employee is no longer employed.

(4) The employer may deduct a processing fee from the remainder of the employee's earnings after withholding under the wage assignment order, even if the remainder is exempt under section 11 of this act. The processing fee may not exceed: (a) Ten dollars for the first disbursement made by the employer to the clerk of the court; and (b) one dollar for each subsequent disbursement made under the wage assignment order.

(5) An employer who fails to withhold earnings as required by a wage assignment order issued under this chapter may be held liable for the amounts disbursed to the offender in violation of the wage assignment order, and may be found by the court to be in contempt of court and may be punished as provided by law.

(6) No employer who complies with a wage assignment order issued under this chapter may be liable to the employee for wrongful withholding.

(7) No employer may discharge, discipline, or refuse to hire an employee because of the entry or service of a wage assignment order issued and executed under this chapter. A person who violates this subsection may be found by the court to be in contempt of court and may be punished as provided by law.

(8) An employer shall deliver a copy of the wage assignment order to the obligor as soon as is reasonably possible.

NEW SECTION. Sec. 14. The department shall develop a form and adopt rules for the wage assignment answer, and instructions for employers for preparing such answer.

NEW SECTION. Sec. 15. (1) Service of the wage assignment order on the employer is invalid unless it is served with five answer forms in substantial conformance with section 14 of this act, together with stamped envelopes addressed to, respectively, the clerk of the court where the order was issued, the obligee's attorney, the petitioner, the department, and the obligor. The petitioner shall also include an extra copy of the wage assignment order for the employer to deliver to the obligor. Service on the employer shall be in person or by any form of mail requiring a return receipt.

(2) On or before the date of service of the wage assignment order on the employer, the petitioner shall mail or cause to be mailed by certified mail a copy of the wage assignment order to the obligor at the obligor's last known post office address; or, in the alternative, a copy of the wage assignment order shall be served on the obligor in the same manner as a summons in a civil action on, before, or within two days after the date of service of the order on the employer. This requirement is not jurisdictional, but if the copy is not mailed or served as this subsection provides, or if any irregularity appears with respect to the mailing of service, the superior court, in its discretion, may quash the wage assignment order, upon motion of the obligor promptly made and supported by an affidavit showing that the defendant has suffered substantial injury due to the failure to mail or serve the copy.

NEW SECTION. Sec. 16. In a hearing to quash, modify, or terminate the wage assignment order, the court may grant relief only upon a showing that the wage assignment order causes extreme hardship or substantial injustice. Satisfaction by the defendant of all past-due payments subsequent to the issuance of the wage assignment order is not grounds to quash, modify, or terminate the wage assignment order. If a wage assignment order has been in operation for twelve consecutive months and the obligor's payment towards a court-ordered legal financial obligation is current, the court may terminate the order upon motion of the obligor unless the obligee or the department can show good cause as to why the wage assignment order should remain in effect. The department shall notify the employer of any modification or termination of the wage assignment order.

NEW SECTION. Sec. 17. In any action to enforce legal financial obligations under this chapter, the prevailing party is entitled to a recovery of costs, including an award for reasonable attorneys' fees. An obligor may not be considered a prevailing party under this section unless the obligee has acted in bad faith in connection with the proceeding in question.

NEW SECTION. Sec. 18. For those individuals who, as a condition and term of their sentence imposed on or before July 1, 1989, have had financial obligations imposed, and who are not in

compliance with the court order requiring payment of that legal financial obligation, no action shall be brought before the court from July 1, 1989, through and including December 31, 1989, to impose a penalty for their failure to pay. All individuals who, after December 31, 1989, have not taken the opportunity to bring their legal financial obligation current, shall be proceeded against pursuant to RCW 9.94A.200.

NEW SECTION. Sec. 19. Sections 3 and 9 through 18 of this act are each added to chapter 9.94A RCW.

Sec. 20. Section 1, chapter 207, Laws of 1982 and RCW 72.04A.120 are each amended to read as follows:

(1) Any person placed on parole shall be required to pay the monthly assessment, prescribed under subsection (2) of this section, which shall be for the duration of the parole and which shall be considered as payment or part payment of the cost of providing parole supervision to the parolee. The board may exempt a person from the payment of all or any part of the assessment based upon any of the following factors:

(a) The offender has diligently attempted but has been unable to obtain employment which provides the offender sufficient income to make such payments.

(b) The offender is a student in a school, college, university, or a course of vocational or technical training designed to fit the student for gainful employment.

(c) The offender has an employment handicap, as determined by an examination acceptable to or ordered by the board.

(d) The offender's age prevents him from obtaining employment.

(e) The offender is responsible for the support of dependents and the payment of the assessment constitutes an undue hardship on the offender.

(f) Other extenuating circumstances as determined by the board.

(2) The department of corrections shall adopt a rule prescribing the amount of the assessment. The department may, if it finds it appropriate, prescribe a schedule of assessments which shall vary in accordance with the intensity or cost of the supervision. The department may not prescribe any assessment which is less than ten dollars nor more than fifty dollars.

(3) Payment of the assessed amount shall constitute a condition of parole for purposes of the application of RCW 72.04A.090.

(4) All amounts required to be paid under this section shall be collected by the department of corrections and deposited by the department in the ~~((state general))~~ dedicated fund established pursuant to section 26 of this act.

(5) This section shall not apply to parole services provided under an interstate compact pursuant to chapter 9.95 RCW or to parole services provided for offenders paroled before June 10, 1982.

Sec. 21. Section 6, chapter 17, Laws of 1967 and RCW 72.65.060 are each amended to read as follows:

The earnings of a work release participant shall not be subject to garnishment, attachment, or execution while such earnings are either in the possession of the employer or any state officer authorized to hold such funds, except for payment of a court-ordered legal financial obligation as that term is defined in section 22 of this act.

NEW SECTION. Sec. 22. Unless a different meaning is plainly required by the context, the following words and phrases as hereafter used in this chapter shall have the following meanings:

(1) 'Court-ordered legal financial obligation' means a sum of money that is ordered by a superior court of the state of Washington for payment of restitution to a victim, statutorily imposed crime victims compensation fee, court costs, a county or interlocal drug fund, court-appointed attorneys' fees and costs of defense, fines, and any other legal financial obligation that is assessed as a result of a felony conviction.

(2) 'Department' means the department of corrections.

(3) 'Offender' means an individual who is currently under the jurisdiction of the Washington state department of corrections, and who also has a court-ordered legal financial obligation as a result of a felony conviction.

(4) 'Secretary' means the secretary of the department of corrections or the secretary's designee.

(5) 'Superintendent' means the superintendent of a correctional facility under the jurisdiction of the Washington state department of corrections.

NEW SECTION. Sec. 23. The secretary shall be custodian of all funds of a convicted person that are in his or her possession upon admission to a state institution, or that are sent or brought to the person, or earned by the person while in custody, or that are forwarded to the superintendent on behalf of a convicted person. All such funds shall be deposited in the personal account of the convicted person within the institutional resident deposit account as established by the office of financial management pursuant to RCW 43.88.195, and the secretary shall have authority to disburse money from such person's personal account for the purposes of satisfying a court-ordered legal financial obligation to the court. Unless specifically granted authority herein, at no time shall the withdrawal of funds for the payment of a legal financial obligation

result in reducing the inmate's account to an amount less than the defined level of indigency to be determined by the department.

Further, unless specifically altered herein, court-ordered legal financial obligations shall be paid.

NEW SECTION. Sec. 24. (1) Except as otherwise provided herein, all court-ordered legal financial obligations shall take priority over any other statutorily imposed mandatory withdrawals from inmate's accounts.

(2) For those inmates who are on work release pursuant to chapter 72.65 RCW, before any legal financial obligations are withdrawn from the inmate's account, the inmate is entitled to payroll deductions that are required by law, or such payroll deductions as may reasonably be required by the nature of the employment unless any such amount which his or her work release plan specifies should be retained to help meet the inmate's needs, including costs necessary for his or her participation in the work release plan such as travel, meals, clothing, tools, and other incidentals.

(3) Before the payment of any court-ordered legal financial obligation is required, the department is entitled to reimbursement for any expenses advanced for vocational training pursuant to RCW 72.65.020(2), for expenses incident to a work release plan pursuant to RCW 72.65.090, payments for board and room charges for the work release participant, and payments that are necessary for the support of the work release participant's dependents, if any.

NEW SECTION. Sec. 25. Sections 22 through 24 of this act shall constitute a new chapter in Title 72 RCW.

NEW SECTION. Sec. 26. The cost of supervision fund is created in the custody of the state treasurer. All receipts from assessments made under RCW 9.94A.270 and 72.04A.120 shall be deposited into the fund. Expenditures from the fund may be used only to support the collection of legal financial obligations. Only the secretary of the department of corrections or the secretary's designee may authorize expenditures from the fund. The fund is subject to allotment procedures under chapter 43.88 RCW, but no appropriation is required for expenditures.

NEW SECTION. Sec. 27. Except for sections 18, 22, 23, and 24 of this act, this act applies prospectively only and not retrospectively. It applies only to offenses committed on or after the effective date of this act.

NEW SECTION. Sec. 28. The department of corrections and the county clerks association shall develop compatible management and accounting systems that will result in increased collections of legal financial obligations and report their proposed systems to the senate health care and corrections committee and the house health care committee by December 1, 1989.

Sec. 29. Section 10, chapter 302, Laws of 1977 ex. sess. as last amended by section 1, chapter 281, Laws of 1987 and RCW 7.68.035 are each amended to read as follows:

(1) Whenever any person is found guilty in any superior court of having committed a crime, except as provided in subsection (2) of this section, there shall be imposed by the court upon such convicted person a penalty assessment. The assessment shall be in addition to any other penalty or fine imposed by law and shall be ~~((seventy))~~ one hundred dollars for each case or cause of action that includes one or more convictions of a felony or gross misdemeanor and ~~((forty-five))~~ seventy-five dollars for any case or cause of action that includes convictions of only one or more misdemeanors.

(2) The assessment imposed by subsection (1) of this section shall not apply to motor vehicle crimes defined in Title 46 RCW except those defined in the following sections: RCW 46.61-.520, 46.61.522, 46.61.024, 46.52.090, 46.70.140, 46.65.090, 46.61.502, 46.61.504, 46.52.100, 46.20.410, 46.52.020, 46.10.130, 46.09.130, 46.61.525, 46.61.685, 46.61.530, 46.61.500, 46.61.015, 46.52.010, 46.44.180, 46.10.090(2), and 46.09.120(2).

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

(4) Such penalty assessments shall be paid by the clerk of the superior court to the county treasurer who shall monthly transmit the money as provided in RCW 10.82.070. Each county shall deposit not less than one and seventy-five one-hundredths percent of the money it retains under RCW 10.82.070 and chapter 3.62 RCW and all money it receives under subsection (8) of this section into a fund maintained exclusively for the support of comprehensive programs to encourage and facilitate testimony by the victims of crimes and witnesses to crimes. A program shall be considered 'comprehensive' only after approval of the department upon application by the county prosecuting attorney. The department shall approve as comprehensive only programs which:

(a) Provide comprehensive services to victims and witnesses of all types of crime with particular emphasis on serious crimes against persons and property. It is the intent of the legislature to make funds available only to programs which do not restrict services to victims or witnesses of a particular type or types of crime and that such funds supplement, not supplant, existing local funding levels;

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

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

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

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

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

(5) Upon submission to the department of a letter of intent to adopt a comprehensive program, the prosecuting attorney shall retain the money deposited by the county under subsection (4) of this section until such time as the county prosecuting attorney has obtained approval of a program from the department. Approval of the comprehensive plan by the department must be obtained within one year of the date of the letter of intent to adopt a comprehensive program. The county prosecuting attorney shall not make any expenditures from the money deposited under subsection (4) of this section until approval of a comprehensive plan by the department. If a county prosecuting attorney has failed to obtain approval of a program from the department under subsection (4) of this section or failed to obtain approval of a comprehensive program within one year after submission of a letter of intent under this section, the county treasurer shall monthly transmit one hundred percent of the money deposited by the county under subsection (4) of this section to the state treasurer for deposit in the public safety and education account established under RCW 43.08.250.

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

(7) Penalty assessments under this section shall also be imposed in juvenile offense dispositions under Title 13 RCW. Upon motion of a party and a showing of good cause, the court may modify the penalty assessment in the disposition of juvenile offenses under Title 13 RCW.

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

NEW SECTION. Sec. 30. (1) Sections 1 through 17, 19 through 21, 25, 26, and 28 of this act shall take effect July 1, 1990 unless otherwise directed by law.

(2) Sections 18, 22, 23, and 24 of this act are necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect July 1, 1989.

NEW SECTION. Sec. 31. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected."

On page 1, line 1 of the title, after "obligations;" strike the remainder of the title and insert "amending RCW 9.94A.140, 9.94A.142, 9.94A.270, 72.04A.120, and 72.65.060; reenacting and amending RCW 9.94A.030, 9.94A.120, 9.94A.200, and 7.68.035; adding new sections to chapter 9.94A RCW; adding a new chapter to Title 72 RCW; creating new sections; prescribing penalties; providing effective dates; and declaring an emergency."

and the same is herewith transmitted.

W. D. Naismith, Assistant Secretary.

MOTION

Mr. Braddock moved that the House do concur in the Senate amendments to Engrossed Substitute House Bill No. 1542. The motion was carried.

FINAL PASSAGE OF HOUSE BILL AS AMENDED BY SENATE

The Speaker stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 1542 as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1542 as amended by the Senate, and the bill passed the House by the following vote: Yeas, 93; absent, 2; excused, 3.

Voting yea: Representatives Appelwick, Ballard, Baugher, Beck, Belcher, Betzoff, Bowman, Braddock, Brekke, Bristow, Brooks, Brough, Brumsickle, Cantwell, Chandler, Cole, Cooper,

Crane, Day, Dellwo, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Fraser, Fuhrman, Grant, Hankins, Haugen, Heavey, Hine, Holland, Horn, Inslee, Jacobsen, Jesernig, Jones, King P, King R, Kremen, Leonard, Locke, May, McLean, Meyers R, Miller, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Padden, Patrick, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schoon, Scott, Silver, Smith, Sommers D, Sommers H, Spanel, Sprengle, Tate, Todd, Valle, Van Luven, Vekich, Walk, Walker, Wang, Wilson K, Wilson S, Wineberry, Winsley, Wolfe, Wood, Youngsman, Zellinsky, and Mr. Speaker - 93.

Absent: Representatives Anderson, Hargrove - 2.

Excused: Representatives Basich, Gallagher, Schmidt - 3.

Engrossed Substitute House Bill No. 1542 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

STATEMENT FOR THE JOURNAL

My voting button did not work on the final passage of Engrossed Substitute House Bill No. 1542 as amended by the Senate, and I would like to have it recorded that I voted "Aye."

CALVIN B. ANDERSON, 43rd District.

Representative Basich appeared at the bar of the House.

MOTION

On motion of Ms. Miller, Representatives Beck, McLean, Moyer and S. Wilson were excused.

MESSAGES FROM THE SENATE

April 23, 1989

Mr. Speaker:

The Senate has adopted:

HOUSE CONCURRENT RESOLUTION NO. 4415,

and the same is herewith transmitted.

W. D. Naismith, Assistant Secretary.

April 23, 1989

Mr. Speaker:

On motion, the Senate relieved the Conference Committee of further consideration on SUBSTITUTE SENATE BILL NO. 5241, and passed the bill without the House amendments.

W. D. Naismith, Assistant Secretary.

SENATE AMENDMENTS TO HOUSE BILL

April 23, 1989

Mr. Speaker:

The Senate passed ENGROSSED HOUSE BILL NO. 2222 with the following amendments:

Strike everything after the enacting clause and insert the following:

"Sec. 1. Section 3, chapter 190, Laws of 1971 ex. sess. as last amended by section 26, chapter 182, Laws of 1982 and RCW 15.58.030 are each amended to read as follows:

As used in this chapter the words and phrases defined in this section shall have the meanings indicated unless the context clearly requires otherwise.

(1) ~~("Pesticide" means, but is not limited to: (a) Any substance or mixture of substances intended to prevent, destroy, control, repel, or mitigate any insect, rodent, nematode, mollusk, fungus, weed and any other form of plant or animal life or virus (except virus on or in living man or other animal) which is normally considered to be a pest or which the director may declare to be a pest; (b) any substance or mixture of substances intended to be used as a plant regulator, defoliant or desiccant; (c) any substance or mixture of substances intended to be used as a spray adjuvant; and (d) any other substances intended for such use as may be named by the director by regulation.~~

~~(2) "Device" means any instrument or contrivance intended to trap, destroy, control, repel, or mitigate pests including devices used in conjunction with pesticides such as lindane vaporizers;~~

~~(3) "Insecticide" means any substance or mixture of substances intended to prevent, destroy, repel, or mitigate any insect, other arthropod, or mollusk pest;~~

~~(4) "Fungicide" means any substance or mixture of substances intended to prevent, destroy, repel, or mitigate any fungi;~~

(5) 'Rodenticide' means any substance or mixture of substances intended to prevent, destroy, repel, or mitigate rodents or any other vertebrate animal which the director may declare by regulation to be a pest.

(6) 'Herbicide' means any substance or mixture of substances intended to prevent, destroy, repel, or mitigate any weed, including algae and other aquatic weeds.

(7) 'Nematocide' means any substance or mixture of substances intended to prevent, destroy, repel, or mitigate nematodes.

(8) 'Plant regulator' means any substance or mixture of substances intended through physiological action, to accelerate or retard the rate of growth or maturation, or to otherwise alter the behavior of ornamental or crop plants but shall not include substances insofar as they are intended to be used as plant nutrients, trace elements, nutritional chemicals, plant inoculants, or soil amendments.

(9) 'Defoliant' means any substance or mixture of substances intended to cause the leaves or foliage to drop from a plant with or without causing abscission.

(10) 'Desiccant' means any substance or mixture of substances intended to artificially accelerate the drying of plant tissues.

(11) 'Spray adjuvant' means any wetting agent, spreading agent, deposit builder, adhesive, emulsifying agent, deflocculating agent, water modifier, or similar agent with or without toxic properties of its own intended to be used with any other pesticide as an aid to the application or to the effect thereof, and which is in a package or container separate from that of the pesticide with which it is to be used.

(12) 'Pest' means, but is not limited to, any insect, other arthropod, fungus, rodent, nematode, mollusk, weed and any form of plant or animal life or virus (except virus on or in living man or other animal) which is normally considered to be a pest or which the director may declare by regulation to be a pest.

(13) 'Nematode' means any invertebrate animal of the phylum nemathelminthes and class nematoda, that is, unsegmented round worms with elongated, fusiform, or saclike bodies covered with cuticle, and inhabiting soil, water, plants or plant parts; may also be called nemas or eelworms.

(14) 'Arthropod' means any invertebrate animal that belongs to the phylum arthropoda; which in addition to insects, includes allied classes whose members are wingless and usually have more than six legs; for example, spiders, mites, ticks, centipedes, and isopod crustaceans.

(15) 'Insects' means any of the numerous small invertebrate animals whose bodies, in the adult stage, are more or less obviously segmented with six legs and usually with two pairs of wings, belonging to the class insecta; for example, aphids, beetles, bugs, bees, and flies.

(16) 'Fungi' means all non-chlorophyll-bearing thallophytes (that is, all non-chlorophyll-bearing plants of a lower order than mosses and liverworts); for example, rusts, smuts, mildews, molds, yeasts, and bacteria, except those on or in living man or other animals.

(17) 'Weed' means any plant which grows where not wanted.

(18) 'Mollusk' means any invertebrate animal characterized by a soft unsegmented body usually partially or wholly enclosed in a calcareous shell, having a foot and mantle; for example, slugs and snails.

(19) 'Restricted use pesticide' means any pesticide or device which the director has found and determined subsequent to hearing under the provisions of chapter 17-21 RCW Washington pesticide application act or this chapter as enacted or hereafter amended, to be so injurious to persons, pollinating insects, bees, animals, crops, wildlife, or lands other than the pests it is intended to prevent, destroy, control, or mitigate that additional restrictions are required.

(20) 'Distribute' means to offer for sale, hold for sale, sell, barter, or supply pesticides in this state.

(21) 'Pesticide dealer' means any person who distributes any of the following pesticides:

(a) 'Highly toxic pesticides' and/or

(b) 'EPA restricted use pesticides' or 'restricted use pesticides' which by regulation are restricted to distribution by licensed pesticide dealers only and/or

(c) Any other pesticide except spray adjuvants and those pesticides which are labeled and intended for home and garden use only.

(22) 'Pesticide dealer manager' means the owner or other individual supervising pesticide distribution at one outlet holding a pesticide dealer license.

(23) 'Pest control consultant' means any individual who offers or supplies technical advice, supervision or aid or makes recommendations to the user of:

(a) 'Highly toxic pesticides' and/or

(b) 'EPA restricted use pesticides' or 'restricted use pesticides' which are restricted by regulation to distribution by licensed pesticide dealers only and/or

(c) Any other pesticides except spray adjuvants and those pesticides which are labeled and intended for home and garden use only.

(24) 'Ingredient statement' means a statement of the name and percentage of each active ingredient together with the total percentage of the inert ingredients in the pesticide, and when the pesticide contains arsenic in any form, the ingredient statement shall also include percentages of total and water soluble arsenic, each calculated as elemental arsenic; PROVIDED, That

in the case of a spray adjuvant the ingredient statement need contain only the names of the principal functioning agents and the total percentage of the constituents ineffective as spray adjuvants. If more than three functioning agents are present, only the three principal ones need be named:

(25) 'Active ingredient' means any ingredient which will prevent, destroy, repel, control, or mitigate pests, or which will act as a plant regulator, defoliant, desiccant, or spray adjuvant.

(26) 'Inert ingredient' means an ingredient which is not an active ingredient.

(27) 'Antidote' means the most practical immediate treatment in case of poisoning and includes first aid treatment.

(28) 'Person' means any individual, partnership, association, corporation, or organized group of persons whether or not incorporated.

(29) 'Department' means the department of agriculture of the state of Washington.

(30) 'Director' means the director of the department or his duly authorized representative.

(31) 'Registrant' means the person registering any pesticide pursuant to the provisions of this chapter.

(32) 'Label' means the written, printed, or graphic matter on, or attached to, the pesticide or device or the immediate container thereof, and the outside container or wrapper of the retail package.

(33) 'Labeling' means all labels and other written, printed or graphic matter:

(a) Upon the pesticide or device or any of its containers or wrappers;

(b) Accompanying the pesticide, or referring to it in any other media used to disseminate information to the public; and

(c) To which reference is made on the label or in literature accompanying or referring to the pesticide or device except when accurate nonmisleading reference is made to current official publications of the department, United States department of agriculture, interior, health, education and welfare, state agricultural colleges, and other similar federal or state institutions or agencies authorized by law to conduct research in the field of pesticides.

(34) 'Highly toxic' means any highly toxic pesticide as determined by the director under RCW 15.58.040.

(35) 'Pesticide advisory board' means the pesticide advisory board as provided for in the Washington pesticide application act as enacted or hereafter amended.

(36) 'Land' means all land and water areas, including airspace and all plants, animals, structures, buildings, devices and contrivances, appurtenant thereto or situated thereon, fixed or mobile, including any used for transportation.

(37) 'Regulation' means rule or regulation.

(38) 'EPA' means the United States environmental protection agency.

(39) 'EPA restricted use pesticide' means any pesticide with restricted uses as classified for restricted use by the administrator, EPA.

(40) 'FIFRA' means the federal insecticide, fungicide and rodenticide act as amended (61 Stat. 163, 7 U.S.C. Sec. 135).

(41) 'Special local needs registration' means a registration issued by the director pursuant to provisions of section 24(c) of FIFRA.

(42) 'Unreasonable adverse effects on the environment' means any unreasonable risk to man or the environment taking into account the economic, social and environmental costs and benefits of the use of any pesticide, or as otherwise determined by the director.

(43) 'Master license system' means the mechanism established by chapter 19.02 RCW by which master licenses, endorsed for individual state issued licenses, are issued and renewed utilizing a master application and a master license expiration date common to each renewable license endorsement)) 'Active ingredient' means any ingredient which will prevent, destroy, repel, control, or mitigate pests, or which will act as a plant regulator, defoliant, desiccant, or spray adjuvant.

(2) 'Antidote' means the most practical immediate treatment in case of poisoning and includes first aid treatment.

(3) 'Arthropod' means any invertebrate animal that belongs to the phylum arthropoda, which in addition to insects, includes allied classes whose members are wingless and usually have more than six legs; for example, spiders, mites, ticks, centipedes, and isopod crustaceans.

(4) 'Defoliant' means any substance or mixture of substances intended to cause the leaves or foliage to drop from a plant with or without causing abscission.

(5) 'Department' means the Washington state department of agriculture.

(6) 'Desiccant' means any substance or mixture of substances intended to artificially accelerate the drying of plant tissues.

(7) 'Device' means any instrument or contrivance intended to trap, destroy, control, repel, or mitigate pests, or to destroy, control, repel or mitigate fungi, nematodes, or such other pests, as may be designated by the director, but not including equipment used for the application of pesticides when sold separately from the pesticides.

(8) 'Director' means the director of the department or a duly authorized representative.

(9) 'Distribute' means to offer for sale, hold for sale, sell, barter, or supply pesticides in this state.

(10) 'EPA' means the United States environmental protection agency.

(11) 'EPA restricted use pesticide' means any pesticide with restricted uses as classified for restricted use by the administrator, EPA.

(12) 'FIFRA' means the federal insecticide, fungicide, and rodenticide act as amended (61 Stat. 163, 7 U.S.C. Sec. 136 et seq.).

(13) 'Fungi' means all nonchlorophyll-bearing thallophytes (all nonchlorophyll-bearing plants of a lower order than mosses and liverworts); for example, rusts, smuts, mildews, molds, yeasts, and bacteria, except those on or in living persons or other animals.

(14) 'Fungicide' means any substance or mixture of substances intended to prevent, destroy, repel, or mitigate any fungi.

(15) 'Herbicide' means any substance or mixture of substances intended to prevent, destroy, repel, or mitigate any weed.

(16) 'Inert ingredient' means an ingredient which is not an active ingredient.

(17) 'Ingredient statement' means a statement of the name and percentage of each active ingredient together with the total percentage of the inert ingredients in the pesticide, and when the pesticide contains arsenic in any form, the ingredient statement shall also include percentages of total and water soluble arsenic, each calculated as elemental arsenic. In the case of a spray adjuvant the ingredient statement need contain only the names of the principal functioning agents and the total percentage of the constituents ineffective as spray adjuvants. If more than three functioning agents are present, only the three principal ones need be named.

(18) 'Insect' means any of the numerous small invertebrate animals whose bodies are more or less obviously segmented, and which for the most part belong to the class insecta, comprising six-legged, usually winged forms, for example, beetles, bugs, bees, flies, and to other allied classes of arthropods whose members are wingless and usually have more than six legs, for example, spiders, mites, ticks, centipedes, and isopod crustaceans.

(19) 'Insecticide' means any substance or mixture of substances intended to prevent, destroy, repel, or mitigate any insects which may be present in any environment whatsoever.

(20) 'Label' means the written, printed, or graphic matter on, or attached to, the pesticide, device, or immediate container, and the outside container or wrapper of the retail package.

(21) 'Labeling' means all labels and other written, printed, or graphic matter:

(a) Upon the pesticide, device, or any of its containers or wrappers;

(b) Accompanying the pesticide, or referring to it in any other media used to disseminate information to the public; and

(c) To which reference is made on the label or in literature accompanying or referring to the pesticide or device except when accurate nonmisleading reference is made to current official publications of the department, United States departments of agriculture; interior; education; health and human services; state agricultural colleges; and other similar federal or state institutions or agencies authorized by law to conduct research in the field of pesticides.

(22) 'Land' means all land and water areas, including airspace and all plants, animals, structures, buildings, devices and contrivances, appurtenant thereto or situated thereon, fixed or mobile, including any used for transportation.

(23) 'Master license system' means the mechanism established by chapter 19.02 RCW by which master licenses, endorsed for individual state-issued licenses, are issued and renewed using a master application and a master license expiration date common to each renewable license endorsement.

(24) 'Nematocide' means any substance or mixture of substances intended to prevent, destroy, repel, or mitigate nematodes.

(25) 'Nematode' means any invertebrate animal of the phylum nematelminthes and class nematoda, that is, unsegmented round worms with elongated, fusiform, or saclike bodies covered with cuticle, and inhabiting soil, water, plants or plant parts, may also be called nemas or eelworms.

(26) 'Person' means any individual, partnership, association, corporation, or organized group of persons whether or not incorporated.

(27) 'Pest' means, but is not limited to, any insect, rodent, nematode, snail, slug, weed and any form of plant or animal life or virus, except virus on or in a living person or other animal, which is normally considered to be a pest or which the director may declare to be a pest.

(28) 'Pest control consultant' means any individual who sells or offers for sale at other than a licensed pesticide dealer outlet or location, or who offers or supplies technical advice, supervision, or aid, or makes recommendations to the user of:

(a) Highly toxic pesticides, as determined under RCW 15.58.040;

(b) EPA restricted use pesticides or restricted use pesticides which are restricted by rule to distribution by licensed pesticide dealers only; or

(c) Any other pesticide except those pesticides which are labeled and intended for home and garden use only.

(29) 'Pesticide' means, but is not limited to:

(a) Any substance or mixture of substances intended to prevent, destroy, control, repel, or mitigate any insect, rodent, snail, slug, fungus, weed, and any other form of plant or animal life

or virus, except virus on or in a living person or other animal which is normally considered to be a pest or which the director may declare to be a pest;

(b) Any substance or mixture of substances intended to be used as a plant regulator, defoliant or desiccant; and

(c) Any spray adjuvant.

(30) 'Pesticide advisory board' means the pesticide advisory board as provided for in the Washington pesticide application act.

(31) 'Pesticide dealer' means any person who distributes any of the following pesticides:

(a) Highly toxic pesticides, as determined under RCW 15.58.040;

(b) EPA restricted use pesticides or restricted use pesticides which are restricted by rule to distribution by licensed pesticide dealers only; or

(c) Any other pesticide except those pesticides which are labeled and intended for home and garden use only.

(32) 'Pesticide dealer manager' means the owner or other individual supervising pesticide distribution at one outlet holding a pesticide dealer license.

(33) 'Plant regulator' means any substance or mixture of substances intended through physiological action, to accelerate or retard the rate of growth or maturation, or to otherwise alter the behavior of ornamental or crop plants or their produce, but shall not include substances insofar as they are intended to be used as plant nutrients, trace elements, nutritional chemicals, plant inoculants, or soil amendments.

(34) 'Registrant' means the person registering any pesticide under the provisions of this chapter.

(35) 'Restricted use pesticide' means any pesticide or device which, when used as directed or in accordance with a widespread and commonly recognized practice, the director determines, subsequent to a hearing, requires additional restrictions for that use to prevent unreasonable adverse effects on the environment including people, lands, beneficial insects, animals, crops, and wildlife, other than pests.

(36) 'Rodenticide' means any substance or mixture of substances intended to prevent, destroy, repel, or mitigate rodents, or any other vertebrate animal which the director may declare by rule to be a pest.

(37) 'Spray adjuvant' means any wetting agent, spreading agent, deposit builder, adhesive, emulsifying agent, deflocculating agent, water modifier, or similar agent with or without toxic properties of its own, intended to be used with any other pesticide as an aid to the application or to the effect of the pesticide, and which is in a package or container separate from that of the pesticide with which it is to be used.

(38) 'Special local needs registration' means a registration issued by the director pursuant to provisions of section 24(c) of FIFRA.

(39) 'Unreasonable adverse effects on the environment' means any unreasonable risk to people or the environment taking into account the economic, social, and environmental costs and benefits of the use of any pesticide, or as otherwise determined by the director.

(40) 'Weed' means any plant which grows where not wanted.

Sec. 2. Section 4, chapter 190, Laws of 1971 ex. sess. and RCW 15.58.040 are each amended to read as follows:

(1) The director shall administer and enforce the provisions of this chapter and ~~((regulations))~~ rules adopted ~~((hereunder))~~ under this chapter. All the authority and requirements provided for in chapter ~~((34-04))~~ 34.05 RCW (Administrative Procedure Act) and chapter ~~((42-32))~~ 42.30 RCW shall apply to this chapter in the adoption of ~~((regulations))~~ rules including those requiring due notice and a hearing for the adoption of permanent ~~((regulations))~~ rules.

(2) The director is authorized to adopt appropriate ~~((regulations))~~ rules for carrying out the purpose and provisions of this chapter, including but not limited to ~~((regulations))~~ rules providing for:

(a) Declaring as a pest any form of plant or animal life or virus which is injurious to plants, ~~((men))~~ people, animals (domestic or otherwise), land, articles, or substances;

(b) Determining that certain pesticides are highly toxic to ~~((man. The director shall, in making this determination, be guided by the federal definition of highly toxic, as defined in Title 7, code of federal regulations 362.8 as issued or hereafter amended))~~ people. For the purpose of this chapter, highly toxic pesticide means any pesticide that conforms to the criteria in 40 C.F.R. Sec. 162.10 for toxicity category I due to oral inhalation or dermal toxicity. The director shall publish a list of all pesticides, determined to be highly toxic, by their common or generic name and their trade or brand name if practical. Such list shall be kept current and shall, upon request, be made available to any interested party;

(c) Determining standards for denaturing pesticides by color, taste, odor, or form;

(d) The collection and examination of samples of pesticides or devices;

(e) The safe handling, transportation, storage, display, distribution, and disposal of pesticides and their containers;

(f) Restricting or prohibiting the use of certain types of containers or packages for specific pesticides. These restrictions may apply to type of construction, strength, and/or size to alleviate

danger of spillage, breakage, misuse, or any other hazard to the public. The director shall be guided by federal regulations concerning pesticide containers:

(g) Procedures in making of pesticide recommendations;

(h) Adopting a list of restricted use pesticides for the state or for designated areas within the state if the director determines that such pesticides may require ~~((regulations))~~ rules restricting or prohibiting their distribution or use. The director may include in the ~~((regulation))~~ rule the time and conditions of distribution or use of such restricted use pesticides and may, if ~~((he deems))~~ it is found necessary to carry out the purpose and provisions of this chapter, require that any or all restricted use pesticides shall be purchased, possessed, or used only under permit of the director and under ~~((his))~~ the director's direct supervision in certain areas and/or under certain conditions or in certain quantities or concentrations ~~((- PROVIDED, That))~~. The director may require all persons issued such permits to maintain records as to the use of all the restricted use pesticides:

(i) Label requirements of all pesticides required to be registered under provisions of this chapter; and

(j) Regulating the labeling of devices.

(3) For the purpose of uniformity and to avoid confusion endangering the public health and welfare the director may adopt ~~((regulations))~~ rules in conformity with the primary pesticide standards, particularly as to labeling, established by the United States ~~((department of agriculture))~~ environmental protection agency or any other federal agency.

Sec. 3. Section 5, chapter 190, Laws of 1971 ex. sess. and RCW 15.58.050 are each amended to read as follows:

Every pesticide which is distributed within this state or delivered for transportation or transported in intrastate commerce or between points within this state through any point outside this state shall be registered with the director subject to the provisions of this chapter. Such registration shall be renewed annually prior to January 1: PROVIDED, That registration is not required if a pesticide is shipped from one plant or warehouse to another plant or warehouse operated by the same person and used solely at such plant or warehouse as a constituent part to make a pesticide which is registered under the provisions of this chapter ~~((- If the pesticide is not sold and if the container thereof is plainly and conspicuously marked "For Experimental Use Only - Not To Be Sold" together with the manufacturer's name and address))~~; or if a written permit has been obtained from the director to ~~((sell))~~ distribute or use the specific pesticide for experimental purposes subject to restrictions and conditions set forth in the permit.

Sec. 4. Section 6, chapter 190, Laws of 1971 ex. sess. and RCW 15.58.060 are each amended to read as follows:

(1) The applicant for registration shall file a statement with the department which shall include:

(a) The name and address of the applicant and the name and address of the person whose name will appear on the label, if other than the applicant's;

(b) The name of the pesticide;

(c) The complete formula of the pesticide, including the active and inert ingredients: PROVIDED, That confidential business information of a proprietary nature is not made available to any other person and is exempt from disclosure as a public record, as provided by RCW 42.17.260;

(d) Other necessary information required for completion of the department's application for registration form; and

~~((d))~~ (e) A complete copy of the labeling accompanying the pesticide and a statement of all claims to be made for it, including the directions and precautions for use.

(2) ~~((The director, when he deems it necessary in the administration of this chapter, may require the submission of the complete formula of any pesticide including the active and inert ingredients:~~

~~((3))~~ The director may require a full description of the tests made and the results thereof upon which the claims are based.

~~((4))~~ (3) The director may prescribe other necessary information by ~~((regulation))~~ rule.

Sec. 5. Section 4, chapter 146, Laws of 1979 and RCW 15.58.065 are each amended to read as follows:

(1) In submitting data required by this chapter, the applicant may:

(a) Mark clearly any portions ~~((thereof))~~ which in ~~((his))~~ the applicant's opinion are trade secrets or commercial or financial information; and

(b) Submit such marked material separately from other material required to be submitted under this chapter.

(2) Notwithstanding any other provision of this chapter or other law; the director shall not make public information which in ~~((his))~~ the director's judgment should be privileged or confidential because it contains or relates to trade secrets or commercial or financial information except that, when necessary to carry out the provisions of this chapter, information relating to unpublished formulas of products acquired by authorization of this chapter may be revealed to any state or federal agency consulted and may be revealed at a public hearing or in findings of fact issued by the director when necessary under this chapter.

(3) If the director proposes to release for inspection information which the applicant or registrant believes to be protected from disclosure under subsection (2) of this section, ~~((he))~~ the director shall notify the applicant or registrant in writing, by certified mail. The director shall not thereafter make available for inspection such data until thirty days after receipt of the notice by the applicant or registrant. During this period, the applicant or registrant may institute an action in the superior court of Thurston county for a declaratory judgment as to whether such information is subject to protection under subsection (2) of this section.

Sec. 6. Section 7, chapter 190, Laws of 1971 ex. sess. as amended by section 2, chapter 95, Laws of 1983 and RCW 15.58.070 are each amended to read as follows:

(1) Any person desiring to register a pesticide with the department shall pay to the director an annual registration fee ~~((of twenty dollars))~~ for each pesticide registered by the department for such person. The registration fee for the registration of pesticides for any one person during a calendar year shall be: One hundred five dollars for each of the first twenty-five pesticides registered; one hundred dollars for each of the twenty-sixth through one-hundredth pesticides registered; seventy-five dollars for each of the one hundred first through one hundred fiftieth pesticides registered; and fifty dollars for each additional pesticide registered. In addition, the department may establish by rule a registration fee not to exceed ten dollars for each registered product labeled and intended for home and garden use only. The revenue generated by the home and garden use only fees shall be deposited in the agriculture—local fund, to be used to assist in funding activities of the pesticide incident reporting and tracking review panel. All pesticide registrations expire on December 31st of each year.

(2) Any registration approved by the director and in effect on the 31st day of December for which a renewal application has been made and the proper fee paid, continues in full force and effect until the director notifies the applicant that the registration has been renewed, or otherwise denied in accord with the provision of RCW 15.58.110.

Sec. 7. Section 8, chapter 190, Laws of 1971 ex. sess. as amended by section 3, chapter 95, Laws of 1983 and RCW 15.58.080 are each amended to read as follows:

If the renewal of a pesticide registration is not filed before January 1st of each year, an additional fee of ~~((ten))~~ twenty-five dollars shall be assessed and added to the original fee. The additional fee shall be paid by the applicant before the registration renewal for that pesticide shall be issued unless the applicant furnishes an affidavit certifying that ~~((he))~~ the applicant did not distribute the unregistered pesticide during the period of nonregistration. The payment of the additional fee is not a bar to any prosecution for doing business without proper registry.

Sec. 8. Section 11, chapter 190, Laws of 1971 ex. sess. and RCW 15.58.110 are each amended to read as follows:

(1) If it does not appear to the director that the pesticide is such as to warrant the proposed claims for it or if the pesticide and its labeling and other material required to be submitted do not comply with the provisions of this chapter or ~~((regulations))~~ rules adopted ~~((thereunder he shall notify))~~ under this chapter, the registrant shall be notified of the manner in which the pesticide, labeling, or other material required to be submitted fails to comply with the provisions of this chapter so as to afford the applicant an opportunity to make the necessary corrections. If, upon receipt of such notice, the applicant does not make the corrections the director shall refuse to register the pesticide. The applicant may request a hearing as provided for in chapter ~~((34.04))~~ 34.05 RCW.

(2) The director may, when ~~((he))~~ the director determines that a pesticide or its labeling does not comply with the provisions of this chapter or the ~~((regulations))~~ rules adopted ~~((thereunder))~~ under this chapter, cancel the registration of a pesticide after a hearing in accordance with the provisions of chapter ~~((34.04))~~ 34.05 RCW.

Sec. 9. Section 12, chapter 190, Laws of 1971 ex. sess. and RCW 15.58.120 are each amended to read as follows:

The director may, when ~~((he))~~ the director determines that there is or may be an imminent hazard to the public health and welfare, suspend on ~~((his))~~ the director's own motion, the registration of a pesticide in conformance with the provisions of chapter ~~((34.04))~~ 34.05 RCW.

Sec. 10. Section 13, chapter 190, Laws of 1971 ex. sess. and RCW 15.58.130 are each amended to read as follows:

The term 'misbranded' shall apply:

(1) To any pesticide or device if its labeling bears any statement, design, or graphic representation relative thereto or to its ingredients which is false or misleading in any particular;

(2) To any pesticide:

(a) If it is an imitation of or is offered for sale under the name of another pesticide;

(b) If its labeling bears any reference to registration under the provision of this chapter unless such reference be required by ~~((regulations))~~ rules under this chapter;

(c) If any word, statement, or other information, required by this chapter or ~~((regulations))~~ rules adopted ~~((thereunder))~~ under this chapter to appear on the label or labeling, is not prominently placed thereon with such conspicuousness (as compared with other words, statements, designs, or graphic matter in the labeling), and in such terms as to render it likely to be read and understood by the ordinary individual under customary conditions of purchase and use;

(d) If the label does not bear:

(i) The name and address of the manufacturer, registrant or person for whom manufactured;

(ii) Name, brand or trademark under which the pesticide is sold;

(iii) An ingredient statement on that part of the immediate container and on the outside container or wrapper, if there be one, through which the ingredient statement on the immediate container cannot be clearly read, of the retail package which is presented or displayed under customary conditions of purchase: PROVIDED, That the director may permit the ingredient statement to appear prominently on some other part of the container, if the size or form of the container makes it impracticable to place it on the part of the retail package which is presented or displayed under customary conditions of purchase;

(iv) Directions for use and a warning or caution statement which are necessary and which if complied with would be adequate to protect the public and to prevent injury to the public, including living ~~((man))~~ people, useful vertebrate animals, useful vegetation, useful invertebrate animals, wildlife, and land; and

(v) The weight or measure of the content, subject to the provisions of chapter 19.94 RCW (state weights and measures act) as enacted or hereafter amended.

(e) If that pesticide contains any substance or substances in quantities highly toxic to ~~((man))~~ people, determined as provided by RCW 15.58.040, unless the label bears, in addition to any other matter required by this chapter:

(i) The skull and crossbones;

(ii) The word 'POISON' in red prominently displayed on a background of distinctly contrasting color; and

(iii) A statement of an antidote for the pesticide.

(f) If the pesticide container does not bear a label or if the label does not contain all the information required by this chapter or the ~~((regulations))~~ rules adopted under this chapter.

(3) To a spray adjuvant when the label fails to state the type or function of the principal functioning agents.

Sec. 11. Section 15, chapter 190, Laws of 1971 ex. sess. as last amended by section 25, chapter 45, Laws of 1987 and RCW 15.58.150 are each amended to read as follows:

(1) It is unlawful for any person to distribute within the state or deliver for transportation or transport in intrastate commerce or between points within this state through any point outside this state any of the following:

(a) Any pesticide which has not been registered pursuant to the provisions of this chapter;

(b) Any pesticide if any of the claims made for it or any of the directions for its use or other labeling differs from the representations made in connection with its registration, or if the composition of a pesticide differs from its composition as represented in connection with its registration: PROVIDED, That at the discretion of the director, a change in the labeling or formula of a pesticide may be made within a registration period without requiring reregistration of the product;

(c) Any pesticide unless it is in the registrant's or the manufacturer's unbroken immediate container and there is affixed to such container, and to the outside container or wrapper of the retail package, if there is one through which the required information on the immediate container cannot be clearly read, a label bearing the information required in this chapter and the ~~((regulations))~~ rules adopted under this chapter;

(d) Any pesticide including arsenicals, fluorides, fluosilicates, and/or any other white powdered pesticides unless they have been distinctly denatured as to color, taste, odor, or form if so required by ~~((regulation))~~ rule;

(e) Any pesticide which is adulterated or misbranded, or any device which is misbranded;

(f) Any pesticide in containers, violating ~~((regulations))~~ rules adopted pursuant to RCW 15.58.040(2)(f) or pesticides found in containers which are unsafe due to damage.

(2) It shall be unlawful:

(a) To sell or deliver any ~~((restricted use))~~ pesticide to any person who is required by law or ~~((regulations))~~ rules promulgated under such law to be certified, licensed, or have a permit to use or purchase ~~((such restricted use pesticides))~~ the pesticide unless such person or ~~((his))~~ the person's agent, to whom sale or delivery is made, has a valid certification, license, or permit to use or purchase the kind and quantity of such ~~((restricted use))~~ pesticide sold or delivered: PROVIDED, That, subject to conditions established by the director, such permit may be obtained immediately prior to sale or delivery from any person designated by the director;

(b) For any person to detach, alter, deface or destroy, wholly or in part, any label or labeling provided for in this chapter or ~~((regulations))~~ rules adopted under this chapter, or to add any substance to, or take any substance from, a pesticide in a manner that may defeat the purpose of this chapter or the ~~((regulations))~~ rules adopted thereunder;

(c) For any person to use or cause to be used any pesticide contrary to label directions or to regulations of the director if those regulations differ from or further restrict the label directions: PROVIDED, The compliance to the term 'contrary to label directions' is enforced by the director consistent with the intent of this chapter;

(d) For any person to use for his or her own advantage or to reveal, other than to the director or proper officials or employees of the state, or to the courts of the state in response to a subpoena, or to physicians, or in emergencies to pharmacists and other qualified persons for use in the preparation of antidotes, any information relative to formulas of products acquired by authority of RCW 15.58.060:

(e) For any person to make false, misleading, or erroneous statements or reports concerning any pest during or after a structural pest inspection or in connection with any pesticide complaint or investigation.

Sec. 12. Section 16, chapter 190, Laws of 1971 ex. sess. and RCW 15.58.160 are each amended to read as follows:

When the director has reasonable cause to believe a pesticide or device is being distributed, stored, or transported in violation of any of the provisions of this chapter, or of any of the prescribed ((regulations)) rules under this chapter, ((he)) the director may issue and serve a written 'stop sale, use or removal' order upon the owner or custodian of any such pesticide or device. If the owner or custodian is not available for service of the order ((upon him)), the director may attach the order to the pesticide or device. The pesticide or device shall not be sold, used or removed until the provisions of this chapter have been complied with and the pesticide or device has been released in writing under conditions specified by the director, or the violation has been otherwise disposed of as provided in this chapter by a court of competent jurisdiction.

Sec. 13. Section 17, chapter 190, Laws of 1971 ex. sess. and RCW 15.58.170 are each amended to read as follows:

(1) After service of a 'stop sale, use or removal' order is made upon any person, either that person or the director may file an action in a court of competent jurisdiction in the county in which a violation of this chapter or ((regulations)) rules adopted ((thereunder)) under this chapter is alleged to have occurred for an adjudication of the alleged violation. The court in such action may issue temporary or permanent injunctions mandatory or restraining, and such intermediate orders as it deems necessary or advisable. The court may order condemnation of any pesticide or device which does not meet the requirements of this chapter or ((regulations)) rules adopted ((thereunder)) under this chapter; PROVIDED, That no authority is granted hereunder to affect the sale or use of products on which legally approved pesticides have been legally used.

(2) If the pesticide or device is condemned, it shall, after entry of decree, be disposed of by destruction or sale as the court directs, and the proceeds, if such pesticide or device is sold, less cost including legal costs, shall be paid to the state treasury as provided in RCW 15.58.410: PROVIDED, That the pesticide or device shall not be sold contrary to the provisions of this chapter or ((regulations)) rules adopted ((thereunder)) under this chapter. Upon payment of costs and execution and delivery of a good and sufficient bond conditioned that the pesticide or device shall not be disposed of unlawfully, the court may direct that the pesticide or device be delivered to the owner thereof for relabeling or reprocessing as the case may be.

(3) When a decree of condemnation is entered against the pesticide, court costs, fees, and storage and other proper expenses shall be awarded against the person, if any, appearing as claimant of the pesticide.

Sec. 14. Section 18, chapter 190, Laws of 1971 ex. sess. as last amended by section 4, chapter 95, Laws of 1983 and RCW 15.58.180 are each amended to read as follows:

(1) Except as provided in subsections (4) and (5) of this section, it is unlawful for any person to act in the capacity of a pesticide dealer or advertise as or assume to act as a pesticide dealer without first having obtained an annual license from the director. The license shall expire on the master license expiration date. A license is required for each location or outlet located within this state from which pesticides are distributed. A manufacturer, registrant, or distributor who has no pesticide dealer outlet licensed within this state and who distributes such pesticides directly into this state shall obtain a pesticide dealer license for his or her principal out-of-state location or outlet, but such licensed out-of-state pesticide dealer is exempt from the pesticide dealer manager requirements.

(2) Application for a license shall be accompanied by a ((twenty)) thirty-dollar annual license fee and shall be made through the master license system and shall include the full name of the person applying for the license and the name of the individual within the state designated as the pesticide dealer manager. If the applicant is a partnership, association, corporation, or organized group of persons, the full name of each member of the firm or partnership or the names of the officers of the association or corporation shall be given on the application. The application shall further state the principal business address of the applicant in the state and elsewhere, the name of a person domiciled in this state authorized to receive and accept service of summons of legal notices of all kinds for the applicant, and any other necessary information prescribed by the director.

(3) It is unlawful for any licensed dealer outlet to operate without a pesticide dealer manager who has a license of qualification. The department shall be notified forthwith of any change in the pesticide dealer manager designee during the licensing period.

(4) This section does not apply to (a) a licensed pesticide applicator who sells pesticides only as an integral part of ~~((his))~~ the applicator's pesticide application service when such pesticides are dispensed only through apparatuses used for such pesticide application, or (b) any federal, state, county, or municipal agency that provides pesticides only for its own programs.

(5) A user of a pesticide may distribute a properly labelled pesticide to another user who is legally entitled to use that pesticide without obtaining a pesticide dealer's license if the exclusive purpose of distributing the pesticide is keeping it from becoming a hazardous waste as defined in chapter 70.105 RCW.

Sec. 15. Section 20, chapter 190, Laws of 1971 ex. sess. as amended by section 19, chapter 297, Laws of 1981 and RCW 15.58.200 are each amended to read as follows:

The director shall require each pesticide dealer manager to demonstrate to the director ~~((his))~~ knowledge of pesticide laws and ~~((regulations))~~ rules; pesticide hazards; and the safe distribution, use and application, and disposal of pesticides by satisfactorily passing a written examination after which the director shall issue a license of qualification. Application for a license shall be accompanied by a license fee of ~~((ten))~~ fifty dollars. ~~((The director shall charge a five dollar examination fee for each examination administered on other than a regularly scheduled examination date.))~~ The pesticide dealer manager license shall ~~((be valid until revoked or until the director determines relicensing is necessary))~~ expire on the fifth December 31st after the date of issuance.

Sec. 16. Section 21, chapter 190, Laws of 1971 ex. sess. as amended by section 5, chapter 95, Laws of 1983 and RCW 15.58.210 are each amended to read as follows:

No individual may perform services as a pest control consultant without obtaining from the director an annual license, which license shall expire on the final day of February of each year. Application for a license shall be on a form prescribed by the director and shall be accompanied by a fee of ~~((twenty))~~ thirty dollars. Licensed commercial pesticide applicators and operators; licensed private-commercial applicators; licensed demonstration and research applicators; employees of federal, state, county, or municipal agencies when acting in their official capacities; and pesticide dealer managers and employees working under the direct supervision of the pesticide dealer manager and only at a licensed pesticide dealer's outlet, are exempt from this licensing provision.

Sec. 17. Section 22, chapter 190, Laws of 1971 ex. sess. as last amended by section 4, chapter 203, Laws of 1986 and RCW 15.58.220 are each amended to read as follows:

For the purpose of this section public pest control consultant means any individual who is employed by a governmental agency or unit to act as a pest control consultant as defined in RCW ~~((15.58.030(23)))~~ 15.58.030(28). No person shall act as a public pest control consultant on or after February 28, 1973 without first obtaining ~~((a nonfee))~~ an annual license from the director. ~~((Public pest control consultant licenses shall expire on the fifth December 31st from the date of issuance. PROVIDED, That all public pest control consultant licenses valid on December 31, 1985, shall expire on December 31, 1990.))~~ Application for a license shall be on a form prescribed by the director ~~((PROVIDED, That))~~ and shall be accompanied by an annual license fee of fifteen dollars. Federal and state employees whose principal responsibilities are in pesticide research, the jurisdictional health officer or ~~((his))~~ a duly authorized representative, public pest control consultants licensed and working in the health vector field, and public operators licensed under RCW 17.21.220 shall be exempt from this licensing provision.

Sec. 18. Section 23, chapter 190, Laws of 1971 ex. sess. and RCW 15.58.230 are each amended to read as follows:

The director shall require each applicant for a pest control consultant's license or a public pest control consultant's license to demonstrate to the director the applicant's knowledge of pesticide laws and regulations; pesticide hazards; and the safe distribution, use and application, and disposal of pesticides by satisfactorily passing a written examination for the classifications for which ~~((he))~~ the applicant has applied prior to issuing ~~((his))~~ the license. ~~((An examination fee of five dollars shall be charged when an examination is requested at other than a regularly scheduled examination date.))~~

NEW SECTION. Sec. 19. A new section is added to chapter 15.58 RCW to read as follows:

(1) If an application for renewal of a pesticide dealer license is not filed on or before the master license expiration date, the master license delinquency fee shall be assessed under chapter 19.02 RCW and shall be paid by the applicant before the renewal license is issued.

(2) If application for renewal of any license provided for in this chapter other than the pesticide dealer license is not filed on or before the expiration date of the license, a penalty equivalent to the license fee shall be assessed and added to the original fee, and shall be paid by the applicant before the renewal license is issued: PROVIDED, That such penalty shall not apply if the applicant furnishes an affidavit certifying that he or she has not acted as a licensee subsequent to the expiration of the license.

(3) Any license for which a renewal application has been made, all other requirements have been met, and the proper fee paid, continues in full force and effect until the director notifies the applicant that the license has been renewed or the application has been denied.

Sec. 20. Section 24, chapter 190, Laws of 1971 ex. sess. as amended by section 5, chapter 203, Laws of 1986 and RCW 15.58.240 are each amended to read as follows:

The director may classify licenses to be issued under the provisions of this chapter. Such classifications may include but not be limited to agricultural crops, ornamentals, or noncrop land herbicides. If the licensee has a classified license ~~((he))~~ the licensee shall be limited to practicing within these classifications. Each such classification shall be subject to separate testing procedures and requirements: PROVIDED, That no person shall be required to pay an additional license fee if ~~((such))~~ the person desires to be licensed in one or all of the license classifications provided for by the director under the authority of this section. The director may charge an examination fee established by the director by rule when an examination is necessary, before a license may be issued or when application for a license and examination is made at other than a regularly scheduled examination date. The director may renew any applicant's license under the classification for which the applicant is licensed, subject to reexamination or other recertification standards as determined by the director when deemed necessary because new knowledge or new classifications are required to carry out the responsibilities of the licensee.

NEW SECTION. Sec. 21. A new section is added to chapter 15.58 RCW to read as follows:

Unless revoked for cause by the director, any registration, license, or permit in effect on the effective date of this section shall continue in full force until its expiration date. Public pest control consultant and pesticide dealer manager licenses valid on December 31, 1985, shall expire on December 31, 1990, and public pest control and pesticide dealer manager licenses issued subsequent to December 31, 1985, and valid on December 31, 1986, shall expire on December 31, 1991.

Sec. 22. Section 25, chapter 190, Laws of 1971 ex. sess. and RCW 15.58.250 are each amended to read as follows:

Any person issued a license or permit under the provisions of this chapter may be required by the director to keep accurate records on a form prescribed by ~~((him))~~ the director which may contain the following information:

- (1) The delivery, movement or holding of any pesticide or device, including the quantity;
- (2) The date of shipment and receipt;
- (3) The name of consignor and consignee; and
- (4) Any other information, necessary for the enforcement of this chapter, as prescribed by the director.

The director shall have access to such records at any reasonable time to copy or make copies of such records for the purpose of carrying out the provisions of this chapter.

Sec. 23. Section 26, chapter 190, Laws of 1971 ex. sess. as amended by section 2, chapter 158, Laws of 1985 and RCW 15.58.260 are each amended to read as follows:

The director is authorized to impose a civil penalty and/or deny, suspend, or revoke any license, registration or permit provided for in this chapter subject to a hearing and in conformance with the provisions of chapter ~~((34.04))~~ 34.05 RCW (Administrative Procedure Act) in any case in which the director finds there has been a failure or refusal to comply with the provisions of this chapter or rules adopted ~~((hereunder))~~ under this chapter.

Sec. 24. Section 28, chapter 190, Laws of 1971 ex. sess. and RCW 15.58.280 are each amended to read as follows:

The sampling and examination of pesticides or devices shall be made under the direction of the director for the purpose of determining whether or not they comply with the requirements of this chapter. The director is authorized, upon presentation of proper identification, to enter any distributor's premises, including any vehicle of transport, at all reasonable times in order to have access to pesticides or devices. If it appears from such examination that a pesticide or device fails to comply with the provisions of this chapter or ~~((regulations))~~ rules adopted ~~((thereunder))~~ under this chapter, and the director contemplates instituting criminal proceedings against any person, the director shall cause notice to be given to such person. Any person so notified shall be given an opportunity to present his views, either orally or in writing, with regard to the contemplated proceedings. If thereafter in the opinion of the director it appears that the provisions of this chapter or ~~((regulations))~~ rules adopted ~~((thereunder))~~ under this chapter have been violated by such person, the director shall refer a copy of the results of the analysis or the examination of such pesticide or device to the prosecuting attorney for the county in which the violation occurred.

Sec. 25. Section 29, chapter 190, Laws of 1971 ex. sess. and RCW 15.58.290 are each amended to read as follows:

Nothing in this chapter shall be construed as requiring the director to report for prosecution or for the institution of condemnation proceedings minor violations of this chapter when ~~((he))~~ the director believes that the public interest will be best served by a suitable notice of warning in writing.

Sec. 26. Section 33, chapter 190, Laws of 1971 ex. sess. and RCW 15.58.330 are each amended to read as follows:

Any person violating any provisions of this chapter or ~~((regulations))~~ rules adopted ~~((thereunder))~~ under this chapter is guilty of a misdemeanor.

Sec. 27. Section 1, chapter 158, Laws of 1985 and RCW 15.58.335 are each amended to read as follows:

Every person who fails to comply with this chapter or the rules adopted under it may be subjected to a civil penalty, as determined by the director, in an amount of not more than ~~((one)) seven thousand five hundred~~ dollars for every such violation. Each and every such violation shall be a separate and distinct offense. Every person who, through an act of commission or omission, procures, aids, or abets in the violation shall be considered to have violated this section and may be subject to the civil penalty herein provided.

Sec. 28. Section 34, chapter 190, Laws of 1971 ex. sess. and RCW 15.58.340 are each amended to read as follows:

The director may bring an action to enjoin the violation or threatened violation of any provision of this chapter or any ~~((regulation)) rule~~ made pursuant to this chapter in a court of competent jurisdiction of the county in which such violation occurs or is about to occur.

NEW SECTION. Sec. 29. A new section is added to chapter 15.58 RCW to read as follows:

Nothing in this chapter shall preclude any person aggrieved by a violation of this chapter from bringing suit in a court of competent jurisdiction for damages arising from the violation.

NEW SECTION. Sec. 30. A new section is added to chapter 15.58 RCW to read as follows:

By December 1, 1989, and each subsequent December 1, the department shall report to the appropriate committees of the house of representatives and the senate on the activities of the department under this chapter. The report shall include, at a minimum, a review of the department's enforcement activities, with the number of cases investigated and the number and amount of civil penalties assessed.

Sec. 31. Section 43, chapter 190, Laws of 1971 ex. sess. and RCW 15.58.910 are each amended to read as follows:

The repeal of RCW 15.57.010 through 15.57.930 and the enactment of this chapter shall not be deemed to have repealed any ~~((regulations)) rules~~ adopted under the provisions of RCW 15.57.010 through 15.57.930 in effect immediately prior to such repeal and not inconsistent with the provisions of this chapter. All such ~~((regulations)) rules~~ shall be considered to have been adopted under the provisions of this chapter.

NEW SECTION. Sec. 32. A new section is added to chapter 15.58 RCW to read as follows:

Each registration and licensing fee under this chapter is increased by a surcharge of five dollars to be deposited in the agriculture—local fund, provided that an additional one-time surcharge of five dollars shall be collected on January 1, 1990. The revenue raised by the imposition of this surcharge shall be used to assist in funding the pesticide incident reporting and tracking review panel, department of social and health services' pesticide investigations, and the department of agriculture's pesticide investigations.

Sec. 33. Section 2, chapter 249, Laws of 1961 as last amended by section 1, chapter 92, Laws of 1979 and RCW 17.21.020 are each amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) ~~'Department'~~ means the department of agriculture of the state of Washington.

(2) ~~'Director'~~ means the director of the department or his duly appointed representative.

(3) ~~'Person'~~ means a natural person, individual, firm, partnership, corporation, company, society, association, or any organized group of persons whether incorporated or not, and every officer, agent or employee thereof. This term shall import either the singular or plural as the case may be.

(4) ~~'Pest'~~ means, but is not limited to, any insect, rodent, nematode, snail, slug, weed and any form of plant or animal life or virus, except virus on or in living man or other animal, which is normally considered to be a pest or which the director may declare to be a pest.

(5) ~~'Pesticide'~~ means, but is not limited to, (a) any substance or mixture of substances intended to prevent, destroy, control, repel, or mitigate any insect, rodent, nematode, snail, slug, fungus, weed and any other form of plant or animal life or virus, except virus on or in living man or other animal, which is normally considered to be a pest or which the director may declare to be a pest, and (b) any substance or mixture of substances intended to be used as a plant regulator, defoliant or desiccant, and (c) any spray adjuvant, such as a wetting agent, spreading agent, deposit builder, adhesive, emulsifying agent, defoliating agent, water modifier, or similar agent with or without toxic properties of its own intended to be used with any other pesticide as an aid to the application or effect thereof, and sold in a package or container separate from that of the pesticide with which it is to be used.

(6) ~~'Device'~~ means any instrument or contrivance intended to trap, destroy, control, repel, or mitigate pests or to destroy, control, repel or mitigate fungi, nematodes or such other pests; as may be designated by the director, but not including equipment used for the application of pesticides when sold separately therefrom.

(7) ~~'Fungicide'~~ means any substance or mixture of substances intended to prevent, destroy, repel or mitigate any fungi.

(8) ~~'Rodenticide'~~ means any substance or mixture of substances intended to prevent, destroy, repel or mitigate rodents or any other vertebrate animal which the director may declare to be a pest.

(9) ~~'Herbicide'~~ means any substance or mixture of substances intended to prevent, destroy, repel or mitigate any weed.

(10) 'Insecticide' means any substance or mixture of substances intended to prevent, destroy, repel, or mitigate any insects which may be present in any environment whatsoever.

(11) 'Nematocide' means any substance or mixture of substances intended to prevent, destroy, repel, or mitigate nematodes.

(12) 'Plant regulator' means any substance or mixture of substances intended through physiological action, to accelerate or retard the rate of growth or maturation, or to otherwise alter the behavior of ornamental or crop plants or the produce thereof, but shall not include substances insofar as they are intended to be used as plant nutrients, trace elements, nutritional chemicals, plant inoculants or soil amendments.

(13) 'Defoliant' means any substance or mixture of substances intended to cause the leaves or foliage to drop from a plant with or without causing abscission.

(14) 'Desiccant' means any substance or mixture of substances intended to artificially accelerate the drying of plant tissues.

(15) 'Weed' means any plant which grows where not wanted.

(16) 'Insect' means any of the numerous small invertebrate animals whose bodies are more or less obviously segmented, and which for the most part belong to the class insecta, comprising six-legged, usually winged forms, as, for example, beetles, bugs, bees, flies, and to other allied classes of arthropods whose members are wingless and usually have more than six legs; as, for example, spiders, mites, ticks, centipedes, and isopod crustaceans.

(17) 'Fungi' means all nonchlorophyll-bearing thallophytes (that is, all nonchlorophyll-bearing plants of a lower order than mosses and liverworts) as, for example, rusts, smuts, mildews, molds, yeasts and bacteria, except those on or in living man or other animals.

(18) 'Snails or slugs' include all harmful mollusks.

(19) 'Nematode' means any of the nonsegmented roundworms harmful to plants.

(20) 'Apparatus' means any type of ground, water or aerial equipment, device, or contrivance using motorized, mechanical or pressurized power and used to apply any pesticide on land and anything that may be growing, habitating or stored on or in such land, but shall not include any pressurized hand-sized household device used to apply any pesticide or any equipment, device or contrivance of which the person who is applying the pesticide is the source of power or energy in making such pesticide application, or any other small equipment, device, or contrivance that is transported in a piece of equipment licensed under this chapter as an apparatus.

(21) 'Restricted use pesticide' means any pesticide use which, when used as directed or in accordance with a widespread and commonly recognized practice, the director determines, subsequent to a hearing, requires additional restrictions for that use to prevent unreasonable adverse effects on the environment including man, lands, beneficial insects, animals, crops, and wildlife, other than pests.

(22) 'Engage in business' means any application of pesticides by any person upon lands or crops of another.

(23) 'Agricultural crop' means a food intended for human consumption, or a food for livestock the products of which are intended for human consumption, which food shall require cultural treatment of the land for its production.

(24) 'Board' means the pesticide advisory board.

(25) 'Land' means all land and water areas, including airspace, and all plants, animals, structures, buildings, devices and contrivances, appurtenant thereto or situated thereon, fixed or mobile, including any used for transportation.

(26) 'Agricultural commodity' means any plant, or part thereof, or animal, or animal product, produced by a person (including farmers, ranchers, vineyardists, plant propagators, Christmas tree growers, aquaculturists, floriculturists, orchardists, foresters, or other comparable persons) primarily for sale, consumption, propagation, or other use by man or animals.

(27) 'Certified applicator' means any individual who is licensed as a pesticide applicator, pesticide operator, public operator, private commercial applicator, or certified private applicator, or any other individual who is certified by the director to use or supervise the use of any pesticide which is classified by the EPA as a restricted use pesticide or by the state as restricted to use by certified applicators, only.

(28) 'Direct supervision' by certified private applicators shall mean that the designated restricted use pesticide shall be applied for purposes of producing any agricultural commodity on land owned or rented by him or his employer, by a competent person acting under the instructions and control of a certified private applicator who is available if and when needed, even though such certified private applicator is not physically present at the time and place the pesticide is applied. The certified private applicator shall have direct management responsibility and familiarity of the pesticide, manner of application, pest, and land to which the pesticide is being applied. Direct supervision by all other certified applicators means direct on-the-job supervision.

(29) 'EPA' means the United States environmental protection agency.

(30) 'EPA restricted use pesticide' means any pesticide with restricted uses as classified for restricted use by the administrator, EPA.

(31) 'FIFRA' means the federal insecticide, fungicide and rodenticide act, as amended (61 Stat. 163, 7 U.S.C. Sec. 135).

(32) 'Private applicator' means a certified applicator who uses or is in direct supervision of the use of (a) any EPA restricted use pesticide, or (b) any restricted use pesticide restricted to use only by certified applicators by the director, for the purposes of producing any agricultural commodity and for any associated noncrop application on land owned or rented by him or his employer or if applied without compensation other than trading of personal services between producers of agricultural commodities on the land of another person.

(33) 'Private-commercial applicator' means a certified applicator who uses or supervises the use of (a) any EPA restricted use pesticide or (b) any restricted use pesticide restricted to use only by certified applicators for purposes other than the production of any agricultural commodity on lands owned or rented by him or his employer.

(34) 'Unreasonable adverse effects on the environment' means any unreasonable risk to man or the environment taking into account the economic, social and environmental costs and benefits of the use of any pesticide, or as otherwise determined by the director)) 'Agricultural commodity' means any plant or part of a plant, or animal, or animal product, produced by a person (including farmers, ranchers, vineyardists, plant propagators, Christmas tree growers, aquaculturists, floriculturists, orchardists, foresters, or other comparable persons) primarily for sale, consumption, propagation, or other use by people or animals.

(2) 'Apparatus' means any type of ground, water, or aerial equipment, device, or contrivance using motorized, mechanical, or pressurized power and used to apply any pesticide on land and anything that may be growing, habitating, or stored on or in such land, but shall not include any pressurized hand-sized household device used to apply any pesticide, or any equipment, device, or contrivance of which the person who is applying the pesticide is the source of power or energy in making such pesticide application, or any other small equipment, device, or contrivance that is transported in a piece of equipment licensed under this chapter as an apparatus.

(3) 'Arthropod' means any invertebrate animal that belongs to the phylum arthropoda, which in addition to insects, includes allied classes whose members are wingless and usually have more than six legs; for example, spiders, mites, ticks, centipedes, and isopod crustaceans.

(4) 'Certified applicator' means any individual who is licensed as a commercial pesticide applicator, commercial pesticide operator, public operator, private-commercial applicator, demonstration and research applicator, or certified private applicator, or any other individual who is certified by the director to use or supervise the use of any pesticide which is classified by the EPA as a restricted use pesticide or by the state as restricted to use by certified applicators only.

(5) 'Commercial pesticide applicator' means any person who engages in the business of applying pesticides to the land of another.

(6) 'Commercial pesticide operator' means any employee of a commercial pesticide applicator who uses or supervises the use of any pesticide and who is required to be licensed under provisions of this chapter.

(7) 'Defoliant' means any substance or mixture of substances intended to cause the leaves or foliage to drop from a plant with or without causing abscission.

(8) 'Department' means the Washington state department of agriculture.

(9) 'Desiccant' means any substance or mixture of substances intended to artificially accelerate the drying of plant tissues.

(10) 'Device' means any instrument or contrivance intended to trap, destroy, control, repel, or mitigate pests, or to destroy, control, repel, or mitigate fungi, nematodes, or such other pests, as may be designated by the director, but not including equipment used for the application of pesticides when sold separately from the pesticides.

(11) 'Direct supervision' by certified private applicators shall mean that the designated restricted use pesticide shall be applied for purposes of producing any agricultural commodity on land owned or rented by the applicator or the applicator's employer, by a competent person acting under the instructions and control of a certified private applicator who is available if and when needed, even though such certified private applicator is not physically present at the time and place the pesticide is applied. The certified private applicator shall have direct management responsibility and familiarity of the pesticide, manner of application, pest, and land to which the pesticide is being applied. Direct supervision by all other certified applicators means direct on-the-job supervision. Direct supervision of an aerial apparatus means the pilot of the aircraft must be appropriately certified.

(12) 'Director' means the director of the department or a duly authorized representative.

(13) 'Engage in business' means any application of pesticides by any person upon lands or crops of another.

(14) 'EPA' means the United States environmental protection agency.

(15) 'EPA restricted use pesticide' means any pesticide with restricted uses as classified for restricted use by the administrator, EPA.

(16) 'FIFRA' means the federal insecticide, fungicide and rodenticide act as amended (61 Stat. 163, 7 U.S.C. Sec. 136 et seq.).

(17) 'Fungi' means all nonchlorophyll-bearing thallophytes (all nonchlorophyll-bearing plants of lower order than mosses and liverworts); for example, rusts, smuts, mildews, molds, yeasts, and bacteria, except those on or in a living person or other animals.

(18) 'Fungicide' means any substance or mixture of substances intended to prevent, destroy, repel, or mitigate any fungi.

(19) 'Herbicide' means any substance or mixture of substances intended to prevent, destroy, repel, or mitigate any weed.

(20) 'Insect' means any of the numerous small invertebrate animals whose bodies are more or less obviously segmented, and which for the most part belong to the class insecta, comprising six-legged, usually winged forms, as, for example, beetles, bugs, bees, flies, and to other allied classes of arthropods whose members are wingless and usually have more than six legs, for example, spiders, mites, ticks, centipedes, and isopod crustaceans.

(21) 'Insecticide' means any substance or mixture of substances intended to prevent, destroy, repel, or mitigate any insects which may be present in any environment whatsoever.

(22) 'Land' means all land and water areas, including airspace and all plants, animals, structures, buildings, devices, and contrivances, appurtenant to or situated on, fixed or mobile, including any used for transportation.

(23) 'Nematocide' means any substance or mixture of substances intended to prevent, destroy, repel, or mitigate nematodes.

(24) 'Nematode' means any invertebrate animal of the phylum nemathelminthes and class nematoda, that is, unsegmented round worms with elongated, fusiform, or saclike bodies covered with cuticle, and inhabiting soil, water, plants or plant parts, may also be called nemas or eelworms.

(25) 'Person' means any individual, partnership, association, corporation, or organized group of persons whether or not incorporated.

(26) 'Pest' means, but is not limited to, any insect, rodent, nematode, snail, slug, weed, and any form of plant or animal life or virus, except virus on or in a living person or other animal, which is normally considered to be a pest, or which the director may declare to be a pest.

(27) 'Pesticide' means, but is not limited to:

(a) Any substance or mixture of substances intended to prevent, destroy, control, repel, or mitigate any insect, rodent, snail, slug, fungus, weed, and any other form of plant or animal life or virus except virus on or in a living person or other animal which is normally considered to be a pest or which the director may declare to be a pest;

(b) Any substance or mixture of substances intended to be used as a plant regulator, defoliant or desiccant; and

(c) Any spray adjuvant, such as a wetting agent, spreading agent, deposit builder, adhesive, emulsifying agent, deflocculating agent, water modifier, or similar agent with or without toxic properties of its own intended to be used with any other pesticide as an aid to the application or effect thereof, and sold in a package or container separate from that of the pesticide with which it is to be used.

(28) 'Pesticide advisory board' means the pesticide advisory board as provided for in this chapter.

(29) 'Plant regulator' means any substance or mixture of substances intended through physiological action, to accelerate or retard the rate of growth or maturation, or to otherwise alter the behavior of ornamental or crop plants or their produce, but shall not include substances insofar as they are intended to be used as plant nutrients, trace elements, nutritional chemicals, plant inoculants, or soil amendments.

(30) 'Private applicator' means a certified applicator who uses or is in direct supervision of the use of (a) any EPA restricted use pesticide; or (b) any restricted use pesticide restricted to use only by certified applicators by the director, for the purposes of producing any agricultural commodity and for any associated noncrop application on land owned or rented by the applicator or the applicator's employer or if applied without compensation other than trading of personal services between producers of agricultural commodities on the land of another person.

(31) 'Private-commercial applicator' means a certified applicator who uses or supervises the use of (a) any EPA restricted use pesticide or (b) any restricted use pesticide restricted to use only by certified applicators for purposes other than the production of any agricultural commodity on lands owned or rented by the applicator or the applicator's employer.

(32) 'Restricted use pesticide' means any pesticide or device which, when used as directed or in accordance with a widespread and commonly recognized practice, the director determines, subsequent to a hearing, requires additional restrictions for that use to prevent unreasonable adverse effects on the environment including people, lands, beneficial insects, animals, crops, and wildlife, other than pests.

(33) 'Rodenticide' means any substance or mixture of substances intended to prevent, destroy, repel, or mitigate rodents, or any other vertebrate animal which the director may declare by rule to be a pest.

(34) 'Snails or slugs' include all harmful mollusks.

(35) 'Unreasonable adverse effects on the environment' means any unreasonable risk to people or the environment taking into account the economic, social, and environmental costs and benefits of the use of any pesticide, or as otherwise determined by the director.

(36) 'Weed' means any plant which grows where not wanted.

Sec. 34. Section 3, chapter 249, Laws of 1961 as last amended by section 26, chapter 45, Laws of 1987 and RCW 17.21.030 are each amended to read as follows:

The director shall administer and enforce the provisions of this chapter and rules adopted hereunder.

(1) The director shall adopt rules:

(a) Governing the application and use, or prohibiting the use, or possession for use, of any pesticide;

(b) Governing the time when, and the conditions under which restricted use pesticides shall or shall not be used in different areas, which areas may be prescribed by the director, in the state;

(c) Providing that any or all restricted use pesticides shall be purchased, possessed or used only under permit of the director and under the director's direct supervision in certain areas and/or under certain conditions or in certain quantities of concentrations; however, any person licensed to sell such pesticides may purchase and possess such pesticides without a permit;

(d) ((Providing that all permittees shall keep records as required of licensees under RCW 17.21.100)) Establishing recordkeeping requirements for licensees, permittees, and certified applicators;

(e) Fixing and collecting examination fees; ((and))

(f) Establishing testing procedures, licensing classifications, and requirements for licenses and permits as provided by this chapter; and

(g) Fixing and collecting permit fees.

(2) The director may adopt any other rules necessary to carry out the purpose and provisions of this chapter.

Sec. 35. Section 4, chapter 249, Laws of 1961 and RCW 17.21.040 are each amended to read as follows:

All rules adopted under the provisions of this chapter shall be subject to the provisions of chapter ~~((34.04))~~ 34.05 RCW as enacted or hereafter amended, concerning the adoption of rules.

Sec. 36. Section 5, chapter 249, Laws of 1961 as amended by section 4, chapter 158, Laws of 1985 and RCW 17.21.050 are each amended to read as follows:

All hearings for the imposition of a civil penalty and/or the suspension, denial or revocation of a license issued under the provisions of this chapter shall be subject to the provisions of chapter ~~((34.04))~~ 34.05 RCW ~~((as enacted or hereafter amended, concerning contested cases)).~~

Sec. 37. Section 7, chapter 249, Laws of 1961 as last amended by section 21, chapter 297, Laws of 1981 and RCW 17.21.070 are each amended to read as follows:

It shall be unlawful for any person to engage in the business of applying pesticides to the land of another without a commercial pesticide applicator~~((s))~~ license. ~~((Application for such a license shall be made on or before January 1st of each year. Such))~~ Application for the license shall be accompanied by a fee of one hundred twenty-five dollars and in addition ((thereto)) a fee of ten dollars for each apparatus, exclusive of one, used by the applicant in the application of pesticides: PROVIDED, That the provisions of this section shall not apply to any person employed only to operate any apparatus used for the application of any pesticide, and in which such person has no financial interest or other control over such apparatus other than its day to day mechanical operation for the purpose of applying any pesticide. Commercial pesticide applicator licenses shall expire on December 31st following their issuance.

Sec. 38. Section 8, chapter 249, Laws of 1961 as amended by section 4, chapter 177, Laws of 1967 and RCW 17.21.080 are each amended to read as follows:

Application for a commercial pesticide applicator~~((s))~~ license provided for in RCW 17.21.070 shall be on a form prescribed by the director and shall include the following:

(1) The full name of the person applying for such license.

(2) If the applicant is an individual, receiver, trustee, firm, partnership, association, corporation, or any other organized group of persons whether incorporated or not, the full name of each member of the firm or partnership, or the names of the officers of the association, corporation or group.

(3) The principal business address of the applicant in the state and elsewhere.

(4) The name of a person whose domicile is in the state, and who is authorized to receive and accept services of summons and legal notice of all kinds for the applicant.

(5) The model, make, horsepower, and size of any apparatus used by the applicant to apply pesticides.

(6) License classification or classifications the applicant is applying for.

(7) Any other necessary information prescribed by the director.

Sec. 39. Section 10, chapter 249, Laws of 1961 as last amended by section 28, chapter 45, Laws of 1987 and RCW 17.21.100 are each amended to read as follows:

(1) Except as provided in subsection (7) of this section, pesticide applicators licensed under the provisions of this chapter and all persons applying pesticides to more than one acre of agricultural land in a calendar year, including public entities engaged in roadside spraying of pesticides, shall keep records on a form prescribed by the director which shall include the following:

~~((1))~~ The name of the person for whom the pesticide was applied.

~~((2))~~ (a) The location of the land where the pesticide was applied.

~~((3))~~ (b) The year, month, day and time the pesticide was applied.

~~((4))~~ The trade name and/or the common name) (c) The product name used on the registered label and the United States environmental protection agency registration number, if applicable, of the pesticide which was applied.

~~((5))~~ (d) The crop or site to which the pesticide was applied.

(e) The amount of pesticide applied per acre or other appropriate measure.

(f) The concentration of pesticide that was applied.

(g) The number of acres, or other appropriate measure, to which the pesticide was applied.

(h) The licensed applicator's name, address, and telephone number and the name of the individual or individuals making the application.

(i) The direction and estimated velocity of the wind at the time the pesticide was applied: PROVIDED, That this subsection ((does)) (1) shall not apply to applications of baits in bait stations and pesticide applications within structures.

~~((6))~~ (1) Any other reasonable information required by the director.

~~((7))~~ (2) Records shall be updated on the same day that a pesticide is applied.

(3) Such records shall be kept for a period of ((three)) seven years from the date of the application of the pesticide to which such records refer, and the director shall, upon request in writing, be furnished with a copy of such records forthwith by the licensee: PROVIDED, That the director may require the submission of such records within thirty days of the application of any restricted use pesticide in prescribed areas controlling the use of such restricted use pesticide.

(4) The pesticide records shall be readily available to: The department; treating medical personnel initiating diagnostic testing or therapy for a patient with a suspected case of pesticide poisoning; the department of social and health services; the pesticide incident reporting and tracking panel; and, in the case of an industrial insurance claim filed under Title 51 RCW with the department of labor and industries, the employee or the employee's designated representative and the department of labor and industries.

(5) If a request for information is made under subsection (4) of this section from an applicator referred to in subsection (1) of this section and the applicator refuses to provide a copy of the records, the department shall be notified of the request and the applicator's refusal. Within seven working days, the department shall request that the applicator provide the department with all pertinent copies, except that in a medical emergency the request shall be made within two working days. The applicator shall provide copies of the records to the department within twenty-four hours after the department's request.

(6) The department of agriculture and the department of labor and industries shall jointly adopt, by rule, one form that satisfies the information requirements of this section and section 77 of this act. Records kept on the prescribed form under section 77 of this act may be used to comply with this section.

(7) This section shall not apply to the owner or operator of a dairy farm with respect to his or her application of pesticides to the farm.

Sec. 40. Section 11, chapter 249, Laws of 1961 as last amended by section 22, chapter 297, Laws of 1981 and RCW 17.21.110 are each amended to read as follows:

It shall be unlawful for any person to act as an employee of a commercial pesticide applicator and apply pesticides manually or as the operator directly in charge of any apparatus which is licensed or should be licensed under the provisions of this chapter for the application of any pesticide, without having obtained ~~((an operator's))~~ a commercial pesticide operator license from the director. ~~((Such an operator's))~~ The commercial pesticide operator license shall be in addition to any other license or permit required by law for the operation or use of any such apparatus. ((Any person applying for such an operator's license shall file an application on a form prescribed by the director on or before January 1st of each year. Such application shall state the classifications the applicant is applying for and whether the applicant intends to apply pesticides manually or to operate either a ground or aerial apparatus, or both, for the application of pesticides.)) Application for a license to apply pesticides manually and/or to operate ground apparatuses shall be accompanied by a license fee of ~~((twenty))~~ thirty dollars. Application for a license to operate an aerial apparatus shall be accompanied by a license fee of ~~((twenty))~~ thirty dollars. The provisions of this section shall not apply to any individual who ~~((has passed the examination provided for in RCW 17.21.090; and))~~ is a licensed commercial pesticide applicator. Commercial pesticide operator licenses shall expire on December 31st following their issuance.

Sec. 41. Section 6, chapter 92, Laws of 1979 and RCW 17.21.122 are each amended to read as follows:

It shall be unlawful for any person to act as a private-commercial applicator without having obtained a private-commercial applicator(~~'s~~) license from the director. ~~((Any person applying for such private-commercial applicator's license shall file an application on a form prescribed by the director. Such application shall state the classifications the applicant is applying for and the method in which these pesticides are to be applied.))~~ Application for a private-commercial applicator license ~~((to apply pesticides))~~ shall be accompanied by a license fee of ~~((twenty))~~ fifty dollars before a license may be issued. ~~((The))~~ Private-commercial applicator licenses issued by the director shall ~~((be valid until revoked or until the director determines that recertification is necessary))~~ expire on the fifth December 31st after the date of issuance.

Sec. 42. Section 8, chapter 92, Laws of 1979 and RCW 17.21.126 are each amended to read as follows:

It shall be unlawful for any person to act as a private applicator without first complying with the certification requirements determined by the director as necessary to prevent unreasonable adverse effects on the environment, including injury to the applicator or other persons, for that specific pesticide use. Certification standards to determine the individual's competency with respect to the use and handling of the pesticide or class of pesticides the private applicator is to be certified to use shall be relative to hazards according to RCW 17.21.030 as now or hereafter amended. In determining these standards the director shall take into consideration standards of the EPA and is authorized to adopt by ~~((regulation))~~ rule these standards. ~~((A))~~ Application for private applicator certification shall be accompanied by a license fee of fifteen dollars before a certification may be issued. Private applicator certification issued by the director shall ~~((be valid until revoked or the director determines that a recertification is necessary))~~ expire on December 31st following issuance; PROVIDED, That private applicator certifications valid on July 1, 1989, shall expire on December 31, 1989. If the director does not qualify ~~((the))~~ a private applicator under this section, ~~((he))~~ the director shall inform the applicant in writing.

Sec. 43. Section 26, chapter 297, Laws of 1981 as amended by section 30, chapter 45, Laws of 1987 and RCW 17.21.129 are each amended to read as follows:

Except as provided in RCW 17.21.203(1), it is unlawful for a person to use or supervise the use of any pesticide which is restricted to use by certified applicators, on small experimental plots for research purposes when no charge is made for the pesticide and its application, without a demonstration and research applicator's license.

~~((Demonstration and research applicators shall be subject to the record-keeping requirements of RCW 17.21.100. The director shall not issue a demonstration and research license until the applicant has passed an examination to demonstrate (1) the applicant's ability to apply pesticides in the classifications the applicant has applied for, and (2) the applicant's knowledge of the nature and effect of pesticides applied manually or used in such apparatuses under such classifications.))~~

A license fee of ~~((twenty))~~ fifty dollars shall be paid before a demonstration and research license may be issued. ~~((The director shall charge an examination fee established by the director by rule for each examination administered on other than a regularly scheduled examination date.))~~ The demonstration and research applicator(~~'s~~) license shall ~~((be valid until revoked or until the director determines that recertification is necessary))~~ expire on the fifth December 31st after the date of issuance.

NEW SECTION. Sec. 44. A new section is added to chapter 17.21 RCW to read as follows:

Any person applying for a license or certification authorized under the provisions of this chapter shall file an application on a form prescribed by the director. The application shall state the license or certification and the classification(s) the applicant is applying for and the method in which the pesticides are to be applied. Application for a license to apply pesticides shall be accompanied by the required fee. Renewal applications shall be filed on or before January 1st of the appropriate year.

NEW SECTION. Sec. 45. A new section is added to chapter 17.21 RCW to read as follows:

(1) The director shall not issue a commercial pesticide applicator license until the applicant, if he or she is the sole owner of the business, or if there is more than one owner, the person managing the business, has passed an examination. The director shall not issue a commercial pesticide operator, public operator, private commercial applicator, or demonstration and research applicator license until the applicant has passed an examination. Such examinations shall require the applicant to demonstrate to the director knowledge of:

(a) How to apply pesticides under the classification he or she has applied for, manually or with the various apparatuses that he or she may operate;

(b) The nature and effect of pesticides he or she may apply under such classifications; and

(c) Any other matter the director determines to be a necessary subject for examination.

(2) The director shall charge an examination fee established by the director by rule when an examination is necessary before a license may be issued or when application for such license and examination is made at other than a regularly scheduled examination date as provided for by the director.

(3) The director may prescribe separate testing procedures and requirements for each license.

Sec. 46. Section 13, chapter 249, Laws of 1961 as amended by section 10, chapter 203, Laws of 1986 and RCW 17.21.130 are each amended to read as follows:

Any license, permit, or certification provided for in this chapter may be revoked or suspended, and any license, permit, or certification application may be denied by the director for cause.

Sec. 47. Section 14, chapter 249, Laws of 1961 and RCW 17.21.140 are each amended to read as follows:

(1) If the application for renewal of any license provided for in this chapter is not filed on or prior to January 1st (~~(in any year)~~) following the expiration date of the license, a penalty of twenty-five (~~(percent)~~) dollars for the commercial pesticide applicator's license, and a penalty equivalent to the license fee for any other license, shall be assessed and added to the original fee and shall be paid by the applicant before the renewal license shall be issued: PROVIDED, That such penalty shall not apply if the applicant furnishes an affidavit certifying that he or she has not acted as a (~~(pesticide applicator or operator)~~) licensee subsequent to the expiration of (~~(his)~~) the license.

(2) Any license for which a timely renewal application has been made, all other requirements have been met, and the proper fee paid, continues in full force and effect until the director notifies the applicant that the license has been renewed or the application has been denied.

Sec. 48. Section 15, chapter 249, Laws of 1961 as last amended by section 4, chapter 191, Laws of 1971 ex. sess. and RCW 17.21.150 are each amended to read as follows:

(~~The director may deny, suspend, or revoke a license provided for in this chapter if he determines that an applicant or licensee has committed~~) A person who has committed any of the following acts(~~(each of which)~~) is declared to be (~~(a)~~) in violation of this chapter:

(1) Made false or fraudulent claims through any media, misrepresenting the effect of materials or methods to be utilized;

(2) Applied worthless or improper materials;

(3) Operated a faulty or unsafe apparatus;

(4) Operated in a faulty, careless, or negligent manner;

(5) Refused or neglected to comply with the provisions of this chapter, the rules adopted hereunder, or of any lawful order of the director;

(6) Refused or neglected to keep and maintain the records required by (~~(this chapter)~~) rule, or to make reports when and as required;

(7) Made false or fraudulent records, invoices, or reports;

(8) Engaged in the business of applying a pesticide without having (~~(a licensed applicator or operator)~~) an appropriately licensed person in direct 'on-the-job' supervision;

(9) Operated an unlicensed apparatus or an apparatus without a license plate issued for that particular apparatus;

(10) Used fraud or misrepresentation in making an application for a license or renewal of a license;

(11) Is not qualified to perform the type of pest control under the conditions and in the locality in which he or she operates or has operated, regardless of whether or not he or she has previously passed (~~(an)~~) a pesticide license examination (~~(provided for in RCW 17.21.090 and 17.21.120)~~);

(12) Aided or abetted a licensed or an unlicensed person to evade the provisions of this chapter, combined or conspired with such a licensed or an unlicensed person to evade the provisions of this chapter, or allowed one's license to be used by an unlicensed person;

(13) Knowingly made false, misleading or erroneous statements or reports during or after an inspection concerning any infestation or infection of pests found on land or in connection with any pesticide complaint or investigation: (~~(or)~~)

(14) Impersonated any state, county or city inspector or official; or

(15) Used or supervised the use of a pesticide restricted to use by certified applicators without having a certified applicator in direct supervision.

Sec. 49. Section 16, chapter 249, Laws of 1961 as amended by section 9, chapter 177, Laws of 1967 and RCW 17.21.160 are each amended to read as follows:

The director shall not issue a commercial pesticide applicator(~~(s)~~) license until the applicant has furnished evidence of financial responsibility with the director consisting either of a surety bond; or a liability insurance policy or certification thereof, protecting persons who may suffer legal damages as a result of the operations of the applicant: PROVIDED, That such surety bond or liability insurance policy need not apply to damages or injury to agricultural crops, plants or land being worked upon by the applicant. The director shall not accept a surety bond or liability insurance policy except from authorized insurers in this state or if placed as a surplus line as provided for in chapter 48.15 RCW, as enacted or hereafter amended.

Sec. 50. Section 18, chapter 249, Laws of 1961 as last amended by section 31, chapter 45, Laws of 1987 and RCW 17.21.180 are each amended to read as follows:

The ~~((applicator's))~~ commercial pesticide applicator license shall, whenever the licensee's surety bond or insurance policy is reduced below the requirements of RCW 17.21.170, be automatically suspended until such licensee's surety bond or insurance policy again meets the requirements of RCW 17.21.170: PROVIDED, That the director may pick up such licensee's license plates during such period of automatic suspension and return them only at such time as the said licensee has furnished the director with written proof that he or she is in compliance with the provisions of RCW 17.21.170.

Sec. 51. Section 19, chapter 249, Laws of 1961 and RCW 17.21.190 are each amended to read as follows:

Any person suffering property loss or damage resulting from the use or application by others of any pesticide ~~((must))~~ shall file with the director a verified report of loss setting forth, so far as known to the claimant, the following:

- (1) The name and address of the claimant.
- (2) The type, kind, property alleged to be injured or damaged.
- (3) The name of the person applying the pesticide and allegedly responsible.
- (4) The name of the owner or occupant of the property for whom such application of the pesticide was made.

The report ~~((must))~~ shall be filed within ~~((state))~~ thirty days from the time that the property loss or damage becomes known to the claimant. If a growing crop is alleged to have been damaged, the report ~~((must))~~ shall be filed prior to harvest of fifty percent of that crop, unless the loss or damage was not then known. The department shall establish time periods by rule to determine investigation response time. Time periods shall range from immediate to forty-eight hours to initiate an investigation, depending on the severity of the damage.

The filing of such report or the failure to file such a report need not be alleged in any complaint which might be filed in a court of law, and the failure to file the report shall not be considered any bar to the maintenance of any criminal or civil action.

The failure to file such a report shall not be a violation of this chapter. However, if the person failing to file such report is the only one ~~((injured))~~ suffering loss from such use or application of a pesticide by a pesticide applicator or operator, the director may refuse to ~~((hold a hearing for the denial, suspension, or revocation of such pesticide applicator's or operator's license until such report is filed))~~ act upon the complaint.

Sec. 52. Section 20, chapter 249, Laws of 1961 as last amended by section 3, chapter 92, Laws of 1979 and RCW 17.21.200 are each amended to read as follows:

The provisions of this chapter relating to commercial pesticide applicator licenses and requirements for their issuance shall not apply to any forest landowner, or his or her employees, applying pesticides with ground apparatus or manually, on his or her own lands or any lands or rights of way under his or her control or to any farmer owner of ground apparatus applying pesticides for himself or herself or other farmers on an occasional basis not amounting to a principal or regular occupation ~~((PROVIDED, That such owner))~~ or to any grounds maintenance person conducting grounds maintenance on an occasional basis not amounting to a regular occupation. However, persons exempt under this section shall not use pesticides restricted to use by certified applicators and shall not advertise or publicly hold ((himself)) themselves out as ((a)) pesticide applicators.

Sec. 53. Section 22, chapter 249, Laws of 1961 as last amended by section 11, chapter 203, Laws of 1986 and RCW 17.21.220 are each amended to read as follows:

(1) All state agencies, municipal corporations, and public utilities or any other governmental agency shall be subject to the provisions of this chapter and rules adopted thereunder concerning the application of pesticides ~~((PROVIDED, That the operators applying any pesticide restricted to use by certified applicators or in charge of any apparatuses used by any state agencies, municipal corporations and public utilities or any governmental agencies shall be subject to the provisions of RCW 17.21.100, 17.21.110 and 17.21.120. PROVIDED FURTHER, That the director shall issue a limited public operator license without a fee to such operators which shall be valid only when such operators are acting as employees of a state agency, municipal corporation, public utility, or other government agency. AND PROVIDED FURTHER, That))~~

(2) It shall be unlawful for any employee of a state agency, municipal corporation, public utility, or any other government agency to use or to supervise the use of any pesticide restricted to use by certified applicators, or any pesticide by means of an apparatus, without having obtained a public operator license from the director. A license fee of fifteen dollars shall be paid before a public operator license may be issued. The license fee shall not apply to public operators licensed and working in the health vector field. Public operator licenses shall expire on December 31st following the date of issuance. The public operator license shall be valid only when the operator is acting as an employee of a government agency.

(3) The jurisdictional health officer or his or her duly authorized representative is exempt from this licensing provision when applying pesticides not restricted to use by certified applicators to control pests other than weeds. ~~((Public operator licenses shall expire on the fifth December 31 from the date of issuance. All public operator licenses valid on December 31, 1985, shall expire on December 31, 1990.~~

(2)) (4) Such agencies, municipal corporations and public utilities shall be subject to legal recourse by any person damaged by such application of any pesticide, and such action may be brought in the county where the damage or some part thereof occurred.

Sec. 54. Section 23, chapter 249, Laws of 1961 as last amended by section 8, chapter 36, Laws of 1988 and RCW 17.21.230 are each amended to read as follows:

There is hereby created a pesticide advisory board consisting of three licensed pesticide applicators residing in the state (one shall be licensed to operate ground apparatus, one shall be licensed to operate aerial apparatus, and one shall be licensed for structural pest control), one licensed pest control consultant, one licensed pesticide dealer manager, one entomologist in public service, one toxicologist in public service, one (~~plant pathologist in public service~~), pesticide coordinator from Washington State University, one member from the agricultural chemical industry, one member from the food processing industry, one member representing agricultural labor, one health care practitioner in private practice, one member from the environmental community, and two producers of agricultural crops or products on which pesticides are applied or which may be affected by the application of pesticides. Such members shall be appointed by the governor for terms of four years and may be appointed for successive four year terms at the discretion of the governor. The governor may remove any member of the pesticide advisory board prior to the expiration of his or her term of appointment for cause. The pesticide advisory board shall also include the following nonvoting members: The director of the department of labor and industries or (~~his~~) a duly authorized representative, the environmental health specialist from the division of health of the department of social and health services, the supervisor of the (~~grain and~~) chemical division of the department, and the directors, or their appointed representatives, of the departments of wildlife, fisheries, natural resources, and ecology.

Sec. 55. Section 24, chapter 249, Laws of 1961 and RCW 17.21.240 are each amended to read as follows:

Upon the death, resignation or removal for cause of any member of the pesticide advisory board, the governor shall fill such vacancy, within thirty days of its creation, for the remainder of its term in the manner herein prescribed for appointment to the board.

Sec. 56. Section 25, chapter 249, Laws of 1961 and RCW 17.21.250 are each amended to read as follows:

The pesticide advisory board shall advise the director on any or all problems relating to the use and application of pesticides in the state.

Sec. 57. Section 26, chapter 249, Laws of 1961 and RCW 17.21.260 are each amended to read as follows:

The pesticide advisory board shall elect one of its members chairman. The members of the board shall meet at such time and at such place as shall be specified by the call of the director, chairman or a majority of the board.

Sec. 58. Section 27, chapter 249, Laws of 1961 as amended by section 24, chapter 34, Laws of 1975-'76 2nd ex. sess. and RCW 17.21.270 are each amended to read as follows:

No person appointed to the pesticide advisory board shall receive a salary or other compensation as a member of the board: PROVIDED, That each member of the board shall receive travel expenses in accordance with RCW 43.03.050 and 43.03.060 as now existing or hereafter amended for each day spent in actual attendance at or traveling to and from meetings of the board or special assignments for the board.

Sec. 59. Section 28, chapter 249, Laws of 1961 as last amended by section 183, chapter 202, Laws of 1987 and RCW 17.21.280 are each amended to read as follows:

All moneys collected under the provisions of this chapter shall be paid to the director for use exclusively in the enforcement of this chapter (~~All moneys held by the director for the enforcement of chapter 17.20 RCW shall be retained by the director for the enforcement of this chapter~~): PROVIDED, That all fees, fines, forfeitures and penalties collected or assessed by a district court because of the violation of a state law shall be remitted as provided in chapter 3.62 RCW as now exists or is later amended.

Sec. 60. Section 29, chapter 249, Laws of 1961 as amended by section 15, chapter 177, Laws of 1967 and RCW 17.21.290 are each amended to read as follows:

All licensed apparatuses shall be identified by a license plate furnished by the director, at no cost to the licensee, which plate shall be affixed in a location and manner upon such apparatus as prescribed by the director. (~~The licensee shall also place on two sides of each licensed apparatus so as to be readily visible to the public, letters not less than one inch high stating the classification or classifications for which such licensee is licensed~~.)

Sec. 61. Section 3, chapter 158, Laws of 1985 and RCW 17.21.315 are each amended to read as follows:

Every person who fails to comply with this chapter or the rules adopted under it may be subjected to a civil penalty, as determined by the director, in an amount of not more than (~~one~~) seven thousand five hundred dollars for every such violation. Each and every such violation shall be a separate and distinct offense. Every person who, through an act of commission or omission, procures, aids, or abets in the violation shall be considered to have violated this section and may be subject to the civil penalty herein provided.

Sec. 62. Section 10, chapter 191, Laws of 1971 ex. sess. and RCW 17.21.320 are each amended to read as follows:

(1) For purpose of carrying out the provisions of this chapter the director may enter upon any public or private premises at reasonable times, in order:

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

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

(c) To inspect storage or disposal areas;

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

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

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

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

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

NEW SECTION. Sec. 63. A new section is added to chapter 17.21 RCW to read as follows:

(1) A person aggrieved by a violation of this chapter or the rules adopted under this chapter:

(a) May request an inspection of the area in which the violation is believed to have occurred. If there are reasonable grounds to believe that a violation has occurred, the department shall conduct an inspection as soon as practicable. However, the director may refuse to act on a request for inspection concerning only property loss or damage if the person suffering property damage fails to file a timely report of loss under RCW 17.21.190. If an inspection is conducted, the person requesting the inspection shall:

(i) Be promptly notified in writing of the department's decision concerning the assessment of any penalty pursuant to the inspection; and

(ii) Be entitled, on request, to have his or her name protected from disclosure in any communication with persons outside the department and in any record published, released, or made available pursuant to this chapter: PROVIDED, That in any appeal proceeding the identity of the aggrieved person who requests the inspection shall be disclosed to the alleged violator of the act upon request of the alleged violator;

(b) Shall be notified promptly, on written application to the director, of any penalty or other action taken by the department pursuant to an investigation of the violation under this chapter; and

(c) May request, within ten days from the service of a final order fixing a penalty for the violation, that the director reconsider the entire matter if it is alleged that the penalty is inappropriate. If the person is aggrieved by a decision of the director on reconsideration, the person may request an adjudicative proceeding under chapter 34.05 RCW. However, the procedures for a brief adjudicative proceeding may not be used unless agreed to by the person requesting the adjudicative proceeding. During the adjudicative proceeding under (c) of this subsection, the presiding officer shall consider the interests of the person requesting the adjudicative proceeding.

(2) Nothing in this chapter shall preclude any person aggrieved by a violation of this chapter from bringing suit in a court of competent jurisdiction for damages arising from the violation.

NEW SECTION. Sec. 64. A new section is added to chapter 17.21 RCW to read as follows:

By December 1, 1989, and each subsequent December 1, the department shall report to the appropriate committees of the house of representatives and the senate on the activities of the department under this chapter. The report shall include, at a minimum: (1) A review of the department's pesticide incident investigation and enforcement activities, with the number of cases investigated and the number and amount of civil penalties assessed; and (2) a summary of the pesticide residue food monitoring program with information on the food samples tested and results of the tests, a listing of the pesticides for which no testing is done, and other pertinent information.

Sec. 65. Section 32, chapter 249, Laws of 1961 and RCW 17.21.910 are each amended to read as follows:

Unless revoked for cause by the director, any license issued under the provisions of this chapter ((17.20 RCW)) and in effect on ((the effective date of this act)) June 7, 1961, shall continue in full force and effect until its expiration date ((as if it had been issued under the requirements of RCW 17.21.090 and satisfied all requirements for obtaining such license, unless revoked prior thereto for cause by the director subsequent to a hearing:

The director shall prorate the cost of any license provided for in this chapter for the license period beginning with the effective date of this act and ending December 31, 1964); PROVIDED, That public operator, private commercial applicator and demonstration and research applicator licenses in effect on December 31, 1985, shall expire on December 31, 1990, and any public operator, private commercial applicator and demonstration and research applicator licenses issued after December 31, 1985, and in effect on December 31, 1986, shall expire on December 31, 1991.

NEW SECTION. Sec. 66. A new section is added to chapter 17.21 RCW to read as follows:

Each registration and licensing fee under this chapter is increased by a surcharge of five dollars to be deposited in the agriculture—local fund, provided that an additional one-time surcharge of five dollars shall be collected on January 1, 1990. The revenue raised by the imposition of this surcharge shall be used to assist in funding the pesticide incident reporting and tracking review panel, department of social and health services' pesticide investigations, and the department of agriculture's pesticide investigations.

NEW SECTION. Sec. 67. A new section is added to chapter 70.104 RCW to read as follows:

The legislature finds that heightened concern regarding health and environmental impacts from pesticide use and misuse has resulted in an increased demand for full-scale health investigations, assessment of resource damages, and health effects information. Increased reporting, comprehensive unbiased investigation capability, and enhanced community education efforts are required to maintain this state's responsibilities to provide for public health and safety.

It is the intent of the legislature that the various state agencies responsible for pesticide regulation coordinate their activities in a timely manner to ensure adequate monitoring of pesticide use and protection of workers and the public from the effects of pesticide misuse.

NEW SECTION. Sec. 68. A new section is added to chapter 70.104 RCW to read as follows:

(1) There is hereby created a pesticide incident reporting and tracking review panel consisting of the following members:

(a) The directors, secretaries, or designees of the departments of labor and industries, agriculture, natural resources, wildlife, and ecology;

(b) The director of the department of social and health services or his or her designee, who shall serve as the coordinating agency for the review panel;

(c) The chair of the department of environmental health of the University of Washington, or his or her designee;

(d) The pesticide coordinator and specialist of the cooperative extension at Washington State University or his or her designee;

(e) A representative of the Washington poison control center network;

(f) A practicing toxicologist and a member of the general public, who shall each be appointed by the governor for terms of two years and may be appointed for a maximum of four terms at the discretion of the governor. The governor may remove either member prior to the expiration of his or her term of appointment for cause. Upon the death, resignation, or removal for cause of a member of the review panel, the governor shall fill such vacancy, within thirty days of its creation, for the remainder of the term in the manner herein prescribed for appointment to the review panel.

(2) The review panel shall be chaired by the secretary of the department of social and health services, or designee. The members of the review panel shall meet at least monthly at a time and place specified by the chair, or at the call of a majority of the review panel.

NEW SECTION. Sec. 69. A new section is added to chapter 70.104 RCW to read as follows:

The responsibilities of the review panel shall include, but not be limited to:

(1) Establishing guidelines for centralizing the receipt of information relating to actual or alleged health and environmental incidents involving pesticides;

(2) Reviewing and making recommendations for procedures for investigation of pesticide incidents, which shall be implemented by the appropriate agency unless a written statement providing the reasons for not adopting the recommendations is provided to the review panel;

(3) Monitoring the time periods required for response to reports of pesticide incidents by the departments of agriculture, social and health services, and labor and industries;

(4) At the request of the chair or any panel member, reviewing pesticide incidents of unusual complexity or those that cannot be resolved;

(5) Identifying inadequacies in state and/or federal law that result in insufficient protection of public health and safety, with specific attention to advising the appropriate agencies on the adequacy of pesticide reentry intervals established by the federal environmental protection agency and registered pesticide labels to protect the health and safety of farmworkers. The panel shall establish a priority list for reviewing reentry intervals, which considers the following criteria:

(a) Whether the pesticide is being widely used in labor-intensive agriculture in Washington;

(b) Whether another state has established a reentry interval for the pesticide that is longer than the existing federal reentry interval;

(c) The toxicity category of the pesticide under federal law;

(d) Whether the pesticide has been identified by a federal or state agency or through a scientific review as presenting a risk of cancer, birth defects, genetic damage, neurological effects, blood disorders, sterility, menstrual dysfunction, organ damage, or other chronic or subchronic effects; and

(e) Whether reports or complaints of ill effects from the pesticide have been filed following worker entry into fields to which the pesticide has been applied; and

(f) Reviewing and approving an annual report prepared by the department of social and health services to the governor, agency heads, and members of the legislature, with the same available to the public. The report shall include, at a minimum:

(a) A summary of the year's activities;

(b) A synopsis of the cases reviewed;

(c) A separate descriptive listing of each case in which adverse health or environmental effects due to pesticides were found to occur;

(d) A tabulation of the data from each case;

(e) An assessment of the effects of pesticide exposure in the workplace;

(f) The identification of trends, issues, and needs; and

(g) Any recommendations for improved pesticide use practices.

NEW SECTION. Sec. 70. A new section is added to chapter 70.104 RCW to read as follows:

Nothing in sections 67 through 69 of this act shall be construed to affect in any manner the administration of Title 51 RCW by the department of labor and industries.

Sec. 71. Section 3, chapter 41, Laws of 1971 ex. sess. and RCW 70.104.030 are each amended to read as follows:

(1) The department of social and health services shall investigate all suspected human cases of pesticide poisoning and such cases of suspected pesticide poisoning of animals that may relate to human illness. The department shall establish time periods by rule to determine investigation response time. Time periods shall range from immediate to forty-eight hours to initiate an investigation, depending on the severity of the case or suspected case of pesticide poisoning.

In order to adequately investigate such cases, the department of social and health services shall have the power to:

(a) Take all necessary samples and human or animal tissue specimens for diagnostic purposes: PROVIDED, That tissue, if taken from a living human, shall be taken from a living human only with the consent of a person legally qualified to give such consent;

(b) Secure any and all such information as may be necessary to adequately determine the nature and causes of any case of pesticide poisoning.

(2) The state department of social and health services shall, by rule and regulation adopted pursuant to the Administrative Procedure Act, chapter ~~(34.04)~~ 34.05 RCW, as it now exists or is hereafter amended, and, in any event, with due notice and a hearing for the adoption of permanent rules, establish procedures for the prevention of any recurrence of poisoning and the department shall immediately notify the department of agriculture, the department of labor and industries, and other appropriate agencies of the results of its investigation for such action as the ~~(department of agriculture or such)~~ other departments or agencies deem appropriate. The notification of such investigations and their results may include recommendations for further action by the appropriate department or agency.

NEW SECTION. Sec. 72. A new section is added to chapter 70.104 RCW to read as follows:

(1) Any attending physician or other health care provider recognized as primarily responsible for the diagnosis and treatment of a patient or, in the absence of a primary health care provider, the health care provider initiating diagnostic testing or therapy for a patient shall report a case or suspected case of pesticide poisoning to the department of social and health services in the manner prescribed by, and within the reasonable time periods established by, rules of the state board of health. Time periods established by the board shall range from immediate reporting to reporting within seven days depending on the severity of the case or suspected case of pesticide poisoning. The reporting requirements shall be patterned after other board rules establishing requirements for reporting of diseases or conditions. Confidentiality requirements shall be the same as the confidentiality requirements established for other reportable diseases or conditions. The board rules shall determine what information shall be reported. Reports shall be made on forms provided to health care providers by the department of social and health services. For purposes of any oral reporting, the department of social and health services shall make available a toll-free telephone number.

(2) Within a reasonable time period as established by board rules, the department of social and health services shall investigate the report of a case or suspected case of pesticide poisoning to document the incident. The department shall report the results of the investigation to the health care provider submitting the original report.

(3) Cases or suspected cases of pesticide poisoning shall be reported by the department of social and health services to the pesticide reporting and tracking review panel within the time periods established by state board of health rules.

(4) Upon request of the primary health care provider, pesticide applicators or employers shall make available to that provider any available information on pesticide applications

which may have affected the health of the provider's patient. This information is to be used only for the purposes of providing health care services to the patient.

(5) Any failure of the primary health care provider to make the reports required under this section may be cause for the department of social and health services to submit information about such nonreporting to the applicable disciplining authority for the provider under RCW 18.130.040.

(6) No cause of action shall arise as the result of: (a) The failure to report under this section; or (b) any report submitted to the department of social and health services under this section.

(7) For the purposes of this section, a suspected case of pesticide poisoning is a case in which the diagnosis is thought more likely than not to be pesticide poisoning.

NEW SECTION. Sec. 73. A new section is added to chapter 70.104 RCW to read as follows:

The department of social and health services, after seeking advice from the state board of health, local health officers, and state and local medical associations, shall develop a program of medical education to alert physicians and other health care providers to the symptoms, diagnosis, treatment, and reporting of pesticide poisonings.

NEW SECTION. Sec. 74. The following acts or parts of acts are each repealed:

(1) Section 19, chapter 190, Laws of 1971 ex. sess., section 28, chapter 182, Laws of 1982 and RCW 15.58.190;

(2) Section 45, chapter 190, Laws of 1971 ex. sess. and RCW 15.58.930;

(3) Section 9, chapter 249, Laws of 1961, section 5, chapter 177, Laws of 1967, section 2, chapter 191, Laws of 1971 ex. sess., section 7, chapter 203, Laws of 1986, section 27, chapter 45, Laws of 1987 and RCW 17.21.090;

(4) Section 12, chapter 249, Laws of 1961, section 7, chapter 177, Laws of 1967, section 8, chapter 203, Laws of 1986, section 29, chapter 45, Laws of 1987 and RCW 17.21.120; and

(5) Section 7, chapter 92, Laws of 1979 and RCW 17.21.124.

NEW SECTION. Sec. 75. Section 18, chapter 177, Laws of 1967, section 6, chapter 191, Laws of 1971 ex. sess., section 5, chapter 92, Laws of 1979 and RCW 17.21.205 are each repealed effective January 1, 1990.

NEW SECTION. Sec. 76. A new section is added to chapter 49.70 RCW to read as follows:

(1) If a pesticide having a reentry interval of greater than twenty-four hours is applied to a labor-intensive agricultural crop, the pesticide-treated area shall be posted with warning signs in accordance with the requirements of this section.

(2) When pesticide warning signs are required under this section, the employer shall post signs visible from all usual points of entry to the pesticide-treated area. If there are no usual points of entry or the area is adjacent to an unfenced public right of way, signs shall be posted (a) at each corner of the pesticide-treated area, and (b) at intervals not exceeding six hundred feet, or (c) at other locations approved by the department that provide maximum visibility.

(3) The signs shall be posted no sooner than twenty-four hours before the scheduled application of the pesticide, remain posted during application and throughout the applicable reentry interval, and be removed within two days after the expiration of the applicable reentry interval and before employee reentry is permitted.

(4) Signs shall be legible for the duration of use. Signs shall contain a prominent symbol approved by the department of agriculture and the department of labor and industries by rule, and wording shall be in English and Spanish or other languages as required by the department. Signs shall meet the minimum specifications of rules adopted by the department, which rules shall include, at a minimum, size and lettering requirements.

NEW SECTION. Sec. 77. A new section is added to chapter 49.70 RCW to read as follows:

(1) An employer who applies or stores pesticides in connection with the production of an agricultural crop shall compile and maintain a workplace pesticide list by crop for each pesticide that is applied to a crop or stored in a work area. The workplace pesticide list shall be kept on a form prescribed by the department and shall contain at least the following information:

(a) The location of the land where the pesticide was applied or site where the pesticide was stored;

(b) The year, month, day, and time the pesticide was applied;

(c) The product name used on the registered label and the United States environmental protection agency registration number, if applicable, of the pesticide that was applied or stored;

(d) The crop or site to which the pesticide was applied;

(e) The amount of pesticide applied per acre, or other appropriate measure;

(f) The concentration of pesticide that was applied;

(g) The number of acres, or other appropriate measure, to which pesticide was applied;

(h) If applicable, the licensed applicator's name, address, and telephone number and the name of the individual or individuals making the application; and

(i) The direction and estimated velocity of the wind at the time the pesticide was applied: PROVIDED, That this subsection (i) shall not apply to applications of baits in bait stations and pesticide applications within structures.

(2) The employer shall update the workplace pesticide list on the same day that a pesticide is applied or is first stored in a work area.

(3) The workplace pesticide list may be prepared for the workplace as a whole or for each work area and must be readily available to employees and their designated representatives. New or newly assigned employees shall be made aware of the pesticide chemical list before working with pesticides or in a work area containing pesticides.

(4) An employer subject to this section shall maintain one form for each crop, work area, or workplace as a whole, as appropriate, and shall add information to the form as different pesticides are applied or stored. The forms shall be accessible and available for copying and shall be stored in a location suitable to preserve their physical integrity. The employer shall maintain and preserve the forms required under this section for no less than seven years. The records shall include an estimation of the total amount of each pesticide listed on the forms.

(5) After the effective date of this section, if an employer has failed to maintain and preserve the forms as required, the employer shall be subject to any applicable penalties authorized under this chapter or chapter 49.17 RCW.

(6) If activities for which forms are maintained cease at a workplace, the forms shall be filed with the department. If an employer subject to this section is succeeded or replaced in that function by another person, the person who succeeds or replaces the employer shall retain the forms as required by this section but is not liable for violations committed by the former employer under this chapter or rules adopted under this chapter, including violations relating to the retention and preservation of forms.

(7) The employer shall provide copies of the forms, on request, to an employee or the employee's designated representative in the case of an industrial insurance claim filed under Title 51 RCW with the department of labor and industries, treating medical personnel, the pesticide incident reporting and tracking review panel, or department representative. The designated representative or treating medical personnel are not required to identify the employee represented or treated. The department shall keep the name of any affected employee confidential in accordance with RCW 49.17.080(1). If an employee, a designated representative, treating medical personnel, or the pesticide incident reporting and tracking review panel requests a copy of a form and the employer refuses to provide a copy, the requester shall notify the department of the request and the employer's refusal. Within seven working days, the department shall request that the employer provide the department with all pertinent copies, except that in a medical emergency the request shall be made within two working days. The employer shall provide copies of the form to the department within twenty-four hours after the department's request.

(8) The department of labor and industries and the department of agriculture shall jointly adopt, by rule, one form that satisfies the information requirements of this section and RCW 17.21.100. Records kept by the employer on the prescribed form under RCW 17.21.100 may be used to comply with the workplace pesticide list information requirements under this section.

Sec. 78. Section 16, chapter 35, Laws of 1945 as last amended by section 2, chapter 292, Laws of 1977 ex. sess. and RCW 50.04.150 are each amended to read as follows:

Except as otherwise provided in RCW 50.04.155, the term 'employment' shall not include service performed in agricultural labor ((except as otherwise provided in RCW 50.04.155)) by individuals who are enrolled as students and regularly attending classes, or are between two successive academic years or terms, at an elementary school, a secondary school, or an institution of higher education as defined in RCW 50.44.037 and in the case of corporate farms not covered under RCW 50.04.155, the provisions regarding family employment in RCW 50.04.180 shall apply.

Agricultural labor is defined as services performed:

(1) On a farm, in the employ of any person, in connection with the cultivation of the soil, or in connection with raising or harvesting any agricultural or horticultural commodity, including raising, shearing, feeding, caring for, training, and management of livestock, bees, poultry, and furbearing animals and wild life, or in the employ of the owner or tenant or other operator of a farm in connection with the operation, management, conservation, improvement, or maintenance of such farm and its tools and equipment; or

(2) In packing, packaging, grading, storing, or delivering to storage, or to market or to a carrier for transportation to market, any agricultural or horticultural commodity; but only if such service is performed as an incident to ordinary farming operations. The exclusions from the term 'employment' provided in this paragraph shall not be deemed to be applicable with respect to commercial packing houses, commercial storage establishments, commercial canning, commercial freezing, or any other commercial processing or with respect to services performed in connection with the cultivation, raising, harvesting and processing of oysters or raising and harvesting of mushrooms or in connection with any agricultural or horticultural commodity after its delivery to a terminal market for distribution for consumption.

Sec. 79. Section 5, chapter 205, Laws of 1984 as last amended by section 3, chapter 171, Laws of 1987 and RCW 50.29.025 are each amended to read as follows:

The contribution rate for each employer shall be determined under this section.

(1) A fund balance ratio shall be determined by dividing the balance in the unemployment compensation fund as of the June 30th immediately preceding the rate year by the total remuneration paid by all employers subject to contributions during the second calendar year preceding the rate year and reported to the department by the following March 31st. The division shall be carried to the fourth decimal place with the remaining fraction, if any, disregarded. The fund balance ratio shall be expressed as a percentage.

(2) The interval of the fund balance ratio, expressed as a percentage, shall determine which tax schedule in subsection (5) of this section shall be in effect for assigning tax rates for the rate year. The intervals for determining the effective tax schedule shall be:

Interval of the Fund Balance Ratio Expressed as a Percentage	Effective Tax Schedule
3.40 and above	A
2.90 to 3.39	B
2.40 to 2.89	C
1.90 to 2.39	D
1.40 to 1.89	E
Less than 1.40	F

(3) An array shall be prepared, listing all qualified employers in ascending order of their benefit ratios. The array shall show for each qualified employer: (a) Identification number; (b) benefit ratio; (c) taxable payrolls for the four calendar quarters immediately preceding the computation date and reported to the department by the cut-off date; (d) a cumulative total of taxable payrolls consisting of the employer's taxable payroll plus the taxable payrolls of all other employers preceding him or her in the array; and (e) the percentage equivalent of the cumulative total of taxable payrolls.

(4) Each employer in the array shall be assigned to one of twenty rate classes according to the percentage intervals of cumulative taxable payrolls set forth in subsection (5) of this section: PROVIDED, That if an employer's taxable payroll falls within two or more rate classes, the employer and any other employer with the same benefit ratio shall be assigned to the lowest rate class which includes any portion of the employer's taxable payroll.

(5) The contribution rate for each employer in the array shall be the rate specified in the following table for the rate class to which he or she has been assigned, as determined under subsection (4) of this section, within the tax schedule which is to be in effect during the rate year:

Percent of Cumulative Taxable Payrolls			Schedule of Contribution Rates for Effective Tax Schedule					
From	To	Rate Class	A	B	C	D	E	F
0.00	5.00	1	0.48	0.58	0.98	1.48	1.88	2.48
5.01	10.00	2	0.48	0.78	1.18	1.68	2.08	2.68
10.01	15.00	3	0.58	0.98	1.38	1.78	2.28	2.88
15.01	20.00	4	0.78	1.18	1.58	1.98	2.48	3.08
20.01	25.00	5	0.98	1.38	1.78	2.18	2.68	3.18
25.01	30.00	6	1.18	1.58	1.98	2.38	2.78	3.28
30.01	35.00	7	1.38	1.78	2.18	2.58	2.98	3.38
35.01	40.00	8	1.58	1.98	2.38	2.78	3.18	3.58
40.01	45.00	9	1.78	2.18	2.58	2.98	3.38	3.78
45.01	50.00	10	1.98	2.38	2.78	3.18	3.58	3.98
50.01	55.00	11	2.28	2.58	2.98	3.38	3.78	4.08
55.01	60.00	12	2.48	2.78	3.18	3.58	3.98	4.28
60.01	65.00	13	2.68	2.98	3.38	3.78	4.18	4.48
65.01	70.00	14	2.88	3.18	3.58	3.98	4.38	4.68
70.01	75.00	15	3.08	3.38	3.78	4.18	4.58	4.78
75.01	80.00	16	3.28	3.58	3.98	4.38	4.68	4.88
80.01	85.00	17	3.48	3.78	4.18	4.58	4.88	4.98
85.01	90.00	18	3.88	4.18	4.58	4.88	4.98	5.18
90.01	95.00	19	4.28	4.58	4.98	5.08	5.18	5.38
95.01	100.00	20	5.40	5.40	5.40	5.40	5.40	5.40

(6) The contribution rate for each employer not qualified to be in the array shall be ((~~rate equal to the average industry tax rate as determined by the commissioner; however, the rate may not be less than one percent~~ PROVIDED, That)) as follows:

(a) Employers who do not meet the definition of "qualified employer" by reason of failure to pay contributions when due shall be assigned the contribution rate of five and four-tenths percent;

(b) The contribution rate for employers exempt as of December 31, 1989, who are newly covered under the section 78, chapter Laws of 1989, (section 78 of this act) amendment to

RCW 50.04.150 and not yet qualified to be in the array shall be 2.5 percent for employers whose standard industrial code is '016', '017', '018', '021', or '081'; and

(c) For all other employers not qualified to be in the array, the contribution rate shall be a rate equal to the average industry rate as determined by the commissioner; however, the rate may not be less than one percent. Assignment of employers by the commissioner to industrial classification, for purposes of this subsection, shall be in accordance with established classification practices found in the 'Standard Industrial Classification Manual' issued by the federal office of management and budget to the third digit provided in the Standard Industrial Classification code.

Sec. 80. Section 78, chapter 35, Laws of 1945 as last amended by section 6, chapter 33, Laws of 1977 ex. sess. and RCW 50.20.100 are each amended to read as follows:

Suitable work for an individual is employment in an occupation in keeping with the individual's prior work experience, education, or training and if the individual has no prior work experience, special education, or training for employment available in the general area, then employment which the individual would have the physical and mental ability to perform, and for individuals with base year work experience in agricultural labor, any agricultural labor available from any employer shall be deemed suitable unless it meets the conditions in RCW 50.20.110 or the commissioner finds elements of specific work opportunity unsuitable for a particular individual. In determining whether work is suitable for an individual, the commissioner shall also consider the degree of risk involved to the individual's health, safety, and morals, the individual's physical fitness, the individual's length of unemployment and prospects for securing local work in the individual's customary occupation, the distance of the available work from the individual's residence, and such other factors as the commissioner may deem pertinent, including state and national emergencies.

Sec. 81. Section 6, chapter 205, Laws of 1984 and RCW 50.29.062 are each amended to read as follows:

Predecessor and successor employer contribution rates shall be computed in the following manner:

(1) If the successor is an employer at the time of the transfer, his or her contribution rate shall remain unchanged for the remainder of the rate year in which the transfer occurs. From and after January 1 following the transfer, the successor's contribution rate for each rate year shall be based on his or her experience with payrolls and benefits including the experience of the acquired business or portion of a business from the date of transfer, as of the regular computation date for that rate year.

(2) If the successor is not an employer at the time of the transfer, he or she shall pay contributions at the rate class assigned to the predecessor employer at the time of the transfer for the remainder for that rate year and continuing until such time as he or she qualifies for a different rate in his or her own right.

(3) If the successor is not an employer at the time of the transfer and simultaneously acquires the business or a portion of the business of two or more employers in different rate classes, his or her rate from the date the transfer occurred until the end of that rate year and until he or she qualifies in his or her own right for a new rate, shall be the highest rate class applicable at the time of the acquisition to any predecessor employer who is a party to the acquisition.

(4) The contribution rate on any payroll retained by a predecessor employer shall remain unchanged for the remainder of the rate year in which the transfer occurs.

(5) In all cases, from and after January 1 following the transfer, the predecessor's contribution rate for each rate year shall be based on his or her experience with payrolls and benefits as of the regular computation date for that rate year including the experience of the acquired business or portion of business up to the date of transfer: PROVIDED, That if all of the predecessor's business is transferred to a successor or successors, the predecessor shall not be a qualified employer until he or she satisfies the requirements of a 'qualified employer' as set forth in RCW 50.29.010.

NEW SECTION. Sec. 82. (1) It is the intent of the legislature that the department assist agricultural employers in mitigating the costs of the state's unemployment insurance program. The department shall work with members of the agricultural community to: Improve understanding of the program's operation; increase compliance with work-search requirements; provide prompt notification of potential claims against an employer's experience rating; inform employers of their rights; inform employers of the actions necessary to appeal a claim and to protect their rights; and reduce claimant and employer fraud. These efforts shall include:

- (a) Conducting employer workshops and community seminars;
- (b) Developing new educational materials; and
- (c) Developing forms that use lay language.

(2) The employment security department, the department of labor and industries, the department of licensing, and the department of revenue shall develop a plan to implement voluntary combined reporting for agricultural employers by January 1, 1991. The departments shall submit the plan to the legislature by January 10, 1990, and include recommendations for

legislation necessary to standardize and simplify statutory coverage and other requirements. Such standardization shall be as consistent with federal requirements as possible.

The departments shall consult with representatives of agricultural employer and labor associations and general business associations in the development of the plan and legislation. The departments shall ensure that they accommodate the needs of small agricultural employers in particular.

(3) The department shall report to the appropriate standing committees of the legislature by January 10, 1990, 1991, and 1992 and include a description of the activities of the department to carry out the intents of this section and provide quantitative data where possible on the effectiveness of the activities undertaken by the department to comply with the intents of this section during the previous calendar year.

NEW SECTION, Sec. 83. Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) 'Agricultural employment' or 'employment' means employment in agricultural labor as defined in RCW 50.04.150.

(2) 'Department' means the department of labor and industries.

(3) 'Employer' means any person, firm, corporation, partnership, business trust, legal representative, or other business entity that engages in any agricultural activity in this state and employs one or more employees.

(4) 'Employee' means a person employed in agricultural employment, and includes a person who is working under an independent contract the essence of which is personal labor in agricultural employment whether by way of manual labor or otherwise. However, 'employee' shall not include immediate family members of the officers of any corporation, partnership, sole proprietorship, or other business entity, or officers of any closely held corporation engaged in agricultural production of crops or livestock.

(5) 'Minor' means an employee who is under the age of eighteen years.

NEW SECTION, Sec. 84. (1) Each employer required to keep employment records under RCW 49.46.070, shall retain such records for three years.

(2) Each employer shall furnish to each employee at the time the employee's wages are paid an itemized statement showing the pay basis in hours or days worked, the rate or rates of pay, the gross pay, and all deductions from the pay for the respective pay period.

NEW SECTION, Sec. 85. The department shall establish an advisory committee on agricultural labor to develop recommendations for rules to provide labor standards for agricultural employment of minors. The advisory committee shall be composed of: A representative of the department of labor and industries; a representative of the department of agriculture; representatives of the agricultural employer and employee communities; and one legislator from each caucus of the house of representatives and the senate, to be appointed by the speaker of the house of representatives and president of the senate, respectively.

Based upon the recommendations of the advisory committee and considerations as to the nature of agricultural employment and usual crop cultural and harvest requirements, the director shall adopt rules under chapter 34.05 RCW which only address the following:

(1) The employment of minors, providing for annual notification to the department of intent to hire minors, and including provisions that both encourage school attendance and provide flexible hours that will meet the requirements of agricultural employment; and

(2) The provision of rest and meal periods for agricultural employees, taking into account naturally occurring work breaks where possible. The initial rules shall be adopted no later than July 1, 1990.

NEW SECTION, Sec. 86. Any violation of the provisions of this chapter or rules adopted hereunder shall be a class I civil infraction. The director shall have the authority to issue and enforce civil infractions according to chapter 7.80 RCW.

NEW SECTION, Sec. 87. Sections 83 through 86 of this act shall constitute a new chapter in Title 49 RCW.

NEW SECTION, Sec. 88. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION, Sec. 89. If any part of this act is found to be in conflict with federal requirements which are a prescribed condition to the allocation of federal funds to the state or the eligibility of employers in this state for federal unemployment tax credits, the conflicting part of this act is hereby declared to be inoperative solely to the extent of the conflict, and such finding or determination shall not affect the operation of the remainder of this act. The rules under this act shall meet federal requirements which are a necessary condition to the receipt of federal funds by the state or the granting of federal unemployment tax credits to employers in this state.

NEW SECTION, Sec. 90. Sections 69 and 71 through 73 of this act shall take effect on January 1, 1990.

NEW SECTION, Sec. 91. Sections 78 through 81 of this act shall take effect on January 1, 1990.

NEW SECTION, Sec. 92. Section 76 of this act shall take effect on July 1, 1990."

On page 1, line 1 of the title, after "programs;" strike the remainder of the title and insert "amending RCW 15.58.030, 15.58.040, 15.58.050, 15.58.060, 15.58.065, 15.58.070, 15.58.080, 15.58.110, 15.58.120, 15.58.130, 15.58.150, 15.58.160, 15.58.170, 15.58.180, 15.58.200, 15.58.210, 15.58.220, 15.58.230, 15.58.240, 15.58.250, 15.58.260, 15.58.280, 15.58.290, 15.58.330, 15.58.335, 15.58.340, 15.58.910, 17.21.020, 17.21.030, 17.21.040, 17.21.050, 17.21.070, 17.21.080, 17.21.100, 17.21.110, 17.21.122, 17.21.126, 17.21.129, 17.21.130, 17.21.140, 17.21.150, 17.21.160, 17.21.180, 17.21.190, 17.21.200, 17.21.220, 17.21.230, 17.21.240, 17.21.250, 17.21.260, 17.21.270, 17.21.280, 17.21.290, 17.21.315, 17.21.320, 17.21.910, 70.104.030, 50.04.150, 50.29.025, 50.20.100, and 50.29.062; adding new sections to chapter 15.58 RCW; adding new sections to chapter 17.21 RCW; adding new sections to chapter 49.70 RCW; adding new sections to chapter 70.104 RCW; adding a new chapter to Title 49 RCW; creating new sections; repealing RCW 15.58.190, 15.58.930, 17.21.090, 17.21.120, 17.21.124, and 17.21.205; prescribing penalties; and providing effective dates."

and the same is herewith transmitted.

W. D. Naismith, Assistant Secretary.

MOTION

Mr. Vekich moved that the House do concur in the Senate amendments to Engrossed House Bill No. 2222.

Mr. Vekich spoke in favor of the motion, and it was carried.

FINAL PASSAGE OF HOUSE BILL AS AMENDED BY SENATE

The Speaker stated the question before the House to be the final passage of Engrossed House Bill No. 2222 as amended by the Senate.

Representatives Vekich, Nealey and Prentice spoke in favor of passage of the bill, and Representatives Smith and Chandler spoke against it.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 2222 as amended by the Senate, and the bill passed the House by the following vote: Yeas, 86; nays, 6; excused, 6.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Belcher, Betrozoff, Bowman, Braddock, Brekke, Bristow, Brooks, Brough, Brumsickle, Cantwell, Cole, Cooper, Crane, Day, Dellwo, Dorn, Ebersole, Ferguson, Fisher G, Fisher R, Fraser, Grant, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Inslee, Jacobsen, Jesernig, Jones, King P, King R, Kremen, Leonard, Locke, May, Meyers R, Miller, Morris, Myers H, Nealey, Nelson, Nutley, O'Brien, Padden, Patrick, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rector, Rust, Sayan, Schoon, Scott, Silver, Sommers D, Sommers H, Spanel, Sprengle, Tate, Todd, Valle, Van Luven, Vekich, Walk, Walker, Wang, Wilson K, Wineberry, Winsley, Wolfe, Wood, Youngsman, Zellinsky, and Mr. Speaker - 86.

Voting nay: Representatives Baugher, Chandler, Doty, Fuhrman, Rayburn, Smith - 6.

Excused: Representatives Beck, Gallagher, McLean, Moyer, Schmidt, Wilson S - 6.

Engrossed House Bill No. 2222 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

The Speaker called on Representative Wang to preside.

There being no objection, the House reverted to the sixth order of business.

SECOND READING

MOTION

Mr. Ebersole moved that the House immediately consider Second Substitute Senate Bill No. 5073 on the second reading calendar. The motion was carried.

SECOND SUBSTITUTE SENATE BILL NO. 5073, by Committee on Ways & Means (originally sponsored by Senators Pullen and Talmadge)

Establishing a central repository for collection and analysis of information on crimes involving bigotry and bias.

(See Journal, 95th Day, April 13, 1989, for previous action.)

Mr. Appelwick moved that the House do not adopt the committee amendment. Representatives Appelwick and Padden spoke in favor of the motion, and it was carried.

With consent of the House, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

POINT OF INQUIRY

Mr. Appelwick yielded to question by Mr. Hargrove.

Mr. Hargrove: Does this bill require the police to keep record of incidents of crimes or incidents that are not crimes?

Mr. Appelwick: The point of this legislation is to require that crimes, which are motivated by bias and bigotry, be reported to a central repository, not simply incidents that have not risen to the level of criminal activity.

Representatives Hargrove and Padden spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Second Substitute Senate Bill No. 5073, and the bill passed the House by the following vote: Yeas, 92; excused, 6.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Baugher, Belcher, Betzoff, Bowman, Braddock, Brekke, Bristow, Brooks, Brough, Brumsickle, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Fraser, Fuhrman, Grant, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Inslee, Jacobsen, Jesernig, Jones, King P, King R, Kremen, Leonard, Locke, May, Meyers R, Miller, Morris, Myers H, Nealey, Nelson, Nutley, O'Brien, Padden, Patrick, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schoon, Scott, Silver, Smith, Sommers D, Sommers H, Spanel, Sprengle, Tate, Todd, Valle, Van Luvén, Vekich, Walk, Walker, Wang, Wilson K, Wineberry, Winsley, Wolfe, Wood, Youngsman, Zellinsky, and Mr. Speaker - 92.

Excused: Representatives Beck, Gallagher, McLean, Moyer, Schmidt, Wilson S - 6.

Second Substitute Senate Bill No. 5073, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SENATE AMENDMENTS TO HOUSE BILL

April 23, 1989

Mr. Speaker:

The Senate has passed HOUSE BILL NO. 1656 with the following amendments:

Strike everything after the enacting clause and insert the following:

***NEW SECTION. Sec. 1. PUBLIC OFFERING STATEMENT—CONDOMINIUM SECURITIES.** If an interest in a condominium is currently registered with the securities and exchange commission of the United States, a declarant satisfies all requirements relating to the preparation of a public offering statement of this chapter if the declarant delivers to the purchaser a copy of the public offering statement filed with the securities and exchange commission. An interest in a condominium is not a security under the provisions of chapter 21.20 RCW.

NEW SECTION. Sec. 2. EXPRESS WARRANTIES OF QUALITY. (1) Express warranties made by any seller to a purchaser of a unit, if relied upon by the purchaser, are created as follows:

(a) Any written affirmation of fact or promise which relates to the unit, its use, or rights appurtenant thereto, area improvements to the condominium that would directly benefit the unit, or the right to use or have the benefit of facilities not located in the condominium creates an express warranty that the unit and related rights and uses will conform to the affirmation or promise;

(b) Any model or written description of the physical characteristics of the condominium at the time the purchase agreement is executed, including plans and specifications of or for improvements, creates an express warranty that the condominium will conform to the model or description except pursuant to RCW 64..... (section 4-103(1)(v), chapter 43, Laws of 1989);

(c) Any written description of the quantity or extent of the real property comprising the condominium, including plats or surveys, creates an express warranty that the condominium will conform to the description, subject to customary tolerances; and

(d) A written provision that a buyer may put a unit only to a specified use is an express warranty that the specified use is lawful.

(2) Neither formal words, such as 'warranty' or 'guarantee,' nor a specific intention to make a warranty are necessary to create an express warranty of quality, but a statement purporting to be merely an opinion or commendation of the real estate or its value does not create a warranty. A purchaser may not rely on any representation or express warranty unless it is

contained in the public offering statement or made in writing signed by the declarant or declarant's agent identified in the public offering statement.

(3) Any conveyance of a unit transfers to the purchaser all express warranties of quality made by previous sellers.

NEW SECTION. Sec. 3. STATUTE OF LIMITATIONS FOR WARRANTIES. (1) A judicial proceeding for breach of any obligation arising under RCW 64..... or 64..... (section 4-111 or 4-112, chapter 43, Laws of 1989) must be commenced within four years after the cause of action accrues.

(2) Subject to subsection (3) of this section, a cause of action for breach of warranty of quality, regardless of the purchaser's lack of knowledge of the breach, accrues:

(a) As to a unit, at the time the purchaser to whom the warranty is first made enters into possession if a possessory interest was conveyed or at the time of acceptance of the instrument of conveyance if a nonpossessory interest was conveyed; and

(b) As to each common element, at the time the common element is completed or, if later: (i) As to a common element that may be added to the condominium or portion thereof, at the time the first unit therein is conveyed to a bona fide purchaser; or (ii) as to a common element within any other portion of the condominium, at the time the first unit in the condominium is conveyed to a bona fide purchaser.

(3) If a warranty of quality explicitly extends to future performance or duration of any improvement or component of the condominium, the cause of action accrues at the time the breach is discovered or at the end of the period for which the warranty explicitly extends, whichever is earlier.

NEW SECTION. Sec. 4. SUBSTANTIAL COMPLETION OF UNITS. In the case of a sale of a unit where delivery of a public offering statement is required, a contract of sale may be executed, but no interest in that unit may be conveyed until the declaration is recorded.

NEW SECTION. Sec. 5. STUDY COMMITTEE. A statutory committee is created to:

(1) Review the Washington condominium act, and consider comments concerning the act;

(2) Draft recommended revisions to the act; and

(3) Prepare written comments on the act to be included in the Senate or House Journals.

The committee shall consist of the following members:

(a) One member each of the majority and minority parties of the senate, appointed by the president of the senate;

(b) One member each of the majority and minority parties of the house of representatives, appointed by the speaker of the house of representatives;

(c) Four members of the drafting subcommittee of the senate judiciary condominium task force;

(d) One member appointed by the Washington land title association;

(e) One member appointed by the Washington mortgage bankers association;

(f) One member appointed by the Washington association of realtors;

(g) One member appointed by the Washington chapter of the community associations institute;

(h) One member appointed by the homebuilders association of Washington state;

(i) One member appointed by the Washington state bar association;

(j) One member appointed by the Washington association of county officials; and

(k) Two members appointed by the governor.

The committee shall report to the senate law and justice committee and the house judiciary committee before March 1, 1990.

This section shall expire March 1, 1990.

NEW SECTION. Sec. 6. CAPTIONS. Section captions as used in this act do not constitute any part of the law.

NEW SECTION. Sec. 7. EFFECTIVE DATE. Sections 1 through 4 of this act shall take effect July 1, 1990."

On page 1, line 1 of the title, after "lands;" strike the remainder of the title and insert "creating new sections; and providing an effective date."

and the same is herewith transmitted.

W. D. Naismith, Assistant Secretary.

MOTION

Mr. Appelwick moved that the House do concur in the Senate amendments to House Bill No. 1656.

Representatives Appelwick and Padden spoke in favor of the motion, and it was carried.

FINAL PASSAGE OF HOUSE BILL AND AMENDED BY SENATE

The Speaker (Mr. Wang presiding) stated the question before the House to be the final passage of House Bill No. 1656 as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1656 as amended by the Senate, and the bill passed the House by the following vote: Yeas, 92; excused, 6.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Baugher, Belcher, Betzoff, Bowman, Braddock, Brekke, Bristow, Brooks, Brough, Brumstickle, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Fraser, Fuhrman, Grant, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Inslee, Jacobsen, Jesernig, Jones, King P, King R, Kremen, Leonard, Locke, May, Meyers R, Miller, Morris, Myers H, Nealey, Nelson, Nutley, O'Brien, Padden, Patrick, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schoon, Scott, Silver, Smith, Sommers D, Sommers H, Spanel, Sprenkle, Tate, Todd, Valle, Van Luven, Vekich, Walk, Walker, Wang, Wilson K, Wineberry, Winsley, Wolfe, Wood, Youngsman, Zellinsky, and Mr. Speaker - 92.

Excused: Representatives Beck, Gallagher, McLean, Moyer, Schmidt, Wilson S - 6.

House Bill No. 1656 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

REPORT OF CONFERENCE COMMITTEE

April 23, 1989

Mr. Speaker:

We of your Conference Committee to whom was referred SUBSTITUTE SENATE BILL NO. 5383, establishing a program for employment and training planning, have had the same under consideration and we report that we are unable to agree, and we respectfully request the powers of Free Conference to amend the bill as follows:

Reject all previous amendments, and

Adopt the following amendments:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. LEGISLATIVE FINDINGS AND DECLARATIONS. The legislature finds that the economy of Washington, like that of the nation, has shifted to an international economic arena. To meet this growing competition from other countries, businesses in the state need a skilled workforce. Because of the increased technical nature of the new jobs, the workforce is increasingly unable to fill the needs of the job market. Action is needed to train workers for the job skills necessary now and in the future.

It is also recognized that twenty to thirty percent of the present labor force pool is deficient in various literacy skills which must be improved before they can take advantage of job training or retraining programs. It is essential that cooperative efforts to provide state citizens with appropriate job and literacy training be designed and administered in accordance with the economic conditions and employment needs of each locality. It is also recognized that existing state and federal programs addressing the employment needs of the economically disadvantaged are multiple, often uncoordinated responses to these needs.

The legislature finds that the encouragement of entrepreneurial development and business ownership is necessary if the state's opportunities for economic growth and job creation are to be realized.

The legislature finds and declares that section 126 of the federal job training partnership act requires coordination of all state job training efforts and allows the enactment of state legislation to implement the federal job training partnership act programs, provided the state legislation is consistent with the federal act. The job training coordination council and private industry councils created under the federal act have been effective and as constituted could immediately implement the requirements of this chapter. Furthermore the federal job training partnership act, P.L. 97-300, charges the state administering agency and private industry councils with the responsibility of coordinating the employment and training system in the state.

NEW SECTION. Sec. 2. DEFINITIONS. Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) 'Department' means the employment security department.

(2) 'State council' means the Washington state job training coordinating council.

(3) 'Training and retraining' means any education or skill training activity that is needed by an individual to begin or continue full participation in the Washington workforce.

(4) 'Employment and training system' includes agencies and institutions of elementary and secondary education, community colleges, vocational technical institutes, higher education, adult education, apprenticeship programs, employment training and retraining, vocational education, the public employment service and unemployment insurance system, and private

and public nonprofit organizations that provide job training services, including programs authorized under the federal job training partnership act, P.L. 97-300.

(5) 'Dislocated worker' means individuals who:

(a) Have been terminated or laid off or have received a notice of termination or layoff from employment, are eligible for or have exhausted their entitlement to unemployment compensation, and are unlikely to return to their previous industry or occupation;

(b) Have been terminated or have received a notice of termination of employment as a result of any permanent closure of or any substantial layoff at a plant, facility, or enterprise;

(c) Are long-term unemployed and have limited opportunities for employment or reemployment in the same or a similar occupation in the area in which they reside, including older individuals who may have substantial barriers to employment by reason of age; or

(d) Were self-employed (including farmers and ranchers) and are unemployed as a result of general economic condition in the community in which they reside or because of natural disasters.

Sec. 3. Section 1, chapter 181, Laws of 1984 and RCW 50.04.075 are each amended to read as follows:

DISLOCATED WORKER DEFINITION. 'Dislocated worker' means ~~((any))~~ individuals who:

~~(1) ((Has been terminated or received a notice of termination from employment;~~

~~(2) is eligible for or has exhausted entitlement to unemployment compensation benefits; and~~

~~(3) is unlikely to return to employment in the individual's principal occupation or previous industry because of a diminishing demand for their skills in that occupation or industry)) Have been terminated or laid off or have received a notice of termination or layoff from employment, are eligible for or have exhausted their entitlement to unemployment compensation, and are unlikely to return to their previous industry or occupation;~~

~~(2) Have been terminated or have received a notice of termination of employment as a result of any permanent closure of or any substantial layoff at a plant, facility, or enterprise;~~

~~(3) Are long-term unemployed and have limited opportunities for employment or reemployment in the same or a similar occupation in the area in which they reside, including older individuals who may have substantial barriers to employment by reason of age; or~~

~~(4) Were self-employed (including farmers and ranchers) and are unemployed as a result of general economic condition in the community in which they reside or because of natural disasters.~~

NEW SECTION. Sec. 4. ESTABLISHMENT OF STATE COORDINATING COUNCIL. There is hereby created the Washington state job training coordinating council. The state council is designed to promote a program of comprehensive and coordinated employment and training planning in Washington in accordance with the federal job training partnership act, P.L. 97-300, and other federal, state, and local programs.

The council shall develop an assessment process which can be used to evaluate employment and training programs among state and local agencies. The assessment shall include a determination of the sufficiency and adequacy of recommendations for coordination of employment and training programs. The council shall make recommendations for distribution of funds available to the council to meet the needs at the local level. The council shall provide necessary oversight of programs operated pursuant to this chapter to meet federal requirements of the job training partnership act.

NEW SECTION. Sec. 5. COMPOSITION OF COORDINATING COUNCIL.—COMPENSATION OF MEMBERS. Current members of the Washington state job training coordinating council appointed pursuant to P.L. 97-300 shall serve as the state council for purposes of this chapter until new appointments are made consistent with this section. New appointments to the state council shall be made by December 31, 1989. The state council shall not exceed thirty members, appointed by the governor from nominations as provided in this section and as required by federal law, and shall be representative of the population mix of the state.

The governor shall appoint one of the nongovernmental members to be chair of the council, subject to confirmation by the senate.

(1) Thirty percent of the members shall be representatives of large and small business, industry, and agriculture. These members shall have or have had substantial management or policy responsibilities for a business or autonomous part of a business. One of these members shall also have a record of employing a significant number of disabled persons.

(2) Thirty percent of the members shall be representatives of state and local government and shall include: One member of the senate; one member of the house of representatives; the superintendent of public instruction; the commissioner of the employment security department; the director of the department of labor and industries; and the executive director of the state board for community college education, or their designees; an elected county officer; and a member of a city council.

(3) Thirty percent of the members shall be representatives of organized labor and representatives of community based nonprofit organizations providing employment and training services or advocacy for program participants.

(4) Ten percent of the members shall be appointed from the general public, one of whom shall be from a state-wide organization formed to address literacy problems in Washington.

Members shall be reimbursed for travel expenses under RCW 43.03.050 and 43.03.060, except legislative members shall be reimbursed under RCW 44.04.120.

NEW SECTION, Sec. 6. DIRECT SERVICES PROHIBITED. In order to assure objective management and oversight, the state council shall not operate programs or provide services directly to eligible participants, but shall exist solely to plan, establish criteria, coordinate, evaluate, and monitor the provision of such programs and services.

NEW SECTION, Sec. 7. CONFLICTS. If any part of this act is found to be in conflict with federal requirements which are a prescribed condition to the allocation of federal funds to the state or the eligibility of employers in this state for federal unemployment tax credits, the conflicting part of this act is hereby declared to be inoperative solely to the extent of the conflict, and such finding or determination shall not affect the operation of the remainder of this act. The rules under this act shall meet federal requirements which are a necessary condition to the receipt of federal funds by the state or the granting of federal unemployment tax credits to employers in this state.

NEW SECTION, Sec. 8. DUTIES OF STATE COUNCIL. The state council shall carry out:

(1) The planning requirements of the federal job training partnership act and this chapter. The plan shall be submitted to the governor and, within thirty days of submission to the United States secretary of labor, to the legislature. The plan shall include the following:

(a) Recommendations for coordinating activities under this chapter with programs and services provided by state and local education and training agencies including vocational education agencies, public assistance agencies, the employment service, rehabilitation agencies, programs for the homeless, postsecondary institutions, economic development agencies, and such other agencies as the council or the governor determines to have a direct interest in employment and training and human resource utilization within the state;

(b) Recommendations for the use of provisions allowable under the federal job training partnership act and other programs to facilitate employee ownership;

(c) Recommendations to the governor for local service delivery areas and standards, criteria, and reporting requirements with respect to local service delivery area plans and substate plans;

(d) Recommendations for the allocation of federal funds received by the state pursuant to section 202(b) and Title III of the federal job training partnership act;

(e) The annual labor market and occupational supply and demand information plan developed pursuant to this chapter;

(f) The state plan on dislocated worker effort developed pursuant to this chapter; and

(g) Recommendations to the governor, the state legislature, and relevant state agency directors whose plans are subject to review under of this chapter for changes in administration of programs as it deems necessary.

(2) The state council shall meet:

(a) At least once annually with the state council on vocational education established pursuant to the Carl D. Perkins vocational education act and comment on any reports of the state council on vocational education, and shall meet consecutively on the same day in the same place whenever possible; and

(b) At such other times and in such places as it deems necessary.

(3) The state council shall employ personnel necessary to carry out its responsibilities from funds available to the state council under various federal job training programs and shall share and use shared personnel with other agencies to the greatest degree practical. All personnel of the council shall be under the supervision of the person to whom this responsibility has been delegated by the state council.

(4) The state council shall establish procedures to assure that the rights and privileges of applicants for or recipients of services provided under this chapter are not abridged. The state council's monitoring and evaluation activities shall determine whether participants are being treated with fairness, equity, and courtesy.

NEW SECTION, Sec. 9. GOVERNOR TO TRANSFER RELATED FUNCTIONS. The plans and decisions of the state council shall be subject to approval by the governor. The governor may, to the extent permitted by applicable law, transfer to the state coordinating council those functions related to the duties enumerated in this section from (1) any other state coordinating committee such as the work incentive program or successor program under Title IV of the social security act, 42 U.S.C. Sec. 601 et seq., (2) state board for vocational education activities established under the Carl D. Perkins vocational education act, P.L. 88-210, as amended by P.L. 98-524, and (3) advisory council activities established under the Wagner-Peyser act, 29 U.S.C. Sec. 49 et seq.

NEW SECTION, Sec. 10. ANALYSES—RECOMMENDATIONS. Beginning June 1, 1989, the state coordinating council shall, in conjunction with the northwest policy center at the University of Washington, legislative staff, and the office of financial management, prepare:

(1) An analysis of existing workforce training programs in the state. This shall include the costs of each program, number of trainees served, types of training, placement rates, salary

ranges of trainees once placed, and other relevant data. The analysis shall rank the programs in terms of effectiveness and cost;

(2) An analysis of the demand for and the supply of training services in the state. This shall include employer and employee demands for training, the supply of private and public training programs in the state, and possible causes of needed training being unavailable;

(3) An assessment of the workforce skill level deficiencies of various subsets of the state population, such as dislocated workers, displaced homemakers, exhautees of unemployment benefits, incarcerated adults, high school drop-outs, high school graduates, college graduates, and welfare recipients;

(4) An analysis of the need for new workforce training programs. This shall include a review of training programs not currently available in this state and an examination of their cost-effectiveness relative to existing state programs;

(5) An analysis of the need for public funding of workforce training programs. This shall include an examination of alternative funding mechanisms and their possible tax incidence;

(6) An analysis of availability of adequate information on labor supply and demand and whether such information should be enhanced.

The state council shall submit a preliminary report to the legislature no later than December 1, 1989, and a final report with recommendations no later than December 1, 1990, based on the results of its analyses in subsections (1) through (6) of this section. The council may form a special task force composed of some of its members plus others with needed expertise to formulate the recommendations. The task force shall have equal representation from business and labor.

NEW SECTION, Sec. 11. STATE AGENCIES TO SUBMIT PLANS. All state agencies which provide employment training and related services, including the department of social and health services, the department of labor and industries, the employment security department, the office of the superintendent of public instruction, the department of community development, the department of corrections, the military department, the higher education coordinating board, and the state board for community college education, shall submit their yearly plans on training and employment activities to the state council for review prior to agency adoption.

NEW SECTION, Sec. 12. ESTABLISHMENT OF SERVICE DELIVERY AREAS—SERVICE DELIVERY AREAS AS SUBSTATE AREAS—ADHERENCE TO PLAN REQUIRED CRITERIA. (1) The governor shall, after receiving the recommendations of the state council on service delivery areas, make a designation of or redesignation of service delivery areas consistent with the requirements of the federal job training partnership act. To the extent permitted by federal law, designation of service delivery areas shall reflect the intent of the legislature to integrate and coordinate employment and training services, public assistance programs, and other educational and public assistance programs, and other educational and training efforts as may exist which are designed to assist individuals in preparing for participation in the labor force. Counties, cities, and all other persons or organizations shall be given the opportunity to comment on and request revision of the proposed designation of service delivery areas.

(2) Service delivery areas shall serve as the substate areas for purposes of Title III of the job training partnership act unless the state council, after due deliberation, makes written recommendations to the governor that two or more contiguous service delivery areas which have requested designation as a substate area and have a combined population of two hundred thousand or more should serve as a substate area.

(3) The governor for purposes of Title III of the job training partnership act, P.L. 97-300, shall designate a substate grantee in accordance with an agreement among the governor, the local elected official or officials of a substate area, and the private industry council or councils of such area. Whenever a substate area is represented by more than one such official or council, the respective officials and councils shall each designate representatives, in accordance with procedures established by the governor after consultation with the state job training coordinating council, to negotiate such agreement. In the event agreement cannot be reached on the selection of a substate grantee, the governor shall select the substate grantee.

(4) To receive any federal and state funds appropriated for the purposes and requirements of this chapter, a service delivery area shall operate under and adhere to a plan approved in accordance with this chapter.

NEW SECTION, Sec. 13. The state council shall appoint an entrepreneurial development subcommittee. The subcommittee shall:

(1) Conduct an assessment of existing entrepreneurial training and self-employment assistance programs;

(2) Facilitate the development of entrepreneurial training programs by private industry councils and the development of private and public efforts in entrepreneurial education and assistance;

(3) Propose to the full council a coordination plan for the delivery of services assisting entrepreneurial development and self-employment among low-income individuals;

(4) Select, in response to proposals solicited in each service delivery area, local private industry councils or other nonprofit local development organizations to operate self-employment programs for low-income entrepreneurs. Organizations so selected shall be awarded

funds for a revolving loan fund to finance the entrepreneurial initiatives of those participating in the self-employment program. Self-employment program proposals shall:

(a) Demonstrate the applicant organization's capacity to administer a self-employment program that includes a revolving loan fund; and

(b) Provide a detailed description of the proposed self-employment program including a description of the entrepreneurial training and social support that will be provided to participants, how the training will meet the unique needs of low-income participants, and the process by which the revolving loan fund will be administered.

The subcommittee may establish additional criteria and solicit expert advice from outside the state council, as it deems appropriate, in awarding funds for the operation of self-employment programs.

NEW SECTION, Sec. 14. ESTABLISHMENT OF PRIVATE INDUSTRY COUNCILS—RESPONSIBILITIES. (1) There shall be a private industry council established in each service delivery area, appointed by the chief elected officials of the local governmental unit or units involved and of such size as the unit or units deem appropriate for the purposes of this chapter. The council shall include representatives of business, education, community-based organizations, and organized labor.

Members shall be appointed for fixed and staggered terms of a duration reflected in the bylaws of the private industry council and the private industry council shall select annually from among its membership a chairman, vice-chairman, and any other officers the council deems necessary. Members of the private industry council shall be reimbursed only for their necessary and actual expenses incurred in the performance of their official duties.

The private industry council, in order to carry out its functions, shall, in accordance with its plan, prepare and approve a budget and may hire staff, incorporate, and solicit and accept contributions and grant funds from other sources.

(2) The governor shall certify a private industry council if the governor determines that its composition and appointments are consistent with federal requirements and provisions of this chapter. Such certification shall be made or denied within thirty days after the date on which a list of members and necessary supporting documentation are submitted to the governor. Current private industry councils appointed under the job training partnership act, P.L. 97-300, are deemed certified for the purposes of this chapter. When the governor certifies the council, it shall be convened within thirty days by the official or officials who made the appointments to such council.

(3) It shall be the duty of the private industry council to: Design and plan the program of job preparation and training services for the service delivery area; in conjunction with the labor market and economic analysis branch of the employment security department, survey local employment needs and local economic conditions; monitor the performance of the job preparation and training services system to assure its compliance with the service delivery area plan; and prepare and distribute to interested parties a program assessment for review and comment. In addition, the private industry council shall review and comment on the vocational education programs available in the service delivery area; pursuant to the federal Wagner-Peyser act, as amended, develop jointly with local offices of the department operating within the service delivery area the employment services and training plans; and submit information to the child care coordinating committee created under chapter 74.13 RCW which shall describe any unmet child care needs of participants eligible for services under this chapter.

NEW SECTION, Sec. 15. SERVICE DELIVERY AREA SYSTEMS—ELEMENTS OF SERVICES. There shall be established in each service delivery area, subject to the direction of the chief elected officials and the private industry councils acting in accordance with the provisions of this chapter and the federal job training partnership act, a system for providing job preparation, training, and placement services to persons eligible under the provisions of this chapter. Elements of services to be provided by the system may include, but are not limited to:

(1) Receiving applications for services and screening the applicants in accordance with priorities and services provided pursuant to a job preparation and training services plan;

(2) Assessment of an eligible participant's training needs and employment potential, including potential for success as an independent business person;

(3) Immediate job search assistance which provides applicants and recipients of public assistance with self-help job search skills and other job finding services which promote quick entry into unsubsidized jobs;

(4) Job training services and entrepreneurial training for those participants who without such training would be unable to obtain unsubsidized employment within a reasonable period of time;

(5) Basic and remedial education for those participants whose deficiency is a barrier to necessary job skills training;

(6) Job placement services for participants completing training programs; and

(7) Specialized employment placement assistance, where appropriate, for individuals whose access to services is limited due to physical disabilities but who are otherwise eligible for services.

Economically disadvantaged women and minorities shall be served with federal job training partnership act funds, with respect to Title I and Title II of the act, at a rate that approximates their rate of representation and need for job training among the economically disadvantaged within each service delivery area.

NEW SECTION, Sec. 16. SERVICE DELIVERY AREA PLAN—PUBLIC REVIEW AND COMMENT—APPROVAL OF PLAN. A service delivery area plan shall be prepared in accordance with an agreement or agreements between the local private industry council and the chief elected official or officials in the service delivery area. The plan shall conform to and be prepared in accordance with the criteria, rules, and procedures established pursuant to this chapter and the federal job training partnership act.

The opportunity shall be provided for public review and comment on the service delivery area plan prior to final approval. Each service delivery area's plan shall require the approval of the local private industry council, prior to submission to the state coordinating council for certification and to the governor for approval.

NEW SECTION, Sec. 17. SELECTION OF ADMINISTRATIVE ENTITY—NO NEEDLESS DUPLICATION OF SERVICES—CONSORTIUM AUTHORIZED. (1) The private industry council and appropriate local elected officials in each service delivery area shall determine the entity to administer the service delivery area plan and the organization and structure necessary to administer the system of services provided pursuant to federal requirements and this chapter.

(2) The administrative structure shall provide access to employment and training services for those receiving benefits under the aid to families with dependent children program, the family independence program, and other public assistance programs. It shall also integrate its employment and training resources available within the service delivery area into a comprehensive employment services system.

(3) The entity administering the service delivery area plan in each service delivery area may contract for the provision of services to persons eligible under this chapter. In selecting services or facilities for training, existing services and community facilities shall be utilized to the fullest extent possible.

(4) Governmental units are hereby authorized to establish through a joint powers agreement a consortium empowered to fulfill the requirements of this chapter. The consortium shall conform to the provisions of this chapter. The state council and the employment security department shall give full cooperation and assistance in assuring the effective, efficient formulation and operation of the consortium.

NEW SECTION, Sec. 18. ELIGIBILITY—PRIORITIES. In the event that available funding is not sufficient to provide the full range of services authorized under this chapter to persons eligible for such services, the state council shall establish criteria to be used in service delivery areas in determining both of the following:

- (1) The priority order among eligible persons for access to services; and
- (2) The priority order among the types of services to be provided.

The criteria shall provide sufficient flexibility in order that local service delivery area plans can respond to the needs of eligible groups for programs developed in response to local conditions.

NEW SECTION, Sec. 19. EMPLOYMENT SECURITY—COORDINATION OF PLANS—PLAN FOR INFORMATION SYSTEM. The employment security department shall assure that the services and resources provided by its various networks, systems, and functions are fully supportive of the service delivery areas.

(1) The department shall assure that its local offices develop operational plans which are coordinated with and support the development and operation of service delivery area plans prepared pursuant to this chapter.

(2) The employment security department shall develop and annually update a plan for the use of available resources to design and implement a state-wide comprehensive labor market and occupational supply and demand information system as specified in section 125 of the federal job training partnership act. The plan shall be submitted to the state council no later than May 1 of each year.

(3) The department shall seek and obtain funds or in-kind contributions to the maximum extent possible from the national occupational information coordinating committee and other federal, state, local, and private sources and may accept and use any such funds or in-kind contributions for the purposes of subsection (2) of this section.

NEW SECTION, Sec. 20. DISLOCATED WORKER ASSISTANCE PROGRAM. The employment security department shall establish a dislocated workers assistance program consistent with the requirements of Title III of the federal job training partnership act, P.L. 97-300, as amended. The program will have the capability to respond rapidly, on site, to permanent closures and substantial layoffs throughout the state to assess the need for, and initially to provide for, appropriate basic readjustment services.

The program shall:

(1) Make appropriate retraining and basic readjustment services available to eligible dislocated workers through the use of rapid response teams, substate grantees, and other appropriate organizations;

- (2) Work with employers and labor organizations in promoting labor-management cooperation to achieve the goals of this chapter and the federal job training partnership act;
- (3) Operate a monitoring, reporting, and management system which provides an adequate information base for effective program management, review, and evaluation;
- (4) Exchange information and coordinate programs with other state agencies;
- (5) Disseminate throughout the state information on the availability of all state services and activities under this program; and
- (6) Integrate the delivery of services under the program with services or payments provided pursuant to Title II of the federal trade act of 1974.

NEW SECTION, Sec. 21. DISLOCATED WORKER PLAN. The dislocated workers assistance program shall be responsible for the development of a biennial state plan describing in detail the dislocated worker efforts that will be assisted with funds under this chapter and Title III of the job training partnership act. The dislocated worker plan shall be prepared in consultation with and subject to the approval of the state council. The dislocated worker plan shall be developed in conjunction with the state's coordination and special services plan prepared by the state council. The dislocated worker plan shall include:

- (1) Provisions sufficient to demonstrate that the department and the private industry councils will comply with the requirements of this chapter and Title III of the job training partnership act;
- (2) Incentives to provide training of greater duration for those who require it; and
- (3) Assurances that services will be provided only to eligible dislocated workers or displaced homemakers as provided in Title III of the job training partnership act.

NEW SECTION, Sec. 22. SUBSTATE PLAN. The substate grantee designated in accordance with section 12(3) of this act shall be responsible for the preparation of a substate plan describing the manner in which the dislocated worker activities of the substate grantee will be conducted within the substate area. The substate grantee shall submit the substate plan to the governor for approval or modification. Prior to the submission to the governor, the plan shall be submitted to the state council for certification that the plan is consistent with criteria established by the state council and to the other parties to the agreement described in section 12(3) of this act for their review and comment.

The substate plan shall contain a statement of:

- (1) The mechanism the substate grantee will use for coordinating dislocated worker programs with the unemployment compensation system in the substate area;
- (2) A description of the methods by which the substate grantee will respond expeditiously to worker dislocation where the rapid response assistance required of the department's dislocated workers assistance program is inappropriate, including worker dislocation in sparsely populated areas; and
- (3) The means whereby coordination with other appropriate programs, services, and systems will be affected, particularly where such coordination is intended to provide access to the services of such other systems for program participants at no cost to the worker readjustment program.

NEW SECTION, Sec. 23. USE OF FUNDS FOR RETRAINING SERVICES. Not less than sixty percent of the funds provided for dislocated workers under Title III of the job training partnership act to a substate grantee shall be expended for training and retraining services. This requirement is subject to the waiver provision of the federal job training partnership act, P.L. 97-300. Training shall be in job skills for which demand exceeds supply.

NEW SECTION, Sec. 24. FUNDING FOR SERVICES. The funding for services authorized under this chapter is to be administered through:

- (1) Federal job training partnership act funds; and
- (2) Appropriate state and federal categorical funds for demonstration and special assistance programs.

NEW SECTION, Sec. 25. The legislature finds that the economy of Washington, like that of the nation, has shifted to an international economic arena. To meet this growing competition from other countries, businesses in the state need a skilled and flexible workforce. Because of the increased technical nature of the new jobs and the tightening of labor markets, employers will be hard pressed to find skilled workers to meet world market competition. Approximately eighty-five percent of the workforce for the year 2000 is already employed. Many of the workers currently employed will encounter problems adapting to the needs of the future labor market. A large share of the workers will need improved technical skills. Action is needed to retrain workers to keep up with emerging technology and to provide the necessary skills to workers reentering the workforce. To assist workers in need of skills and employers in need of skilled workers, an increase in training opportunities in the state is necessary.

The legislature further finds that by directing additional job training and retraining to those individuals who are recipients of unemployment insurance benefits, recent exhaustees of benefits, or employees who are soon likely to claim benefits due to economic dislocation, the state can reduce pressure on the unemployment insurance system and at the same time promote the economic development of the state.

NEW SECTION. Sec. 26. Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) 'Council' means the Washington council on employment futures.

(2) 'Commissioner' means the commissioner of the employment security department.

(3) 'Department' means the employment security department.

(4) 'Program' means the Washington employment futures program.

(5) 'Fund' means the employment futures fund established in section 34 of this act for the deposit and expenditure of funds acquired for the implementation of the Washington employment futures program.

(6) 'Training' means any education or skill training or retraining activity that is needed by an individual to begin or continue full participation in the Washington workforce.

(7) 'Training providers' includes agencies and institutions of secondary education, vocational technical institutes, community colleges, higher education, adult education, vocational education, apprenticeship programs, and private and public nonprofit organizations that are representative of communities or significant segments of communities and provide job training services.

(8) 'Eligible participant' means a person who, prior to beginning training pursuant to this chapter, was:

(a) Unemployed and claiming unemployment insurance benefits;

(b) An individual who had exhausted eligibility for unemployment insurance benefits within the previous twenty-four months;

(c) Employed, but had been determined by the department to be likely to be displaced and therefore claim unemployment insurance benefits subsequent to notice given under the federal worker adjustment and retraining notification act, P.L. 100-379, 102 Stat. 890, or any state law requiring advance notification of workplace closures or mass layoffs or after voluntary notice by an employer of likely displacement not to exceed one hundred twenty days in advance of such displacement; or

(d) A displaced homemaker as defined in RCW 28B.04.030. Displaced homemakers shall constitute no less than two percent of program participants.

NEW SECTION. Sec. 27. (1) There is created the Washington employment futures program.

(2) The program shall include:

(a) The provision of training and related services; and

(b) Evaluation of the effectiveness of the program.

NEW SECTION. Sec. 28. (1) There is created the Washington council on employment futures.

The council shall consist of six voting members, seven nonvoting members, and a nonvoting chairperson. The governor shall appoint the members of the council. Three of the voting members shall be representatives of business, at least one of whom shall be from east of the Cascades, and three of the voting members shall be representatives of labor, at least one of whom shall be from east of the Cascades. Three of the nonvoting members shall be the state superintendent of public instruction, the executive director of the state board for vocational education, and the executive director of the state board for community college education. Four legislators shall serve as nonvoting members. The president of the senate shall appoint a senator from each of the major caucuses to serve on the council, and the speaker of the house of representatives shall appoint a representative from each of the major caucuses to serve on the council. The commissioner of employment security shall serve as the nonvoting chairperson of the council. At least two of the labor representatives shall be selected from a list of not less than five names, submitted to the governor by a state-wide organization, which through its affiliates embraces a cross section and a majority of organized labor in the state. At least two of the business representatives shall be selected from a list of not less than five names, submitted to the governor by a recognized state-wide organization of employers, which represents a majority of employers in the state.

(2) The council shall be responsible for the overall administration of the program. The council shall meet as necessary to carry out the purposes of this chapter, and council members shall be reimbursed for travel expenses in accordance with RCW 43.03.050 and 43.03.060. Each voting member of the council shall be compensated in accordance with RCW 43.03.240.

(3) The department shall provide staff to the council as necessary to carry out the purposes of this chapter.

(4) No more than fifteen percent of the total program appropriation shall be used for administration by the council, the department, or any regional review panels established by the council. Administrative costs may include costs for linkage between eligible participants and the program.

(5) The council shall consult with the Washington state job training coordinating council in the operation of the Washington employment futures program.

NEW SECTION. Sec. 29. Contract proposals for training shall be submitted to the council for approval. Proposals shall not be approved except by a majority of the voting members of the council. The council may establish regional review panels to review and recommend proposals to the council for final approval. Contracts shall not be subject to bid requirements. Proposal specifications shall be developed by the council and established by rule.

(1) The council may agree to contracts for training with any one or more of the following:

- (a) A provider of training services;
- (b) An employer submitting a proposal jointly with one or more eligible training providers or private industry councils;
- (c) An organization representing employees submitting a proposal jointly with one or more eligible training providers or private industry councils; or
- (d) A private industry council authorized under the federal job training partnership act, P.L. 97-300.

(2) Proposals for training under the program shall demonstrate the provider's past success in training and job placement, and must demonstrate the employment demand for the proposed trainees.

(3) Training providers under the program shall be reimbursed for the full cost of training, except indirect costs shall be limited to no more than ten percent of the total, and twenty-five percent of the cost of training shall not be paid to the provider until the trainee is placed and employed in a job for a period of at least ninety days.

(4) Contracts may include the cost of facilitating the applications of small businesses and groups of small businesses as part of the cost of providing training.

NEW SECTION, Sec. 30. The delivery of program services shall be accomplished through the existing education and training system. Services delivered through the program shall include:

- (1) Vocational training to provide workers with skills required in the labor market;
- (2) Upgrading skills in areas that are necessary to keep pace with technology and the global economy;
- (3) Workplace literacy training, including English as a second language, and training to improve math, reading, and computational skills for workers who need advanced skills because of technological changes in the marketplace;
- (4) Other training that assists workers and employers in supporting economic development in the state; and
- (5) Support services approved by the council.

NEW SECTION, Sec. 31. (1) The council shall only approve proposals for training that facilitate the employment of participants in jobs with definite career potential and long-term job security for which an adequate force of workers does not already exist. At least seventy-five percent of the funds for training under the program shall be expended for training that is linked to specific job openings.

(2) The council may develop minimum standards for length of training, wage levels of jobs for which training shall be provided, and costs per trainee. No proposal shall be considered that proposes training for employment covered by a collective bargaining agreement unless the signatory labor organization agrees in writing.

- (3) The council shall give priority to proposals for training:
 - (a) In areas of critical skill shortages;
 - (b) For jobs in businesses that would likely fail were it not for the provision of the training;
 - (c) For jobs in businesses that are either newly locating in the state or expanding employment in the state; and
 - (d) For jobs in distressed areas of the state.

NEW SECTION, Sec. 32. Proposals developed pursuant to this chapter shall not replace, supplant, compete with, or duplicate in any way already existing education or training programs.

NEW SECTION, Sec. 33. Evaluation is an integral part of the Washington employment futures program and shall give useful, policy-relevant information about the effectiveness of program strategies and training provided in the program.

(1) Evaluation of the program shall be performed by the department in conjunction with a research organization with expertise in program analysis selected by the office of financial management. The role of the research organization shall be limited to assisting the department in setting evaluation parameters and verifying the department's analysis of the data. The evaluation shall have three major components:

- (a) An analysis of program implementation and operation with a focus on the linkages among the organizations providing services;
- (b) An analysis to show the impact of the different services on program participants and short-term and long-term benefits to employers, including comparisons with control groups of similar make-up not engaged in the program; and
- (c) An analysis of the effect of program participation and operation on the unemployment compensation fund.

(2) The department shall develop and test an integrated state-wide education, training, and employment tracking system by following the postprogram employment history of program participants. The system shall:

- (a) Identify all employers since training for each former program participant and his or her rates of compensation; and

(b) Determine whether the former program participant's employment is related to prior education or training.

(3) All providers participating in the program shall provide enrollment and completion data on program participants by social security number to facilitate the matching necessary for identification, tracking, and accountability.

(4) All employers participating in the program or hiring program trainees shall supply the department with the occupational title of the participants.

(5) An interim report shall be prepared by January 1, 1990. Yearly evaluations shall be prepared by January 1, 1991, and January 1, 1992. A detailed evaluation report shall be prepared by January 1, 1993. That evaluation shall contain recommendations about continuation of the program.

NEW SECTION. Sec. 34. A new section is added to chapter 50.16 RCW to read as follows:

The employment futures fund is established to be administered by the commissioner as a separate and identifiable fund. The employment futures fund shall consist of contributions paid under section 35 of this act, public and private grants for the purposes of chapter 50.-- RCW (sections 25 through 33 of this act), and other funds provided for the employment futures program. Money in the employment futures fund may be expended only for the purposes of chapter 50.-- RCW (sections 25 through 33 of this act) or placed in the unemployment insurance trust fund, and money from contributions paid under section 35 of this act must be appropriated.

NEW SECTION. Sec. 35. A new section is added to chapter 50.24 RCW to read as follows:

(1) Beginning July 1, 1989, and ending December 31, 1991, contributions to the employment futures fund established in section 34 of this act shall accrue and become payable by each employer, except employers as described in RCW 50.04.010 and 50.44.030 who have properly elected to make payments in lieu of contributions, taxable local government employers as described in RCW 50.44.035, and those employers who are required to make payments in lieu of contributions, at the rate of three one-hundredths of one percent.

(2) Beginning January 1, 1990, and ending December 31, 1991, an additional three one-hundredths of one percent shall accrue and become payable by each employer, except employers as described in RCW 50.04.010 and 50.44.030 who have properly elected to make payments in lieu of contributions, taxable local government employers as described in RCW 50.44.035, and those employers who are required to make payments in lieu of contributions, if schedule A of RCW 50.29.025 is in effect on January 1, 1990.

(3) The amount of wages subject to tax shall be determined under RCW 50.24.010.

(4) Contributions under this section shall become due and be paid by each employer pursuant to rules prescribed by the commissioner and shall not be deducted, in whole or in part, from the remuneration of individuals in the employ of the employer. Any deduction in violation of this section is unlawful.

(5) In the payment of any contributions under this section, a fractional part of a cent shall be disregarded unless it amounts to one-half cent or more, in which case it shall be increased to one cent.

NEW SECTION. Sec. 36. A new section is added to chapter 50.29 RCW to read as follows:

Tax rates for rate classes 1 through 19, described in RCW 50.29.025, shall be reduced by three one-hundredths of one percent from July 1, 1989, through December 31, 1991. Beginning January 1, 1990, tax rates for classes 1 through 19 will be further reduced by three one-hundredths of one percent, for rate years 1990 through 1991: PROVIDED, That this reduction will only occur if schedule A of RCW 50.29.025 is in effect on January 1, 1990.

NEW SECTION. Sec. 37. If any part of this act is found to be in conflict with federal requirements which are a prescribed condition to the allocation of federal funds to the state or the eligibility of employers in this state for federal unemployment tax credits, the conflicting part of this act is hereby declared to be inoperative solely to the extent of the conflict, and such finding or determination shall not affect the operation of the remainder of this act. The rules under this act shall meet federal requirements which are a necessary condition to the receipt of federal funds by the state or the granting of federal unemployment tax credits to employers in this state.

NEW SECTION. Sec. 38. SEVERABILITY. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 39. LEGISLATIVE DIRECTIVE. Sections 1, 2, and 4 through 24 of this act shall constitute a new chapter in Title 50 RCW.

NEW SECTION. Sec. 40. Sections 25 through 33 of this act shall constitute a new chapter in Title 50 RCW.

NEW SECTION. Sec. 41. The sum of ten million five hundred thousand dollars, or as much thereof as may be necessary, is appropriated from the employment futures fund to the employment security department for the biennium ending June 30, 1991, to carry out the purposes of sections 25 through 36 of this act.

NEW SECTION. Sec. 42. SECTION CAPTIONS. Section captions used in this act constitute no part of the law.

NEW SECTION. Sec. 43. EMERGENCY. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect immediately.

NEW SECTION. Sec. 44. A new section is added to chapter 43.131 RCW to read as follows:

The Washington employment futures program shall be terminated on June 30, 1993, as provided in section 45 of this act.

NEW SECTION. Sec. 45. A new section is added to chapter 43.131 RCW to read as follows:

The following acts or parts of acts, as now existing or hereafter amended, are each repealed, effective June 30, 1994:

(1) Section 25, chapter ---, Laws of 1989 and RCW 50.--- (section 25 of this act);

(2) Section 26, chapter ---, Laws of 1989 and RCW 50.--- (section 26 of this act);

(3) Section 27, chapter ---, Laws of 1989 and RCW 50.--- (section 27 of this act);

(4) Section 28, chapter ---, Laws of 1989 and RCW 50.--- (section 28 of this act);

(5) Section 29, chapter ---, Laws of 1989 and RCW 50.--- (section 29 of this act);

(6) Section 30, chapter ---, Laws of 1989 and RCW 50.--- (section 30 of this act);

(7) Section 31, chapter ---, Laws of 1989 and RCW 50.--- (section 31 of this act);

(8) Section 32, chapter ---, Laws of 1989 and RCW 50.--- (section 32 of this act);

(9) Section 33, chapter ---, Laws of 1989 and RCW 50.--- (section 33 of this act);

(10) Section 34, chapter ---, Laws of 1989 and RCW 50.16.--- (section 34 of this act);

(11) Section 35, chapter ---, Laws of 1989 and RCW 50.24.--- (section 35 of this act); and

(12) Section 36, chapter ---, Laws of 1989 and RCW 50.29.--- (section 36 of this act)."

On page 1, line 1 of the title, after "planning;" strike the remainder of the title and insert "amending RCW 50.04.075; adding new chapters to Title 50 RCW; adding a new section to chapter 50.16 RCW; adding a new section to chapter 50.24 RCW; adding a new section to chapter 50.29 RCW; adding new sections to chapter 43.131 RCW; creating new sections; making an appropriation; and declaring an emergency."

Signed by Senators Lee, Vognild, Bailey; Representatives Cantwell, Rector.

MOTION

On motion of Mr. Jesernig, the Report of the Conference Committee on Substitute Senate Bill No. 5383 was adopted and the committee was granted the powers of Free Conference.

SENATE AMENDMENTS TO HOUSE BILL

April 23, 1989

Mr. Speaker:

The Senate has passed HOUSE BILL NO. 2129 with the following amendments:

On page 2, after line 3, insert the following:

NEW SECTION. Sec. 3. The legislature finds that it is important to the economic future of Washington state to increase the number of students studying Pacific Rim languages. The legislature intends to increase the number of students studying Pacific Rim languages by four hundred percent in the next twelve years.

NEW SECTION. Sec. 4. Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) 'Conditional scholarship' means a loan that is forgiven in whole or in part if the recipient renders service as a teacher in the public schools of this state.

(2) 'Institution of higher education' or 'institution' means a college or university in the state of Washington which is accredited by an accrediting association recognized as such by rule of the higher education coordinating board.

(3) 'Board' means the higher education coordinating board.

(4) 'Eligible student' means a student who is registered for at least ten credit hours or the equivalent, is proficient in a Pacific Rim language, is a resident student as defined by RCW 28B.15.012 through 28B.15.015, and has a declared intention to complete an approved preparation program leading to initial teacher certification or required for earning an additional endorsement, or a college or university graduate who meets the same credit hour requirements and is seeking an additional teaching endorsement or initial teacher certification.

(5) 'Pacific Rim language' includes but is not limited to Mandarin Chinese, Japanese, Korean, and Spanish.

(6) 'Public school' means an elementary school, a middle school, junior high school, or high school within the public school system referred to in Article IX of the state Constitution.

(7) 'Forgiven' or 'to forgive' or 'forgiveness' means to render service as a teacher at a public school in the state of Washington in lieu of monetary repayment.

(8) 'Satisfied' means paid-in-full.

(9) 'Participant' means an eligible student who has received a conditional scholarship under this chapter.

(10) 'Proficient' means expert in speaking and writing a language.

NEW SECTION. Sec. 5. The Pacific Rim language teachers conditional scholarship program is established. The program shall be administered by the higher education coordinating board. In administering the program, the board shall have the following powers and duties:

- (1) Select students to receive conditional scholarships, with the assistance of a screening committee composed of teachers and leaders in government, business, and education;
- (2) Adopt necessary rules and guidelines;
- (3) Publicize the program;
- (4) Collect and manage repayments from students who do not meet their teaching obligations under this chapter; and
- (5) Solicit and accept grants and donations from public and private sources for the program.

NEW SECTION. Sec. 6. The higher education coordinating board shall establish a planning committee to develop criteria for the screening and selection of recipients of the conditional scholarships. These criteria shall emphasize the student's proficiency in a Pacific Rim language and expressed intention to teach that language.

NEW SECTION. Sec. 7. The board may award conditional scholarships to eligible students from the funds appropriated to the board for this purpose, or from any private donations, or any other funds given to the board for this program. The amount of the conditional scholarship awarded an individual shall not exceed three thousand dollars per academic year. Students are eligible to receive conditional scholarships for a maximum of five years.

NEW SECTION. Sec. 8. (1) Participants in the conditional scholarship program incur an obligation with the higher education coordinating board to repay the conditional scholarship by teaching for ten years in the public schools of the state of Washington or by repaying the conditional scholarship, with interest, within a ten-year period, under rules adopted by the board.

(2) The terms of the ten-year repayment period, including deferral of the interest, shall be consistent with the terms of the federal guaranteed loan program.

(3) The ten-year repayment period, with payments accruing monthly or quarterly as determined by the board, shall commence nine months from the date the participant completes or discontinues the course of study.

(4) Should the participant cease to teach at a public school in this state before the participant's repayment obligation is completed, payments on the unsatisfied portion of the principal and interest shall begin the next payment period and continue until the remainder of the participant's repayment obligation is satisfied.

(5) The board is responsible for collection of repayments made under this section and shall exercise due diligence in such collection, maintaining all necessary records to insure that maximum repayments are made. Collection and servicing of repayments under this section shall be pursued using the full extent of the law, including wage garnishment if necessary, and shall be performed by entities approved for such servicing by the Washington student loan guaranty association or its successor agency. The board is responsible to forgive all or parts of such repayments under the criteria established in this section and shall maintain all necessary records of forgiven payments.

(6) Receipts from the payment of principal or interest or any other subsidies to which the board as administrator is entitled, which are paid by or on behalf of participants under this section, shall be deposited with the higher education coordinating board and shall be used to cover the costs of granting the conditional scholarships, maintaining necessary records, and making collections under subsection (5) of this section. The board shall maintain accurate records of these costs, and all receipts beyond those necessary to pay such costs shall be used to grant conditional scholarships to eligible students.

Sec. 9. Section 28A.70.005, chapter 223, Laws of 1969 ex. sess. as last amended by section 1, chapter 97, Laws of 1988 and by section 3, chapter 172, Laws of 1988 and RCW 28A.70.005 are each reenacted and amended to read as follows:

(1) The state board of education shall establish, publish, and enforce rules and regulations determining eligibility for and certification of personnel employed in the common schools of this state, including certification for emergency or temporary, substitute or provisional duty and under such certificates or permits as the board shall deem proper or as otherwise prescribed by law.

(2) Not later than July 31, 1989, the state board shall adopt or amend rules relating to persons who apply for a consultant special certificate, as defined under state board rules, to teach a foreign language, pursuant to section 4(5) of this act. Except for applicants who are applying for certificates which restrict the holder of the certificate to the teaching of students who are sixteen years of age or older, the rules shall require that the initial application for certification shall require a background check of the applicant through the Washington state patrol criminal identification system at the applicant's expense.

(3) In establishing rules pertaining to the qualifications of instructors of sign language the state board shall consult with the national association of the deaf, 'sign instructors guidance network' (s.i.g.n.), and the Washington state association of the deaf for evaluation and certification of sign language instructors.

(4) The superintendent of public instruction shall act as the administrator of any such rules and regulations and have the power to issue any certificates or permits and revoke the same in accordance with board rules and regulations.

NEW SECTION, Sec. 10. A new section is added to chapter 28A.03 RCW to read as follows:

The superintendent of public instruction shall encourage school districts to establish exchange programs for teachers with schools in Pacific Rim nations.

NEW SECTION, Sec. 11. Sections 3 through 8 of this act are each added to chapter 28B.80 RCW.

NEW SECTION, Sec. 12. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect immediately."

On page 1, line 1 of the title, strike "and"

On page 1, line 2 of the title, after "sections;" insert "reenacting and amending RCW 28A.70.005; adding a new section to chapter 28A.03 RCW; adding new sections to chapter 28B.80 RCW; and declaring an emergency"

and the same is herewith transmitted.

W. D. Naismith, Assistant Secretary.

MOTION

Ms. Cantwell moved that the House do concur in the Senate amendments to House Bill No. 2129.

POINT OF ORDER

Ms. Belcher: I request a ruling on the scope and object of the Senate amendments to House Bill No. 2129.

SPEAKER'S RULING

The Speaker (Mr. Wang presiding): The Speaker has examined House Bill No. 2129, which is "an act relating to diverse cultures and languages." It establishes a state policy to welcome cultures. On the other hand, the Speaker has examined the amendments, and the amendments go considerably beyond that in terms of establishing a conditional scholarship program to be operated by the Higher Education Coordinating Board. The Speaker finds that your point of order is well taken and that the Senate amendments are beyond the scope and object of the bill.

MOTION

Ms. Cantwell moved that the House refuse to concur in the Senate amendments to House Bill No. 2129 and ask the Senate to recede therefrom. The motion was carried.

MESSAGES FROM THE SENATE

April 23, 1989

Mr. Speaker:

The Senate has adopted the Second Report of the Free Conference Committee on SUBSTITUTE SENATE BILL NO. 5289, and passed the bill as amended by the Free Conference Committee.

W. D. Naismith, Assistant Secretary.

April 23, 1989

Mr. Speaker:

The Senate refused to concur in the House amendments to ENGROSSED SENATE BILL NO. 6106, and asks the House to recede therefrom, and the same is herewith transmitted.

W. D. Naismith, Assistant Secretary.

SIGNED BY THE SPEAKER

The Speaker (Mr. Wang presiding) announced the Speaker had signed:

HOUSE BILL NO. 1020,
 SUBSTITUTE HOUSE BILL NO. 1028,
 SUBSTITUTE HOUSE BILL NO. 1031,
 HOUSE BILL NO. 1043,
 HOUSE BILL NO. 1047,
 SUBSTITUTE HOUSE BILL NO. 1051,

HOUSE BILL NO. 1070,
SUBSTITUTE HOUSE BILL NO. 1071,
SUBSTITUTE HOUSE BILL NO. 1086,
SUBSTITUTE HOUSE BILL NO. 1097,
SUBSTITUTE HOUSE BILL NO. 1133,
HOUSE BILL NO. 1157,
SECOND SUBSTITUTE HOUSE BILL NO. 1180,
HOUSE BILL NO. 1189,
SUBSTITUTE HOUSE BILL NO. 1208,
SUBSTITUTE HOUSE BILL NO. 1217,
SUBSTITUTE HOUSE BILL NO. 1221,
SUBSTITUTE HOUSE BILL NO. 1254,
SUBSTITUTE HOUSE BILL NO. 1301,
SUBSTITUTE HOUSE BILL NO. 1305,
HOUSE BILL NO. 1334,
SUBSTITUTE HOUSE BILL NO. 1369,
SUBSTITUTE HOUSE BILL NO. 1397,
SUBSTITUTE HOUSE BILL NO. 1408,
HOUSE BILL NO. 1412,
SUBSTITUTE HOUSE BILL NO. 1415,
HOUSE BILL NO. 1438,
SUBSTITUTE HOUSE BILL NO. 1444,
HOUSE BILL NO. 1445,
SUBSTITUTE HOUSE BILL NO. 1457,
SECOND SUBSTITUTE HOUSE BILL NO. 1476,
HOUSE BILL NO. 1478,
HOUSE BILL NO. 1502,
HOUSE BILL NO. 1518,
HOUSE BILL NO. 1520,
SUBSTITUTE HOUSE BILL NO. 1553,
SUBSTITUTE HOUSE BILL NO. 1558,
SUBSTITUTE HOUSE BILL NO. 1560,
SUBSTITUTE HOUSE BILL NO. 1568,
SUBSTITUTE HOUSE BILL NO. 1569,
SUBSTITUTE HOUSE BILL NO. 1574,
SUBSTITUTE HOUSE BILL NO. 1582,
SUBSTITUTE HOUSE BILL NO. 1619,
HOUSE BILL NO. 1631,
SUBSTITUTE HOUSE BILL NO. 1635,
HOUSE BILL NO. 1645,
HOUSE BILL NO. 1664,
SUBSTITUTE HOUSE BILL NO. 1671,
HOUSE BILL NO. 1698,
SUBSTITUTE HOUSE BILL NO. 1711,
SUBSTITUTE HOUSE BILL NO. 1756,
SUBSTITUTE HOUSE BILL NO. 1759,
HOUSE BILL NO. 1768,
HOUSE BILL NO. 1769,
HOUSE BILL NO. 1772,
HOUSE BILL NO. 1777,
HOUSE BILL NO. 1778,
SECOND SUBSTITUTE HOUSE BILL NO. 1793,
HOUSE BILL NO. 1841,
SUBSTITUTE HOUSE BILL NO. 1864,
SUBSTITUTE HOUSE BILL NO. 1889,
HOUSE BILL NO. 1904,
HOUSE BILL NO. 1917,
SUBSTITUTE HOUSE BILL NO. 1958,
SUBSTITUTE HOUSE BILL NO. 1965,
SUBSTITUTE HOUSE BILL NO. 1983,
SUBSTITUTE HOUSE BILL NO. 2000.

HOUSE BILL NO. 2001,
 SUBSTITUTE HOUSE BILL NO. 2014,
 HOUSE BILL NO. 2016,
 SUBSTITUTE HOUSE BILL NO. 2024,
 SUBSTITUTE HOUSE BILL NO. 2041,
 HOUSE BILL NO. 2053,
 HOUSE BILL NO. 2060,
 SUBSTITUTE HOUSE BILL NO. 2066,
 SUBSTITUTE HOUSE BILL NO. 2070,
 HOUSE BILL NO. 2131,
 SUBSTITUTE HOUSE BILL NO. 2136,
 SUBSTITUTE HOUSE BILL NO. 2137,
 HOUSE BILL NO. 2142,
 HOUSE BILL NO. 2155,
 HOUSE BILL NO. 2167,
 HOUSE BILL NO. 2168,
 HOUSE CONCURRENT RESOLUTION NO. 4408,
 HOUSE CONCURRENT RESOLUTION NO. 4415,
 SUBSTITUTE SENATE BILL NO. 5221,
 SUBSTITUTE SENATE BILL NO. 5288,
 SUBSTITUTE SENATE BILL NO. 5314,
 SECOND SUBSTITUTE SENATE BILL NO. 5375,
 SUBSTITUTE SENATE BILL NO. 5759,
 SUBSTITUTE SENATE BILL NO. 5827,
 SENATE BILL NO. 5833,
 SECOND SUBSTITUTE SENATE BILL NO. 6051.

There being no objection, the House advanced to the eighth order of business.

RESOLUTION

HOUSE FLOOR RESOLUTION NO. 89-4698, by Representatives Hine and Prince

WHEREAS, The Regular Session of the 1989 Legislature is drawing to a close;
 and

WHEREAS, The staff of the House of Representatives has once again labored long and hard to assist us in our legislative tasks; and

WHEREAS, Our professional nonpartisan committee staff is the best in state government, laboring long hours to do research, draft and perfect the thousands of great bills we dream up; and

WHEREAS, The billroom and workroom staff probably would win a case charging cruel and unusual punishment for the long, tiring hours they work to prepare the tons of paperwork we need to work all those swell bills; and

WHEREAS, Our professional partisan staff has provided us with the necessary resources to prove that we are each the best Democrat/Republican in the state and that our Democrat/Republican solutions are the most newsworthy; and

WHEREAS, The session workers have guarded us, fed us, transported us, staffed our committees and in all ways helped us perform our jobs; and

WHEREAS, Our personal administrative assistants have once again performed the impossible by shuffling thousands of pieces of mail, answering our constantly ringing telephones, keeping our hectic schedules and managing to deal politely with all our visitors; and

WHEREAS, The faithful assistance of all these people contribute greatly to our ability to fulfill our duties as State Legislators;

NOW, THEREFORE, BE IT RESOLVED, That the members of the Washington State House of Representatives extend our sincere appreciation to all those employees who have worked long and hard for the good of all of us; and

BE IT FURTHER RESOLVED, That copies of this resolution be distributed to staff offices and work areas in appreciation for a job well done.

Ms. Hine moved adoption of the resolution. Representatives Hine and Prince spoke in favor of the resolution.

House Floor Resolution No. 89-4698 was adopted.

MESSAGE FROM THE SENATE

April 23, 1989

Mr. Speaker:

The President has signed:

SECOND SUBSTITUTE SENATE BILL NO. 5073,
 SENATE BILL NO. 5185,
 SUBSTITUTE SENATE BILL NO. 5186,
 SUBSTITUTE SENATE BILL NO. 5241,
 SUBSTITUTE SENATE BILL NO. 5289,
 SECOND SUBSTITUTE SENATE BILL NO. 5372,
 SECOND SUBSTITUTE SENATE BILL NO. 5400,
 SUBSTITUTE SENATE BILL NO. 5686,
 SUBSTITUTE SENATE BILL NO. 5911,
 SENATE BILL NO. 5926,
 SECOND SUBSTITUTE SENATE BILL NO. 5960,
 SENATE CONCURRENT RESOLUTION NO. 8403,

and the same are herewith transmitted.

Gordon A. Golob, Secretary.

There being no objection, the House reverted to the fourth order of business.

INTRODUCTION AND FIRST READING

HCR 4417 by Representatives Ebersole and Ballard

Providing for transmittal of bills, resolutions, and memorials upon adjournment of the Legislature.

MOTIONS.

On motion of Mr. Heavey, the rules were suspended and House Concurrent Resolution No. 4417 was placed on the second reading calendar.

The resolution was read the second time.

With consent of the House, the rules were suspended, the second reading considered the third, and the resolution was placed on final passage.

Mr. Heavey spoke in favor of passage of the resolution.

House Concurrent Resolution No. 4417 was adopted.

There being no objection, the House advanced to the eighth order of business.

RESOLUTIONS

HOUSE FLOOR RESOLUTION NO. 89-4682, by Representatives Ebersole and Ballard

WHEREAS, The 1989 Regular Session of the Fifty-first Legislature is drawing to a close; and

WHEREAS, It is necessary to provide for the continuation of the work of the House after its adjournment and during the interim periods between legislative sessions;

NOW, THEREFORE, BE IT RESOLVED, By the House of Representatives, That there is created the Executive Rules Committee, which shall consist of the Speaker and four additional members who shall be appointed by the Speaker from the Rules Committee. The Chief Clerk of the House shall be the nonvoting secretary of the committee; and

BE IT FURTHER RESOLVED, That the Executive Rules Committee is authorized to assign subject matters and bills, memorials, and resolutions to authorized committees for study during the interim, and the Speaker is authorized to create special and select committees as may be necessary to carry out the functions, including interim studies, of the House in an orderly manner and appoint members thereto with the approval of the Executive Rules Committee; and

BE IT FURTHER RESOLVED, That during the interim the Executive Rules Committee shall authorize schedules and locations for meetings of any authorized committee or subcommittee, and such committees or subcommittees may conduct hearings and scheduling without a quorum being present; and

BE IT FURTHER RESOLVED, That during the interim, authorized committees have the power of subpoena, the power to administer oaths, and the power to issue commissions for the examination of witnesses in accordance with the provisions of chapter 44.16 RCW if and when specifically authorized by the Executive Rules Committee for specific purposes and specific subjects; and

BE IT FURTHER RESOLVED, That the Chief Clerk of the House of Representatives is directed to complete the work of the Fifty-first Legislature during interim periods, and all details that arise therefrom, including the editing, indexing, and publishing of the journal of the House; and

BE IT FURTHER RESOLVED, That the Chief Clerk is directed to see that the House Chamber, adjoining rooms, members' offices, furniture, and equipment are clean and in good order, and to make the necessary inventory of furnishings, fixtures, and supplies; and

BE IT FURTHER RESOLVED, That the Chief Clerk is authorized to approve vouchers of the members of the House, covering expenses incurred during the interim for official business of the Legislature or in preparation for the sessions of the Legislature and organizational duties in connection therewith, at the per diem rate provided by RCW 44.04.120, for each day or major portion thereof, plus mileage at the rate established by law; and

BE IT FURTHER RESOLVED, That the Chief Clerk is authorized and directed, during the interim, and as authorized by the Speaker and the Employment Committee, to retain or hire any necessary employees, to order necessary supplies, equipment, and printing to enable the House to carry out its work promptly and efficiently, and to accept committee reports, committee bills, prefiled bills, memorials, and resolutions as directed by the Rules of the House and by Joint Rules of the Legislature; and

BE IT FURTHER RESOLVED, That the Chief Clerk is authorized and directed to make out the necessary vouchers upon which warrants shall be drawn for the final payment of all expenses in connection with the closing business and for any other business of the House of Representatives; and

BE IT FURTHER RESOLVED, That the State Treasurer is directed to draw warrants for the payment of salaries, per diem, in-lieu payments, and reimbursements of and to the members of the House of Representatives, the elected officers of the House of Representatives and the employees each month upon vouchers approved by the Speaker and the Chief Clerk of the House of Representatives, and is also authorized to deliver the warrants to the Chief Clerk of the House of Representatives for delivery or mailing to those entitled thereto; and

BE IT FURTHER RESOLVED, That the Speaker and the Chief Clerk may authorize the attendance of members and staff members at such courses or meetings as may be deemed pertinent and may authorize the expenditure of registration or tuition fees and reimbursement for subsistence and travel for such purpose; and

BE IT FURTHER RESOLVED, That members of the Legislature be reimbursed for expenses incurred in attending such conferences, meetings, and continuing education courses at the rate prescribed by RCW 44.04.120, plus mileage to and from the conferences, meetings, and courses at the rate established by law, except that if travel was by means of common carrier then only actual fare may be claimed, which reimbursements shall be paid on their vouchers from any appropriation made to the House of Representatives for legislative expenses; and

BE IT FURTHER RESOLVED, That employees of the Legislature be reimbursed for expenses incurred in attending such conferences, meetings, and continuing education courses at the rate prescribed by RCW 43.03.050, plus mileage to and from the conferences, meetings, and courses at the rate established by law, except that if travel was by means of common carrier then only actual fare may be claimed, which reimbursement shall be paid on their vouchers out of funds appropriated for legislative expenses; and

BE IT FURTHER RESOLVED, That during the interim periods the use of the House Chamber, any of its committee rooms, members' offices, or any of the furniture or

furnishings therein, shall not be granted to anyone without the permission of the Speaker and the Chief Clerk of the House of Representatives; and

BE IT FURTHER RESOLVED, That the Chief Clerk is authorized to express the sympathy of the House by sending flowers when the necessity arises; and

BE IT FINALLY RESOLVED, That this Resolution shall apply throughout the Fifty-first Legislative Assembly.

Mr. Heavey moved adoption of the resolution and spoke in favor of it.

House Floor Resolution No. 89-4682 was adopted.

HOUSE FLOOR RESOLUTION NO. 89-4695, by Representatives Ebersole and Ballard

BE IT RESOLVED, That the Speaker of the House of Representatives appoint a committee of four members of the House to notify the Senate that the House of Representatives is ready to adjourn the 1989 Regular Session of the 51st Legislature Sine Die.

Mr. Ebersole moved adoption of the resolution and spoke in favor of it.

House Floor Resolution No. 89-4695 was adopted.

APPOINTMENT OF SPECIAL COMMITTEE

Under the terms of House Floor Resolution No. 89-4695, the Speaker (Mr. Wang presiding) appointed Representatives Kremen, Morris and Brumsickle to notify the Senate that the House was ready to adjourn Sine Die.

REPORT OF SPECIAL COMMITTEE FROM SENATE

The Sergeant at Arms announced the arrival of a special committee from the Senate and the Speaker (Mr. Wang presiding) instructed him to escort the committee to the bar of the House.

The committee, consisting of Senators Smitherman, Amondson and Thorsness, advised the House that the Senate was ready to adjourn Sine Die.

The report was received and the special committee was escorted from the House Chamber.

There being no objection, the House reverted to the fourth order of business.

INTRODUCTION AND FIRST READING

HCR 4416 by Representatives Ebersole and Ballard

Notifying the Governor that the Legislature is about to adjourn sine die.

MOTIONS

On motion of Mr. Ebersole, the rules were suspended and House Concurrent Resolution No. 4416 was placed on the second reading calendar.

The resolution was read the second time.

With consent of the House, the rules were suspended, the second reading considered the third, and the resolution was placed on final passage.

Mr. Ebersole spoke in favor of passage of the resolution.

House Concurrent Resolution No. 4416 was adopted.

APPOINTMENT OF SPECIAL COMMITTEE

Under the terms of House Concurrent Resolution No. 4416, the Speaker (Mr. Wang presiding) appointed Representatives G. Fisher, Rasmussen and Youngsman to notify the Governor that the Legislature was ready to adjourn Sine Die.

REPORT OF SPECIAL COMMITTEE

The Special Committee appointed under the terms of House Floor Resolution No. 89-4695 appeared at the bar of the House and reported that they had notified the Senate that the House was about to adjourn Sine Die.

The report was received and the committee was discharged.

SIGNED BY THE SPEAKER

The Speaker (Mr. Wang presiding) announced the Speaker had signed:

HOUSE BILL NO. 1103,
 SUBSTITUTE HOUSE BILL NO. 1251,
 HOUSE BILL NO. 1354,
 SUBSTITUTE HOUSE BILL NO. 1542,
 HOUSE BILL NO. 1656,
 SUBSTITUTE HOUSE BILL NO. 1956,
 SUBSTITUTE HOUSE BILL NO. 1968,
 SUBSTITUTE HOUSE BILL NO. 2011,
 SUBSTITUTE HOUSE BILL NO. 2020,
 HOUSE BILL NO. 2222,
 SECOND SUBSTITUTE SENATE BILL NO. 5073,
 SENATE BILL NO. 5185,
 SUBSTITUTE SENATE BILL NO. 5186,
 SUBSTITUTE SENATE BILL NO. 5241,
 SUBSTITUTE SENATE BILL NO. 5289,
 SECOND SUBSTITUTE SENATE BILL NO. 5372,
 SECOND SUBSTITUTE SENATE BILL NO. 5400,
 SUBSTITUTE SENATE BILL NO. 5686,
 SUBSTITUTE SENATE BILL NO. 5911,
 SENATE BILL NO. 5926,
 SECOND SUBSTITUTE SENATE BILL NO. 5960,
 SENATE CONCURRENT RESOLUTION NO. 8403.

MESSAGES FROM THE SENATE

April 23, 1989

Mr. Speaker:

The President has signed:

SUBSTITUTE HOUSE BILL NO. 1542,
 HOUSE BILL NO. 1656,
 SUBSTITUTE HOUSE BILL NO. 1956,
 SUBSTITUTE HOUSE BILL NO. 2020,
 HOUSE BILL NO. 2222.

and the same are herewith transmitted.

Gordon A. Golob, Secretary.

April 23, 1989

Mr. Speaker:

The Senate has adopted:

HOUSE CONCURRENT RESOLUTION NO. 4416,
 HOUSE CONCURRENT RESOLUTION NO. 4417.

and the same are herewith transmitted.

W. D. Naismith, Assistant Secretary.

April 23, 1989

Mr. Speaker:

The Senate receded from its amendments to HOUSE BILL NO. 2129, and passed

the bill without the Senate amendments, and the same is herewith transmitted.

W. D. Naismith, Assistant Secretary.

SIGNED BY THE SPEAKER

The Speaker (Mr. Wang presiding) announced the Speaker had signed:

HOUSE BILL NO. 2129,
 HOUSE CONCURRENT RESOLUTION NO. 4416,
 HOUSE CONCURRENT RESOLUTION NO. 4417.

MESSAGES FROM THE SENATE

April 23, 1989

Mr. Speaker:

The President has signed:

HOUSE BILL NO. 1103,
 SUBSTITUTE HOUSE BILL NO. 1251,
 HOUSE BILL NO. 1354,
 SUBSTITUTE HOUSE BILL NO. 1968,
 SUBSTITUTE HOUSE BILL NO. 2011,
 HOUSE BILL NO. 2129,
 HOUSE CONCURRENT RESOLUTION NO. 4416,
 HOUSE CONCURRENT RESOLUTION NO. 4417,

and the same are herewith transmitted.

W. D. Naismith, Assistant Secretary.

April 23, 1989

Mr. Speaker:

The Senate has adopted:

SENATE CONCURRENT RESOLUTION NO. 8416.

and the same is herewith transmitted.

W. D. Naismith, Assistant Secretary.

REPORT OF SPECIAL COMMITTEE

The Special Committee appointed under the terms of House Concurrent Resolution No. 4416 appeared at the bar of the House and reported that they had notified the Governor that the Legislature was about to adjourn Sine Die.

The report was received and the committee was discharged.

INTRODUCTION AND FIRST READING

SCR 8416 by Senators Hayner, Sellar, Vognild and Warnke

Resolving to adjourn sine die.

MOTIONS

On motion of Mr. Ebersole, the rules were suspended and Senate Concurrent Resolution No. 8416 was placed on the second reading calendar.

The resolution was read the second time.

With consent of the House, the rules were suspended, the second reading considered the third, and the resolution was placed on final passage.

Senate Concurrent Resolution No. 8416 was adopted.

MESSAGES FROM THE SENATE

April 23, 1989

Mr. Speaker:

The President has signed:

HOUSE BILL NO. 1020,
 SUBSTITUTE HOUSE BILL NO. 1028,
 SUBSTITUTE HOUSE BILL NO. 1031,
 HOUSE BILL NO. 1043,
 HOUSE BILL NO. 1047,
 SUBSTITUTE HOUSE BILL NO. 1051,
 HOUSE BILL NO. 1070,
 SUBSTITUTE HOUSE BILL NO. 1071,
 SUBSTITUTE HOUSE BILL NO. 1086,
 SUBSTITUTE HOUSE BILL NO. 1097,
 SUBSTITUTE HOUSE BILL NO. 1133,
 HOUSE BILL NO. 1157,
 SECOND SUBSTITUTE HOUSE BILL NO. 1180,
 HOUSE BILL NO. 1189,
 SUBSTITUTE HOUSE BILL NO. 1208.

SUBSTITUTE HOUSE BILL NO. 1217.
SUBSTITUTE HOUSE BILL NO. 1221.
SUBSTITUTE HOUSE BILL NO. 1254.
SUBSTITUTE HOUSE BILL NO. 1301.
SUBSTITUTE HOUSE BILL NO. 1305.
HOUSE BILL NO. 1334.
SUBSTITUTE HOUSE BILL NO. 1369.
SUBSTITUTE HOUSE BILL NO. 1397.
SUBSTITUTE HOUSE BILL NO. 1408.
HOUSE BILL NO. 1412.
SUBSTITUTE HOUSE BILL NO. 1415.
HOUSE BILL NO. 1438.
SUBSTITUTE HOUSE BILL NO. 1444.
HOUSE BILL NO. 1445.
SUBSTITUTE HOUSE BILL NO. 1457.
SECOND SUBSTITUTE HOUSE BILL NO. 1476.
HOUSE BILL NO. 1478.
HOUSE BILL NO. 1502.
HOUSE BILL NO. 1518.
HOUSE BILL NO. 1520.
SUBSTITUTE HOUSE BILL NO. 1553.
SUBSTITUTE HOUSE BILL NO. 1558.
SUBSTITUTE HOUSE BILL NO. 1560.
SUBSTITUTE HOUSE BILL NO. 1568.
SUBSTITUTE HOUSE BILL NO. 1569.
SUBSTITUTE HOUSE BILL NO. 1574.
SUBSTITUTE HOUSE BILL NO. 1582.
SUBSTITUTE HOUSE BILL NO. 1619.
HOUSE BILL NO. 1631.
SUBSTITUTE HOUSE BILL NO. 1635.
HOUSE BILL NO. 1645.
HOUSE BILL NO. 1664.
SUBSTITUTE HOUSE BILL NO. 1671.
HOUSE BILL NO. 1698.
SUBSTITUTE HOUSE BILL NO. 1711.
SUBSTITUTE HOUSE BILL NO. 1756.
SUBSTITUTE HOUSE BILL NO. 1759.
HOUSE BILL NO. 1768.
HOUSE BILL NO. 1769.
HOUSE BILL NO. 1772.
HOUSE BILL NO. 1777.
HOUSE BILL NO. 1778.
SECOND SUBSTITUTE HOUSE BILL NO. 1793.
HOUSE BILL NO. 1841.
SUBSTITUTE HOUSE BILL NO. 1864.
SUBSTITUTE HOUSE BILL NO. 1889.
HOUSE BILL NO. 1904.
HOUSE BILL NO. 1917.
SUBSTITUTE HOUSE BILL NO. 1958.
SUBSTITUTE HOUSE BILL NO. 1965.
SUBSTITUTE HOUSE BILL NO. 1983.
SUBSTITUTE HOUSE BILL NO. 2000.
HOUSE BILL NO. 2001.
SUBSTITUTE HOUSE BILL NO. 2014.
HOUSE BILL NO. 2016.
SUBSTITUTE HOUSE BILL NO. 2024.
SUBSTITUTE HOUSE BILL NO. 2041.
HOUSE BILL NO. 2053.
HOUSE BILL NO. 2060.
SUBSTITUTE HOUSE BILL NO. 2066.
SUBSTITUTE HOUSE BILL NO. 2070.

HOUSE BILL NO. 2131,
 SUBSTITUTE HOUSE BILL NO. 2136,
 SUBSTITUTE HOUSE BILL NO. 2137,
 HOUSE BILL NO. 2142,
 HOUSE BILL NO. 2155,
 HOUSE BILL NO. 2167,
 HOUSE BILL NO. 2168,
 HOUSE CONCURRENT RESOLUTION NO. 4408,
 HOUSE CONCURRENT RESOLUTION NO. 4415,
 SENATE CONCURRENT RESOLUTION NO. 8416,

and the same is herewith transmitted.

W. D. Naismith, Assistant Secretary.

April 23, 1989

Mr. Speaker:

Under the provisions of House Concurrent Resolution No. 4417, the Senate herewith returns the following bills:

HOUSE BILL NO. 1001,
 HOUSE BILL NO. 1002,
 HOUSE BILL NO. 1003,
 SUBSTITUTE HOUSE BILL NO. 1004,
 SUBSTITUTE HOUSE BILL NO. 1005,
 SUBSTITUTE HOUSE BILL NO. 1011,
 SUBSTITUTE HOUSE BILL NO. 1013,
 HOUSE BILL NO. 1021,
 HOUSE BILL NO. 1022,
 HOUSE BILL NO. 1035,
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 1037,
 SUBSTITUTE HOUSE BILL NO. 1041,
 SUBSTITUTE HOUSE BILL NO. 1044,
 HOUSE BILL NO. 1053,
 ENGROSSED HOUSE BILL NO. 1055,
 ENGROSSED HOUSE BILL NO. 1058,
 HOUSE BILL NO. 1066,
 ENGROSSED HOUSE BILL NO. 1073,
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 1078,
 ENGROSSED HOUSE BILL NO. 1080,
 ENGROSSED HOUSE BILL NO. 1081,
 ENGROSSED HOUSE BILL NO. 1082,
 SUBSTITUTE HOUSE BILL NO. 1088,
 HOUSE BILL NO. 1106,
 ENGROSSED HOUSE BILL NO. 1109,
 HOUSE BILL NO. 1110,
 HOUSE BILL NO. 1118,
 SUBSTITUTE HOUSE BILL NO. 1119,
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 1123,
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 1127,
 ENGROSSED HOUSE BILL NO. 1129,
 SUBSTITUTE HOUSE BILL NO. 1136,
 ENGROSSED HOUSE BILL NO. 1154,
 HOUSE BILL NO. 1156,
 ENGROSSED HOUSE BILL NO. 1158,
 SUBSTITUTE HOUSE BILL NO. 1160,
 SUBSTITUTE HOUSE BILL NO. 1161,
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 1165,
 ENGROSSED HOUSE BILL NO. 1172,
 SECOND SUBSTITUTE HOUSE BILL NO. 1174,
 ENGROSSED HOUSE BILL NO. 1175,
 HOUSE BILL NO. 1176,
 HOUSE BILL NO. 1177,
 HOUSE BILL NO. 1182,
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 1190.

ENGROSSED HOUSE BILL NO. 1196,
SUBSTITUTE HOUSE BILL NO. 1197,
HOUSE BILL NO. 1215,
ENGROSSED HOUSE BILL NO. 1222,
HOUSE BILL NO. 1223,
HOUSE BILL NO. 1224,
HOUSE BILL NO. 1225,
ENGROSSED HOUSE BILL NO. 1226,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1237,
HOUSE BILL NO. 1240,
SUBSTITUTE HOUSE BILL NO. 1257,
SUBSTITUTE HOUSE BILL NO. 1261,
SUBSTITUTE HOUSE BILL NO. 1263,
SUBSTITUTE HOUSE BILL NO. 1264,
ENGROSSED HOUSE BILL NO. 1267,
HOUSE BILL NO. 1270,
HOUSE BILL NO. 1272,
SUBSTITUTE HOUSE BILL NO. 1278,
SUBSTITUTE HOUSE BILL NO. 1280,
ENGROSSED HOUSE BILL NO. 1283,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1291,
HOUSE BILL NO. 1292,
SUBSTITUTE HOUSE BILL NO. 1293,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1294,
ENGROSSED HOUSE BILL NO. 1298,
HOUSE BILL NO. 1307,
HOUSE BILL NO. 1308,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1321,
HOUSE BILL NO. 1323,
SUBSTITUTE HOUSE BILL NO. 1326,
HOUSE BILL NO. 1328,
SUBSTITUTE HOUSE BILL NO. 1329,
ENGROSSED HOUSE BILL NO. 1343,
ENGROSSED HOUSE BILL NO. 1352,
ENGROSSED HOUSE BILL NO. 1360,
HOUSE BILL NO. 1374,
SECOND SUBSTITUTE HOUSE BILL NO. 1378,
ENGROSSED HOUSE BILL NO. 1383,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1392,
SUBSTITUTE HOUSE BILL NO. 1393,
SUBSTITUTE HOUSE BILL NO. 1398,
HOUSE BILL NO. 1404,
SUBSTITUTE HOUSE BILL NO. 1405,
ENGROSSED HOUSE BILL NO. 1406,
HOUSE BILL NO. 1417,
ENGROSSED HOUSE BILL NO. 1423,
ENGROSSED HOUSE BILL NO. 1433,
HOUSE BILL NO. 1447,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1450,
SUBSTITUTE HOUSE BILL NO. 1452,
HOUSE BILL NO. 1453,
HOUSE BILL NO. 1465,
SUBSTITUTE HOUSE BILL NO. 1475,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1479,
ENGROSSED HOUSE BILL NO. 1488,
SUBSTITUTE HOUSE BILL NO. 1495,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1496,
HOUSE BILL NO. 1505,
SUBSTITUTE HOUSE BILL NO. 1509,
SUBSTITUTE HOUSE BILL NO. 1521,
SUBSTITUTE HOUSE BILL NO. 1554,

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1557.
SUBSTITUTE HOUSE BILL NO. 1562.
SUBSTITUTE HOUSE BILL NO. 1565.
HOUSE BILL NO. 1570.
HOUSE BILL NO. 1571.
SUBSTITUTE HOUSE BILL NO. 1577.
ENGROSSED HOUSE BILL NO. 1578.
ENGROSSED HOUSE BILL NO. 1579.
ENGROSSED HOUSE BILL NO. 1580.
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1581.
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1584.
ENGROSSED HOUSE BILL NO. 1587.
ENGROSSED HOUSE BILL NO. 1596.
SUBSTITUTE HOUSE BILL NO. 1601.
HOUSE BILL NO. 1602.
SUBSTITUTE HOUSE BILL NO. 1608.
HOUSE BILL NO. 1620.
HOUSE BILL NO. 1621.
ENGROSSED HOUSE BILL NO. 1623.
SUBSTITUTE HOUSE BILL NO. 1624.
HOUSE BILL NO. 1629.
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1643.
ENGROSSED HOUSE BILL NO. 1646.
ENGROSSED HOUSE BILL NO. 1648.
HOUSE BILL NO. 1657.
SUBSTITUTE HOUSE BILL NO. 1661.
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1663.
ENGROSSED HOUSE BILL NO. 1665.
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1666.
SUBSTITUTE HOUSE BILL NO. 1668.
SUBSTITUTE HOUSE BILL NO. 1669.
ENGROSSED HOUSE BILL NO. 1673.
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1676.
HOUSE BILL NO. 1682.
SUBSTITUTE HOUSE BILL NO. 1688.
ENGROSSED HOUSE BILL NO. 1697.
SUBSTITUTE HOUSE BILL NO. 1701.
ENGROSSED HOUSE BILL NO. 1702.
ENGROSSED HOUSE BILL NO. 1703.
ENGROSSED HOUSE BILL NO. 1715.
ENGROSSED HOUSE BILL NO. 1724.
HOUSE BILL NO. 1730.
HOUSE BILL NO. 1731.
SUBSTITUTE HOUSE BILL NO. 1741.
SUBSTITUTE HOUSE BILL NO. 1746.
HOUSE BILL NO. 1747.
HOUSE BILL NO. 1771.
SUBSTITUTE HOUSE BILL NO. 1788.
HOUSE BILL NO. 1791.
SUBSTITUTE HOUSE BILL NO. 1792.
SUBSTITUTE HOUSE BILL NO. 1797.
SUBSTITUTE HOUSE BILL NO. 1814.
HOUSE BILL NO. 1816.
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1822.
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1825.
SUBSTITUTE HOUSE BILL NO. 1828.
ENGROSSED HOUSE BILL NO. 1836.
ENGROSSED HOUSE BILL NO. 1839.
ENGROSSED HOUSE BILL NO. 1855.
ENGROSSED HOUSE BILL NO. 1865.
ENGROSSED HOUSE BILL NO. 1870.

ENGROSSED HOUSE BILL NO. 1881,
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 1883,
 HOUSE BILL NO. 1890,
 SUBSTITUTE HOUSE BILL NO. 1891,
 HOUSE BILL NO. 1895,
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 1910,
 SUBSTITUTE HOUSE BILL NO. 1911,
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 1941,
 HOUSE BILL NO. 1950,
 HOUSE BILL NO. 1957,
 SUBSTITUTE HOUSE BILL NO. 1963,
 SUBSTITUTE HOUSE BILL NO. 1964,
 SUBSTITUTE HOUSE BILL NO. 1979,
 ENGROSSED HOUSE BILL NO. 1984,
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 2023,
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 2030,
 SUBSTITUTE HOUSE BILL NO. 2031,
 HOUSE BILL NO. 2035,
 ENGROSSED HOUSE BILL NO. 2059,
 SUBSTITUTE HOUSE BILL NO. 2071,
 SUBSTITUTE HOUSE BILL NO. 2076,
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 2084,
 HOUSE BILL NO. 2098,
 HOUSE BILL NO. 2103,
 HOUSE BILL NO. 2110,
 HOUSE BILL NO. 2126,
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 2140,
 SUBSTITUTE HOUSE BILL NO. 2151,
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 2159,
 ENGROSSED HOUSE BILL NO. 2177,
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 2198,
 SUBSTITUTE HOUSE BILL NO. 2201,
 ENGROSSED HOUSE BILL NO. 2237,
 HOUSE JOINT MEMORIAL NO. 4002,
 HOUSE JOINT MEMORIAL NO. 4003,
 HOUSE JOINT MEMORIAL NO. 4006,
 HOUSE JOINT MEMORIAL NO. 4012,
 HOUSE JOINT MEMORIAL NO. 4014,
 SUBSTITUTE HOUSE JOINT MEMORIAL NO. 4016,
 SUBSTITUTE HOUSE JOINT MEMORIAL NO. 4017,
 ENGROSSED HOUSE JOINT MEMORIAL NO. 4019,
 ENGROSSED HOUSE JOINT RESOLUTION NO. 4200,
 ENGROSSED HOUSE JOINT RESOLUTION NO. 4203,
 SUBSTITUTE HOUSE JOINT RESOLUTION NO. 4204,
 ENGROSSED SUBSTITUTE HOUSE JOINT RESOLUTION NO. 4220,
 ENGROSSED HOUSE JOINT CONCURRENT RESOLUTION NO. 4403,
 HOUSE CONCURRENT RESOLUTION NO. 4411,
 HOUSE CONCURRENT RESOLUTION NO. 4418,

and the same are herewith transmitted.

W. D. Naismith, Assistant Secretary.

SIGNED BY THE SPEAKER

The Speaker (Mr. Wang presiding) announced the Speaker had signed:
 SENATE CONCURRENT RESOLUTION NO. 8416.

MOTION

On motion of Mr. Ebersole, reading of the Journal of the One Hundred-Fifth Day of the 1989 Regular Session of the Fifty-First Legislature was dispensed with and it was ordered to stand approved.

MOTION

On motion of Mr. Ebersole, the 1989 Regular Session of the Fifty-First Legislature was adjourned Sine Die.

ALAN THOMPSON, Chief Clerk

JOSEPH E. KING, Speaker

FIRST SPECIAL SESSION

FIRST DAY

MORNING SESSION

House Chamber, Olympia, Monday, April 24, 1989

The House was called to order at 10:00 a.m. by the Speaker (Mr. O'Brien presiding). The Clerk called the roll and all members were present except Representatives Basich, Baugher, Beck, Braddock, Chandler, Ferguson, Gallagher, Haugen, Inslee, Locke, Miller, Moyer, Raiter, Schmidt, Sprenkle, Walk, Wineberry and Zellinsky. On motion of Ms. Cole, Representatives Basich, Baugher, Braddock, Gallagher, Haugen, Inslee, Locke, Raiter, Sprenkle, Walk and Zellinsky were excused. On motion of Mr. D. Sommers, Representatives Beck, Chandler, Ferguson, Miller, Moyer and Schmidt were excused.

The flag was escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Tracy Alsup and Jennifer Boyd. Prayer was offered by The Reverend Ronald Gadde, Minister of Gloria Dei Lutheran Church of Olympia:

Lord God, it is so easy to look around and say, "It's his fault; it's her fault." This morning, on the radio, one of the legislators was quoted as blaming these extra days on the deliberation of the Governor. Others have been heard to say, "It's the Democrats' fault; it's the Republicans' fault." Why is it, Lord, that we can't stand on our own two feet? Why is it that we always blame someone else when we don't get our own way? I guess, God, we could blame You. You created us.

Lord God, as the second day of the new week begins and as the extra session of deliberations begins, help these men and women as they deal with the issues at hand. Help them to use this time, not as a time to cast disparaging remarks or to blame, but as a time to work together for the good of all. Help them to be open to each other and understanding of each other, so that together they can bring these days to a beneficial end. Help them to put aside petty differences and political jealousies, as the needs of people are brought before them. Lord God, guide the deliberations of this legislative body, so that this day can be experienced in its fullness.

I'd like to leave you with a thought: "Never put off until tomorrow what you can do today. There may be a law against it by that time." Have a wonderful day.

CENTENNIAL MESSAGE
FROM THE WASHINGTON STATE HISTORICAL SOCIETY

April 24, 1989

On this day in 1889, Blaine in Whatcom County unanimously decided to incorporate as a town. The Blaine Improvement Company, which intended to spend twenty thousand dollars for building in the next few months, began driving piles with a steam pile-driver.

And, the Grand Army of the Republic, the organization of veterans who fought in the Civil War for the North, met in Spokane.

On April 24, 1985 Arlo Guthrie sang his father's Bonneville Power Administration tune, "Roll on, Columbia," before three hundred legislators and fans on the State Capitol steps. Woody Guthrie had been paid two hundred and seventy dollars for the song, originally. The Legislature was considering a bill to make "Louie, Louie" the state song.

On April 24, 1986 the State Supreme Court upheld the conviction of the men who killed thirteen people in the Wah Mee Club in Seattle. One judge said that the crime "set a new gauge for cowardly murder in the state."

PROCLAMATION BY THE GOVERNOR

WHEREAS, in accordance with Article II, Section 12 (Amendment 68), the 1989 Regular Session adjourned April 23, 1989, the 105th day of the session without finishing its essential tasks; and

WHEREAS, it is therefore necessary for me to convene a Special Session for the purposes of adequately addressing matters related to the 1989-91 Operating Budget, 1989-91 Transportation Budget with adequate funding, Supplemental Budget for 1987-89, Capital Budget for 1989-91 and necessary bond bills, First Steps Program, ADATSA Program, Department of Health, Washington Futures, Model Conservation Standards, bills in dispute as of the close of the Regular Session, and any other matters the Legislature may wish to address:

NOW, THEREFORE, I, Booth Gardner, Governor of the State of Washington, by virtue of the authority vested in me by Article II, Section 12 (Amendment 68), and Article III, Section 7 of the State Constitution, do hereby convene the Legislature of the State of Washington on Monday, the 24th day of April, 1989, at 10:00 a.m. in Special Session in the Capitol at Olympia for the purposes stated herein.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the State of Washington to be affixed at Olympia this 23rd day of April, A.D., Nineteen Hundred and Eighty-Nine.

(Seal)

BOOTH GARDNER,
Governor.

There being no objection, the House advanced to the eighth order of business.

RESOLUTION

HOUSE FLOOR RESOLUTION NO. 89-4699, by Representatives Ebersole and Ballard

BE IT RESOLVED, That the Speaker of the House of Representatives appoint a committee of four members of the House to notify the Senate that the House of Representatives is now organized and ready to conduct the business of the 1989 First Special Session of the 51st Legislature.

Mr. Ebersole moved adoption of the resolution and spoke in favor of it.

House Floor Resolution No. 89-4699 was adopted.

APPOINTMENT OF SPECIAL COMMITTEE

Under the terms of House Floor Resolution No. 89-4699, the Speaker (Mr. O'Brien presiding) appointed Representatives Prentice, Phillips and Horn to notify the Senate that the House was organized and ready to conduct business.

REPORT OF SPECIAL COMMITTEE FROM SENATE

The Sergeant at Arms announced the arrival of a special committee from the Senate and the Speaker (Mr. O'Brien presiding) instructed him to escort the committee to the bar of the House.

The committee, consisting of Senators Sutherland, Bailey and Saling, advised the House that the Senate was organized and ready to conduct business.

The report was received and the special committee was escorted from the House Chamber.

REPORT OF SPECIAL COMMITTEE

The special committee appointed under the terms of House Floor Resolution No. 89-4699 appeared at the bar of the House and reported that they had notified the Senate that the House was organized and ready to conduct business.

The report was received and the committee was discharged.

There being no objection, the House reverted to the fourth order of business.

INTRODUCTION AND FIRST READING

HCR 4419 by Representatives Ebersole and Ballard

Reintroducing legislation from 1989 Regular Session.

With consent of the House, the rules were suspended and the resolution was advanced to second reading.

The resolution was read the second time.

With consent of the House, the rules were suspended, the second reading considered the third, and the resolution was placed on final passage.

Mr. Ebersole spoke in favor of the resolution.

House Concurrent Resolution No. 4419 was adopted.

MESSAGE FROM THE SENATE

April 24, 1989

Mr. Speaker:

The Senate has adopted:

SENATE CONCURRENT RESOLUTION NO. 8421,

and the same is herewith transmitted.

W. D. Naismith, Assistant Secretary.

INTRODUCTION AND FIRST READING

SCR 8421 by Senators Hayner, Sellar, Vognild and Warnke

Notifying the Governor that the Legislature is organized and ready to conduct business.

With consent of the House, the rules were suspended and the resolution was advanced to second reading.

The resolution was read the second time.

With consent of the House, the rules were suspended, the second reading considered the third, and the resolution was placed on final passage.

Mr. Ebersole spoke in favor of the resolution.

Senate Concurrent Resolution No. 8421 was adopted.

APPOINTMENT OF SPECIAL COMMITTEE

Under the terms of Senate Concurrent Resolution No. 8421, the Speaker (Mr. O'Brien presiding) appointed Representatives Anderson, Rector and Bowman to notify the Governor that the Legislature was organized and ready to conduct business.

REPORT OF SPECIAL COMMITTEE

The special committee appointed under the terms of Senate Concurrent Resolution No. 8421 appeared at the bar of the House and reported that they had notified the Governor that the Legislature was organized and ready to conduct business.

The report was received and the committee was discharged.

The Speaker (Mr. O'Brien presiding) declared the House to be at ease.

The Speaker (Mr. O'Brien presiding) called the House to order.

The Speaker (Mr. O'Brien presiding) declared the House to be at ease until 1:30 p.m.

AFTERNOON SESSION

The Speaker (Mr. O'Brien presiding) called the House to order.

MOTION

Mr. Heavey moved that Committee on Rules be relieved of Engrossed Substitute House Bill No. 1294, Engrossed Substitute House Bill No. 1479, Engrossed Substitute House Bill No. 1581, Substitute House Bill No. 1788, Engrossed Substitute House Bill No. 1737, Engrossed Substitute House Bill No. 1825, and Substitute House Bill No. 1963, and the bills be placed on the third reading calendar. The motion was carried.

There being no objection, the House advanced to the seventh order of business.

THIRD READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1294, by Committee on Trade & Economic Development (originally sponsored by Representatives Rector, Cantwell, Doty, Schoon, Rasmussen, Moyer, Raiter, Day, Peery, Wineberry, Winsley, Dorn, Morris, Dellwo, Heavey, Prentice, Leonard, Valle, Wang, G. Fisher, Basich, Kremen, Jones, Cooper, Walk, R. King, Phillips, Hine, Todd, Pruitt, Brekke, H. Myers, Ebersole, Jacobsen, Inslee, Crane, Sprenkle and P. King)

Establishing the Washington employment futures program.

The bill was read the third time and placed on final passage.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1294, and the bill passed the House by the following vote: Yeas, 69; nays, 11; absent, 1; excused, 17.

Voting yea: Representatives Anderson, Appelwick, Ballard, Belcher, Berozoff, Brekke, Bristow, Brooks, Brough, Cantwell, Cole, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Fisher G, Fisher R, Fraser, Grant, Hankins, Hargrove, Hine, Horn, Jacobsen, Jones, King P, King R, Kremen, Leonard, May, Meyers R, Morris, Myers H, Nealey, Nelson, Nutley, O'Brien, Patrick, Peery, Phillips, Prentice, Prince, Pruitt, Rasmussen, Rayburn, Rector, Rust, Sayan, Schoon, Scott, Smith, Sommers D, Sommers H, Spanel, Tate, Todd, Valle, Vekich, Walker, Wang, Wilson K, Wilson S, Winsley, Wood, Youngsman, and Mr. Speaker - 69.

Voting nay: Representatives Bowman, Brumsickle, Fuhrman, Heavey, Holland, Jesernig, McLean, Padden, Silver, Van Luven, Wolfe - 11.

Absent: Representative Wineberry - 1.

Excused: Representatives Basich, Baugher, Beck, Braddock, Chandler, Ferguson, Gallagher, Haugen, Inslee, Locke, Miller, Moyer, Raiter, Schmidt, Sprenkle, Walk, Zellinsky - 17.

Engrossed Substitute House Bill No. 1294, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

STATEMENT FOR THE JOURNAL

I voted "Yea" on the final passage of Engrossed Substitute House Bill No. 1294, the Washington Employment Futures Program, on April 24, 1989. Please indicate it was my intention to vote "Nay."

SHIRLEY W. HANKINS, 8th District.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1479, by Committee on Appropriations (originally sponsored by Representatives Locke, Silver, Grant, H. Sommers, Holland and Sayan; by request of Governor Gardner)

Making appropriations for the 1987-89 biennium.

The bill was read the third time and placed on final passage.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1479, and the bill passed the House by the following vote: Yeas, 78; nays, 2; absent, 1; excused, 17.

Voting yea: Representatives Anderson, Appelwick, Ballard, Belcher, Betrozoff, Bowman, Brekke, Bristow, Brooks, Brough, Brumsickle, Cantwell, Cole, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Fisher G, Fisher R, Fraser, Grant, Hankins, Hargrove, Heavey, Hine, Holland, Horn, Jacobsen, Jesernig, Jones, King P, King R, Kremen, Leonard, May, McLean, Meyers R, Morris, Myers H, Nealey, Nelson, Nutley, O'Brien, Patrick, Peery, Phillips, Prentice, Prince, Pruitt, Rasmussen, Rayburn, Rector, Rust, Sayan, Schoon, Scott, Silver, Smith, Sommers D, Sommers H, Spanel, Tate, Todd, Valle, Van Luven, Vekich, Walker, Wang, Wilson K, Wilson S, Winsley, Wolfe, Wood, Youngsman, and Mr. Speaker - 78.

Voting nay: Representatives Fuhrman, Padden - 2.

Absent: Representative Wineberry - 1.

Excused: Representatives Basich, Baugher, Beck, Braddock, Chandler, Ferguson, Gallagher, Haugen, Inslee, Locke, Miller, Moyer, Raiter, Schmidt, Sprenkle, Walk, Zellinsky - 17.

Engrossed Substitute House Bill No. 1479, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

Representative Ferguson appeared at the bar of the House.

STATEMENT FOR THE JOURNAL

Although I was excused, I would like the record to show that I would have voted for Engrossed Substitute House Bill No. 1294, the Washington Futures Program, and for Engrossed Substitute House Bill No. 1479, the 1987-89 Supplemental Budget.

ROY A. FERGUSON, 48th District.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1581, by Committee on Commerce & Labor (originally sponsored by Representatives Wang, Brough, Cole, Miller, Vekich, Anderson, R. King, Winsley, Hankins, Rector, Brekke, Appelwick, Jacobsen, Leonard, Dellwo, Nutley, Locke, Belcher, H. Sommers, R. Fisher, Wineberry, Sayan, Prentice, Valle, Crane, Nelson, Ebersole, Fraser, Phillips, Rust and Basich)

Providing for family and medical leave.

The bill was read the third time and placed on final passage.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1581, and the bill passed the House by the following vote: Yeas, 50; nays, 31; absent, 1; excused, 16.

Voting yea: Representatives Anderson, Appelwick, Belcher, Brekke, Bristow, Brough, Cantwell, Cole, Cooper, Crane, Day, Dellwo, Dorn, Ebersole, Fisher G, Fisher R, Fraser, Grant, Hankins, Heavey, Hine, Jacobsen, Jesernig, Jones, King P, King R, Kremen, Leonard, Meyers R, Nelson, Nutley, O'Brien, Peery, Phillips, Prentice, Pruitt, Rasmussen, Rector, Rust, Sayan, Scott, Sommers H, Spanel, Todd, Valle, Vekich, Wang, Wilson K, Winsley, and Mr. Speaker - 50.

Voting nay: Representatives Ballard, Betrozoff, Bowman, Brooks, Brumsickle, Doty, Ferguson, Fuhrman, Hargrove, Holland, Horn, May, McLean, Morris, Myers H, Nealey, Padden, Patrick, Prince, Rayburn, Schoon, Silver, Smith, Sommers D, Tate, Van Luven, Walker, Wilson S, Wolfe, Wood, Youngsman - 31.

Absent: Representative Wineberry - 1.

Excused: Representatives Basich, Baugher, Beck, Braddock, Chandler, Gallagher, Haugen, Inslee, Locke, Miller, Moyer, Raiter, Schmidt, Sprenkle, Walk, Zellinsky - 16.

Engrossed Substitute House Bill No. 1581, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SUBSTITUTE HOUSE BILL NO. 1788, by Committee on Appropriations (originally sponsored by Representatives Wang, Brough, Ebersole, Walker, Walk, Tate, R. Fisher, Winsley, Locke, Dorn, R. Meyers, Dellwo, Pruitt, Belcher, Crane, Rasmussen and Schoon; by request of Department of Community Development)

Pertaining to the Puyallup tribe of Indians' land claims.

The bill was read the third time and placed on final passage.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1788, and the bill passed the House by the following vote: Yeas, 81; absent, 1; excused, 16.

Voting yea: Representatives Anderson, Appelwick, Ballard, Belcher, Betrozoff, Bowman, Brekke, Bristow, Brooks, Brough, Brumsickle, Cantwell, Cole, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Fraser, Fuhrman, Grant, Hankins, Hargrove, Heavey, Hine, Holland, Horn, Jacobsen, Jesernig, Jones, King P, King R, Kremen, Leonard, May, McLean, Meyers R, Morris, Myers H, Nealey, Nelson, Nutley, O'Brien, Padden, Patrick, Peery, Phillips, Prentice, Prince, Pruitt, Rasmussen, Rayburn, Rector, Rust, Sayan, Schoon, Scott, Silver, Smith, Sommers D, Sommers H, Spanel, Tate, Todd, Valle, Van Luven, Vekich, Walker, Wang, Wilson K, Wilson S, Winsley, Wolfe, Wood, Youngsman, and Mr. Speaker - 81.

Absent: Representative Wineberry - 1.

Excused: Representatives Basich, Baugher, Beck, Braddock, Chandler, Gallagher, Haugen, Insee, Locke, Miller, Moyer, Raiter, Schmidt, Sprenkle, Walk, Zellinsky - 16.

Substitute House Bill No. 1788, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1737, by Committee on Appropriations (originally sponsored by Representatives H. Sommers, Locke and Appelwick; by request of Department of Labor and Industries)

Revising provisions for crime victims' compensation.

The bill was read the third time and placed on final passage.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1737, and the bill passed the House by the following vote: Yeas, 79; nays, 2; absent, 1; excused, 16.

Voting yea: Representatives Anderson, Appelwick, Ballard, Belcher, Betrozoff, Bowman, Brekke, Bristow, Brooks, Brough, Brumsickle, Cantwell, Cole, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Fraser, Fuhrman, Grant, Hankins, Hargrove, Heavey, Hine, Holland, Horn, Jacobsen, Jesernig, Jones, King P, King R, Kremen, Leonard, May, McLean, Meyers R, Morris, Myers H, Nealey, Nelson, Nutley, O'Brien, Padden, Patrick, Peery, Phillips, Prentice, Prince, Pruitt, Rasmussen, Rayburn, Rector, Rust, Schoon, Scott, Silver, Smith, Sommers D, Sommers H, Spanel, Tate, Todd, Valle, Van Luven, Vekich, Walker, Wilson K, Wilson S, Winsley, Wolfe, Wood, Youngsman, and Mr. Speaker - 79.

Voting nay: Representatives Sayan, Wang - 2.

Absent: Representative Wineberry - 1.

Excused: Representatives Basich, Baugher, Beck, Braddock, Chandler, Gallagher, Haugen, Insee, Locke, Miller, Moyer, Raiter, Schmidt, Sprenkle, Walk, Zellinsky - 16.

Engrossed Substitute House Bill No. 1737, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

Mr. Heavey moved that the House defer consideration of Engrossed Substitute House Bill No. 1825 and that the bill hold its place on the third reading calendar. The motion was carried.

SUBSTITUTE HOUSE BILL NO. 1963, by Committee on Health Care (originally sponsored by Representatives Vekich, Brooks, Braddock, Morris, Bristow, Day, Sprenkle, Spanel, Wolfe, Rector, K. Wilson, D. Sommers, Cantwell, Jones, Wang, Todd, Prentice, Winsley, P. King, Heavey, Walk, Cooper, Jacobsen, R. King, Brough, Basich, Dellwo, Zellinsky, Kremen, Phillips, Pruitt, Nelson, Hine, G. Fisher, Rust, Rasmussen, Leonard, H. Myers, Fraser and Miller)

Establishing the maternity care access act.

The bill was read the third time and placed on final passage.

Representatives Padden and Wolfe spoke against passage of the bill, and Representatives Hine and Vekich spoke in favor of it.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1963, and the bill passed the House by the following vote: Yeas, 64; nays, 17; absent, 1; excused, 16.

Voting yea: Representatives Anderson, Appelwick, Belcher, Betrozoff, Brekke, Bristow, Brooks, Brough, Cantwell, Cole, Cooper, Crane, Dellwo, Dorn, Doty, Ebersole, Fisher G, Fisher R,

Fraser, Grant, Hankins, Heavey, Hine, Holland, Jacobsen, Jesernig, Jones, King P, King R, Kremen, Leonard, May, McLean, Meyers R, Morris, Myers H, Nealey, Nelson, Nutley, O'Brien, Peery, Phillips, Prentice, Prince, Pruitt, Rasmussen, Rayburn, Rector, Rust, Sayan, Schoon, Scott, Silver, Smith, Sommers H, Spanel, Todd, Valle, Vekich, Wang, Wilson K, Wilson S, Winsley, and Mr. Speaker - 64.

Voting nay: Representatives Ballard, Bowman, Brumsickle, Day, Ferguson, Fuhrman, Hargrove, Horn, Padden, Patrick, Sommers D, Tate, Van Luven, Walker, Wolfe, Wood, Youngsman - 17.

Absent: Representative Wineberry - 1.

Excused: Representatives Basich, Baugher, Beck, Braddock, Chandler, Gallagher, Haugen, Insee, Locke, Miller, Moyer, Raiter, Schmidt, Sprenkle, Walk, Zellinsky - 16.

Substitute House Bill No. 1963, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

Representative Raiter appeared at the bar of the House.

SPEAKER'S PRIVILEGE

The Speaker (Mr. O'Brien presiding) introduced Dr. Jane Goodall, who addressed the members of the House of Representatives.

The Speaker (Mr. O'Brien presiding) declared the House to be at ease.

The Speaker (Mr. O'Brien presiding) called the House to order.

MESSAGES FROM THE SENATE

April 24, 1989

Mr. Speaker:

The Senate has adopted:

HOUSE CONCURRENT RESOLUTION NO. 4419,

and the same is herewith transmitted.

W. D. Naismith, Assistant Secretary.

April 24, 1989

Mr. Speaker:

The President has signed:

SENATE CONCURRENT RESOLUTION NO. 8421,

and the same is herewith transmitted.

W. D. Naismith, Assistant Secretary.

SIGNED BY THE SPEAKER

The Speaker (Mr. O'Brien presiding) announced the Speaker had signed:

HOUSE CONCURRENT RESOLUTION NO. 4419,

SENATE CONCURRENT RESOLUTION NO. 8421.

There being no objection, the House advanced to the eleventh order of business.

MOTION

On motion of Mr. Heavey, the House adjourned until 1:30 p.m., Wednesday, April 26, 1989.

JOSEPH E. KING, Speaker

ALAN THOMPSON, Chief Clerk

FIRST SPECIAL SESSION

THIRD DAY

AFTERNOON SESSION

House Chamber, Olympia, Wednesday, April 26, 1989

The House was called to order at 1:30 p.m. by the Speaker (Mr. O'Brien presiding). The Clerk called the roll and all members were present except Representatives Beck, Doty, Gallagher and Schmidt. On motion of Ms. Miller, Representatives Beck, Doty and Schmidt were excused. With consent of the House, Representative Gallagher was excused.

The flag was escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Selina Howell and Nichole Mailey. Prayer was offered by Representative Shirley Hankins.

Reading of the Journal of the previous day was dispensed with and it was ordered to stand approved.

CENTENNIAL MESSAGE
FROM THE WASHINGTON STATE HISTORICAL SOCIETY

April 26, 1989

On this day in 1889, the Governor appointed Commissioners to attend the celebration of the centennial of George Washington's inauguration as President on April 30.

And, the Young Men's Institute of Tacoma gave one of their enjoyable ice cream sociables with dancing at the New Germania Hall. Tickets were fifty cents and ladies were free.

On April 26, 1909 the Bellingham City Council passed an ordinance prohibiting the wearing of any hat or head covering inside a theater. Skullcaps, lace coverings, and other close-fitting headdresses, that did not obstruct the view of people behind the wearer, were exempt.

MESSAGES FROM THE SENATE

April 24, 1989

Mr. Speaker:

The Senate has passed:

SUBSTITUTE SENATE BILL NO. 5521,

and the same is herewith transmitted.

W. D. Naismith, Assistant Secretary.

April 26, 1989

Mr. Speaker:

The President has signed:

HOUSE CONCURRENT RESOLUTION NO. 4419,

and the same is herewith transmitted.

Gordon A. Golob, Secretary.

The Speaker (Mr. O'Brien presiding) declared the House to be at ease.

The Speaker called the House to order.

MOTION

Mr. Heavey moved that Committee on Rules be relieved of House Bill No. 1512 and that the bill be placed on the second reading calendar. The motion was carried.

There being no objection, the House advanced to the sixth order of business.

SECOND READING

MOTION

Mr. Heavey moved that the House immediately consider House Bill No. 1512 on the second reading calendar. The motion was carried.

HOUSE BILL NO. 1512, by Representatives H. Sommers, Schoon, Ebersole, Holland, Jacobsen, Rasmussen and P. King; by request of Governor Gardner

Making appropriations for capital projects for the 1987-89 biennium.

The bill was read the second time. With consent of the House, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Representatives H. Sommers and Schoon spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1512, and the bill passed the House by the following vote: Yeas, 94; excused, 4.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Baugher, Belcher, Betrozoff, Bowman, Braddock, Brekke, Bristow, Brooks, Brough, Brumsickle, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Dorn, Ebersole, Ferguson, Fisher G, Fisher R, Fraser, Fuhrman, Grant, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Inslée, Jacobsen, Jesernig, Jones, King P, King R, Kremen, Leonard, Locke, May, McLean, Meyers R, Miller, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Padden, Patrick, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schoon, Scott, Silver, Smith, Sommers D, Sommers H, Spanel, Sprengle, Tate, Todd, Valle, Van Luven, Vekich, Walk, Walker, Wang, Wilson K, Wilson S, Wineberry, Winsley, Wolfe, Wood, Youngsman, Zellinsky, and Mr. Speaker - 94.

Excused: Representatives Beck, Doty, Gallagher, Schmidt - 4.

House Bill No. 1512, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

Mr. Heavey moved that Committee on Rules be relieved of Engrossed House Bill No. 1360 and Engrossed Substitute House Bill No. 2198 and that the bills be placed on the third reading calendar. The motion was carried.

There being no objection, the House advanced to the seventh order of business.

THIRD READING

MOTION

Mr. Heavey moved that the House consider the following bills on the third reading calendar in the following order: Engrossed House Bill No. 1360 and Engrossed Substitute House Bill No. 2198. The motion was carried.

ENGROSSED HOUSE BILL NO. 1360, by Representatives R. Fisher, Ballard and Betrozoff; by request of Governor Gardner

Revising personnel administration.

The bill was read the third time and placed on final passage.

Ms. R. Fisher spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 1360, and the bill passed the House by the following vote: Yeas, 92; absent, 2; excused, 4.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Baugher, Belcher, Betrozoff, Bowman, Braddock, Brekke, Bristow, Brooks, Brough, Brumsickle, Chandler, Cole, Cooper, Crane, Day, Dellwo, Dorn, Ebersole, Ferguson, Fisher G, Fisher R, Fraser, Fuhrman, Grant, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Inslée, Jacobsen, Jesernig, Jones, King P, King R, Kremen, Leonard, Locke, May, McLean, Meyers R, Miller, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Padden, Patrick, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schoon, Scott, Silver, Smith, Sommers D,

Sommers H. Spanel, Sprenkle, Tate, Todd, Valle, Van Luven, Vekich, Walk, Walker, Wang, Wilson K, Wilson S, Wineberry, Winsley, Wolfe, Wood, Youngsman, Zellinsky, and Mr. Speaker - 92.

Absent: Representatives Cantwell, Peery - 2.

Excused: Representatives Beck, Doty, Gallagher, Schmidt - 4.

Engrossed House Bill No. 1360, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2198, 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.

The bill was read the third time and placed on final passage.

Representatives Nelson, Hankins and Cooper spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 2198, and the bill passed the House by the following vote: Yeas, 94; excused, 4.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Baugher, Belcher, Betzoff, Bowman, Braddock, Brekke, Bristow, Brooks, Brough, Brumsickle, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Dorn, Ebersole, Ferguson, Fisher G, Fisher R, Fraser, Fuhrman, Grant, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Inslee, Jacobsen, Jesernig, Jones, King P, King R, Kremen, Leonard, Locke, May, McLean, Meyers R, Miller, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Padden, Patrick, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schoon, Scott, Silver, Smith, Sommers D, Sommers H, Spanel, Sprenkle, Tate, Todd, Valle, Van Luven, Vekich, Walk, Walker, Wang, Wilson K, Wilson S, Wineberry, Winsley, Wolfe, Wood, Youngsman, Zellinsky, and Mr. Speaker - 94.

Excused: Representatives Beck, Doty, Gallagher, Schmidt - 4.

Engrossed Substitute House Bill No. 2198, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

Mr. Heavey moved that the House immediately consider Engrossed Substitute House Bill No. 1825 on the third reading calendar. The motion was carried.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1825, 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.

The bill was read the third time and placed on final passage.

Ms. R. Fisher spoke in favor of passage of the bill, and Mr. Betzoff opposed it.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1825, and the bill passed the House by the following vote: Yeas, 61; nays, 33; excused, 4.

Voting yea: Representatives Anderson, Appelwick, Basich, Baugher, Belcher, Braddock, Brekke, Bristow, Cantwell, Cole, Cooper, Crane, Day, Dellwo, Ebersole, Fisher G, Fisher R, Fraser, Grant, Hargrove, Haugen, Heavey, Hine, Inslee, Jacobsen, Jesernig, Jones, King P, King R, Kremen, Leonard, Locke, Nelson, Nutley, O'Brien, Patrick, Peery, Phillips, Prentice, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Scott, Sommers H, Spanel, Sprenkle, Todd, Valle, Van Luven, Vekich, Walk, Wang, Wilson K, Wineberry, Wood, Zellinsky, and Mr. Speaker - 61.

Voting nay: Representatives Ballard, Betzoff, Bowman, Brooks, Brough, Brumsickle, Chandler, Dorn, Ferguson, Fuhrman, Hankins, Holland, Horn, May, McLean, Meyers R, Miller, Morris, Moyer, Myers H, Nealey, Padden, Prince, Schoon, Silver, Smith, Sommers D, Tate, Walker, Wilson S, Winsley, Wolfe, Youngsman - 33.

Excused: Representatives Beck, Doty, Gallagher, Schmidt - 4.

Engrossed Substitute House Bill No. 1825, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

STATEMENT FOR THE JOURNAL

On April 26, 1989 I voted "Yes" on final passage of Engrossed Substitute House Bill No. 1825. My intentions were to vote "No."

STEVE VAN LUVEN, 48th District.

There being no objection, the House reverted to the fourth order of business.

INTRODUCTIONS AND FIRST READING

HB 2239 by Representative Appelwick

AN ACT Relating to the recording of federal liens; amending RCW 60.68.015, 60.68-.035, and 60.68.045; providing an effective date; and declaring an emergency.

Referred to Committee on Judiciary.

HB 2240 by Representatives Moyer and May

AN ACT Relating to the recovery of damages; and adding a new chapter to Title 5 RCW.

Referred to Committee on Judiciary.

HB 2241 by Representatives Locke, May, Moyer and H. Sommers

AN ACT Relating to medical injury recovery; reenacting and amending RCW 5.60-.060; adding a new chapter to Title 7 RCW; creating new sections; and providing an expiration date.

Referred to Committee on Judiciary.

HCR 4413 by Representative Ebersole

Modifying the cut-off date for Engrossed Substitute House Bill No. 2198.

Referred to Committee on Rules.

SSB 5521 by Committee on Ways & Means (originally sponsored by Senators McDonald and Gaspard; by request of Governor)

Adopting the capital budget.

Referred to Committee on Capital Facilities & Financing.

MOTION

On motion of Mr. Heavey, the bills and resolution listed on today's introduction sheet under the fourth order of business were referred to the committees so designated.

There being no objection, the House advanced to the eleventh order of business.

MOTION

On motion of Mr. Heavey, the House adjourned until 10:00 a.m., Friday, April 28, 1989.

JOSEPH E. KING, Speaker

ALAN THOMPSON, Chief Clerk

FIRST SPECIAL SESSION

FIFTH DAY

MORNING SESSION

House Chamber, Olympia, Friday, April 28, 1989

The House was called to order at 10:00 a.m. by the Speaker (Mr. O'Brien presiding). The Clerk called the roll and all members were present except Representatives Ballard, Beck, Betrozoff, Brough, Cantwell, Dorn, Doty, Gallagher, Grant, Jones, P. King, Leonard, McLean, Morris, Nealey, Padden, Pruitt, Rust, Sayan, Schmidt, Smith, D. Sommers, Todd, Van Luven, Walker, S. Wilson, Wood, Youngsman and Zellinsky, who were excused.

The flag was escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Jayson Felber and Mark Schreck. Prayer was offered by The Reverend Ronald Gadde, Minister of the Gloria Dei Lutheran Church of Olympia.

Reading of the Journal of the previous day was dispensed with and it was ordered to stand approved.

CENTENNIAL MESSAGE
FROM THE WASHINGTON STATE HISTORICAL SOCIETY

April 28, 1989

On this day in 1889, a subscription agent, soliciting orders for H. H. Bancroft's History of the Columbia Valley planned for two volumes, visited Ellensburg. Besides soliciting orders for the book of histories of the Pacific states, the agent collected historical facts by interviewing local residents.

And, Waterville promoted itself by claiming that "taxes are light, crops never fail, and the people are light-hearted in consequence."

MESSAGE FROM THE GOVERNOR

April 27, 1989

To the Honorable, the House
of Representatives of the
State of Washington
Ladies and Gentlemen:

I have the honor to advise you that on April 27, 1989, Governor Gardner approved the following House Bills entitled:

SUBSTITUTE HOUSE BILL NO. 1056: Relating to herring spawn on kelp;

HOUSE BILL NO. 1077: Relating to curb ramps for handicapped persons;

HOUSE BILL NO. 1231: Relating to wildlife management;

SUBSTITUTE HOUSE BILL NO. 1250: Relating to the fitting and dispensing of hearing aids;

HOUSE BILL NO. 1258: Relating to assaults on law enforcement agency personnel and certain fire officials and personnel;

HOUSE BILL NO. 1286: Relating to removal of property from industrial development districts;

HOUSE BILL NO. 1358: Relating to modifications in the Administrative Procedure Act and necessary conforming amendments;

HOUSE BILL NO. 1400: Relating to family court commissioners;

SUBSTITUTE HOUSE BILL NO. 1458: Relating to the inmate exchange and custody compact;

HOUSE BILL NO. 1485: Relating to interest rates on postsecondary education loans;

HOUSE BILL NO. 1524: Relating to Washington state correctional industries;

HOUSE BILL NO. 1545: Relating to fraudulent failure to register a vehicle;

HOUSE BILL NO. 1690: Relating to the motor vehicle fuel tax;

HOUSE BILL NO. 1709: Relating to medical aid purchases of health care goods and services;

HOUSE BILL NO. 1719: Providing for disposition of excess retirement benefits upon the death of the recipient;

HOUSE BILL NO. 1776: Relating to the volunteer firefighters' administrative fund;

HOUSE BILL NO. 1976: Relating to the project cost evaluation pilot program;

HOUSE BILL NO. 2013: Relating to park and recreation districts;

HOUSE BILL NO. 2051: Relating to federally assisted housing;

HOUSE BILL NO. 2075: Relating to motor vehicle safety;

HOUSE BILL NO. 2161: Relating to the distinguished professorship trust fund program.

Sincerely,

Terry Sebring, Counsel.

There being no objection, the House advanced to the eighth order of business.

RESOLUTIONS

HOUSE FLOOR RESOLUTION NO. 89-4703, by Representatives Anderson, Braddock, Brooks, Jacobsen, Appelwick, Wineberry and Moyer

WHEREAS, The University of Washington Medical Center has provided the citizens of the State of Washington, the Pacific Northwest and the United States of America with outstanding patient care, teaching and research since its doors first opened thirty years ago; and

WHEREAS, Many pioneering medical advances have been made at the University of Washington Medical Center, such as the adaptation of dialysis for patients with chronic kidney failure, new ways of treating pain and the Northwest's first heart transplant; and

WHEREAS, The University of Washington Medical Center provides our residents with highly specialized care for women with high-risk pregnancies, seriously ill newborns, individuals with cancer, bone and joint problems, heart disease and many other serious conditions; and

WHEREAS, The University of Washington Medical Center, as a teaching hospital of the University of Washington Health Sciences Center, has played an essential role in the training of physicians, nurses, pharmacists, dentists, public health specialists and social workers, who have, in turn, benefited the residents of our state; and

WHEREAS, On April 28 and 29, 1989 the University of Washington Health Sciences Center will open its doors to the public for the twenty-third time, welcoming all to the Health Sciences Open House;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State House of Representatives recognize the exceptional contributions of the University of Washington Medical Center; and

BE IT FURTHER RESOLVED, That the House of Representatives express its deep appreciation to the University of Washington Health Sciences Center and the University of Washington Medical Center, its faculty, staff and administrators for providing and improving health care in Washington State and the world for the past thirty years; and

BE IT FURTHER RESOLVED, That the public be urged to attend the University of Washington Health Sciences Open House and to join the House of Representatives in its recognition of this world class medical center.

Mr. Anderson moved adoption of the resolution. Representatives Anderson, Brooks and Rasmussen spoke in favor of the resolution.

House Floor Resolution No. 89-4703 was adopted.

HOUSE FLOOR RESOLUTION NO. 89-4701, by Representatives Brekke, Nelson, Scott, Sayan, Chandler, Leonard, Spanel, Valle, Anderson, Haugen, Dellwo, Rector, Vekich, Miller, Wineberry, H. Sommers, Heavey and Phillips

WHEREAS, The Western Viking newspaper, formerly known as The Washington Posten, is one of the oldest newspapers in Washington; and

WHEREAS, The first copy of The Washington Posten was printed on May 17, 1889 commemorating Norway's Constitution Day; and

WHEREAS, The Western Viking newspaper will celebrate its one-hundredth anniversary this year with the Centennial Edition coming out on May 17; and

WHEREAS, The newspaper is the only Norwegian-American weekly newspaper to be printed without interruption for one hundred years; and

WHEREAS, The newspaper originally published the anniversary editions in Norwegian, but has decided to print the Centennial Edition in English; and

WHEREAS, The early Norwegian immigrants in Seattle were very grateful to Frank Oleson and his brother, Richard, for launching the newspaper; and

WHEREAS, Descendants of those original Norwegians continue to enjoy the newspaper and appreciate that it is still published; and

WHEREAS, This historic event coincides with the one-hundredth anniversary of the founding of Ballard, Washington; and

WHEREAS, The City of Ballard's annual parade and celebration on May 17 (Syttende Mai) is patterned after such celebrations in Norway; and

WHEREAS, Norwegian-Americans have contributed much to the culture and well-being of America;

NOW, THEREFORE, BE IT RESOLVED, That the House of Representatives recognize and pay tribute to Henning C. and Ragnhild M. Boe, who are the current owners of the paper and have edited and published it for thirty years; and

BE IT FURTHER RESOLVED, That copies of this Resolution be immediately transmitted by the Chief Clerk of the House of Representatives to Mr. and Mrs. Henning Boe.

Ms. Brekke moved adoption of the resolution. Representatives Brekke, Valle and Holland spoke in favor of the resolution.

House Floor Resolution No. 89-4701 was adopted.

HOUSE FLOOR RESOLUTION NO. 89-4702, by Representatives Smith and Chandler

WHEREAS, Montie Montana exemplifies the Western tradition for independence and pride in being the best trick roper since Will Rogers; and

WHEREAS, Montie Montana has starred in every major arena in the United States, Mexico, Canada and many other foreign countries; and

WHEREAS, Montie Montana has shared his talent as an actor, stuntman, wrangler and technical advisor for the movie and television industries; and

WHEREAS, Montie Montana's flair for showmanship and honest desire to bring joy into people's hearts have thrilled and excited Washingtonians for more than six decades; and

WHEREAS, Montie Montana will be the featured entertainer at the new major Washington event, the Ellensburg Horse Festival, on April 29; and

WHEREAS, The Governor of Washington State has proclaimed Saturday, April 29, 1989 Montie Montana Day;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State House of Representatives recognize and honor Montie Montana for his dedication to excellence, for his personification of the spirit of the West and for the sheer delight he has brought his audiences throughout his career.

Mr. Chandler moved adoption of the resolution and spoke in favor of it.

House Floor Resolution No. 89-4702 was adopted.

HOUSE FLOOR RESOLUTION NO. 89-4694, by Representatives Anderson, Hankins, Jesernig, Appelwick, Ballard, Basich, Baugher, Beck, Belcher, Betrozoff, Bowman, Braddock, Brekke, Bristow, Brooks, Brough, Brumsickle, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Ferguson, G. Fisher, R. Fisher, Fraser, Fuhrman, Gallagher, Grant, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Inslée, Jacobsen, Jones, J. King, P. King, R. King, Kremen, Leonard, Locke, May, McLean, R. Meyers, Miller, Morris, Moyer, H. Myers, Nealey, Nelson, Nutley, O'Brien, Padden, Patrick, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith, D. Sommers, H. Sommers, Spanel, Sprengle, Tate, Todd, Valle, Van Luven, Vekich,

Walk, Walker, Wang, K. Wilson, S. Wilson, Wineberry, Winsley, Wolfe, Wood, Youngsman and Zellinsky

WHEREAS, Pat Cochrane represented the Richland area in the State House of Representatives from 1975 to 1977, stating after her election that "I am concerned about justice and opportunity for people who have not had it before"; and

WHEREAS, Pat Cochrane demonstrated her concern by serving as the first Director of the Bicounty Community Action Committee, which she helped form; as the Chairwoman of the Ben Franklin Legal Aid Services; as a member of the Housing and Urban Development Committee of the World Peace Through Law Center; and as a member of the State Committee on Law and Justice; and

WHEREAS, Pat Cochrane helped start Common Cause in the Fourth Congressional District and operated the Women's Resource Center and Upstairs Gift Mart in Richland, which offered counseling services for women; and

WHEREAS, Pat Cochrane showed a special commitment to children by serving for nine years as Executive Director of the Tri-City Camp Fire Councils by helping establish the first Head Start program in the Tri-Cities area and by serving as a delegate to a White House Conference on Children and Youth; and

WHEREAS, Pat Cochrane also served our nation as a delegate to the White House Conference on International Cooperation as a delegate to the United States Commission for UNESCO and as a member of the national committee for the Adlai Stevenson Institute for International Affairs; and

WHEREAS, Pat Cochrane will long be remembered in the State Legislature for her sense of humor, her Irish brogue and her German Shepherd dog, Fella, which she took with her everywhere;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State House of Representatives express its regret over the death of Pat Cochrane and its admiration for her many accomplishments and dedication to serving her family, her community, her state and her country; and

BE IT FURTHER RESOLVED, That the House of Representatives extend its condolences and warmest regards to Pat's husband, Gordon Cochrane, and to her children, Helen and Jim.

Mr. Anderson moved adoption of the resolution. Representatives Anderson, Hankins, Jesernig and Nelson spoke in favor of the resolution.

House Floor Resolution No. 89-4694 was adopted.

The Speaker (Mr. O'Brien presiding) declared the House to be at ease.

The Speaker (Mr. O'Brien presiding) called the House to order.

The Speaker (Mr. O'Brien presiding) declared the House to be at ease until 1:00 p.m.

The Speaker (Mr. O'Brien presiding) called the House to order at 1:00 p.m.

There being no objection, the House advanced to the eleventh order of business.

MOTION

On motion of Ms. Hankins, the House adjourned until 1:00 p.m., Monday, May 1, 1989.

JOSEPH E. KING, Speaker

ALAN THOMPSON, Chief Clerk

FIRST SPECIAL SESSION

EIGHTH DAY

AFTERNOON SESSION

House Chamber, Olympia, Monday, May 1, 1989

The House was called to order at 1:00 p.m. by the Speaker (Mr. O'Brien presiding). The Clerk called the roll and all members were present except Representatives Betrozoff and Gallagher. On motion of Ms. Miller, Representative Betrozoff was excused. With consent of the House, Representative Gallagher was excused.

The flag was escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Tracey Anders and Jeff Baird. Prayer was offered by The Reverend Don Nicholson, Minister of the Victory Christian Center of Olympia.

Reading of the Journal of the previous day was dispensed with and it was ordered to stand approved.

CENTENNIAL MESSAGE
FROM THE WASHINGTON STATE HISTORICAL SOCIETY

May 1, 1989

On this day in 1889, a settler in the Nooksack Valley complained that there were too many bachelors around. "My chief reasons for going," said a man who left, "are a scarcity of grub and a lack of women."

And, new customs officials took office in Port Townsend, as the new national Republican administration replaced Democrats. The new Deputy Collector of Customs, Frank McKee, was the brother-in-law of President Benjamin Harrison's son.

On May 1, 1909 an early forest ranger called a forest guard, named C. C. McGuire, began to do a typical piece of his work. For three hundred dollars, he repaired a sixteen-mile-long North Cascades trail, including building a sixty-foot bridge. He took beans, bacon, a badge, tools, and a how-to-do-it book and finished the job in four days.

On May 1, 1918 the IWW newspaper, The Industrial Worker, greeted the Socialist holiday, May Day, at its own peak of influence in the Northwest by addressing the bosses: "The songs we sing are not the songs of race or creed. They sound the might of a class. We are confined to no country, no flag. Our songs herald your overflow.... We are revolt. We are progress. We are revolution."

On this day in 1950 Olympia began its centennial celebration, lasting until May 7, with a parade, a carnival, a golf tournament, and a relay race.

And, on this day in 1967, the Boeing 747 assembly plant in Everett opened. At two hundred million cubic feet, it was the largest aircraft assembly plant in the world and would be expanded by eighty-five cubic feet in the future. Assembly work on the 747 began in September.

MESSAGE FROM THE GOVERNOR

April 28, 1989

To the Honorable, the House
of Representatives of the
State of Washington
Ladies and Gentlemen:

I have the honor to advise you that on April 28, 1989, Governor Gardner approved the following House Bill entitled:

SUBSTITUTE HOUSE BILL NO. 2136: Relating to mobile home relocation assistance.

Sincerely,
Terry Sebring, Counsel.

The Speaker (Mr. O'Brien presiding) declared the House to be at ease.
The Speaker called the House to order.

There being no objection, the House advanced to the fourth order of business.

INTRODUCTIONS AND FIRST READING

HB 2242 by Representatives Phillips, Van Luven, May, Holland, Hankins, Moyer, Patrick, Miller, Schoon, Winsley, Brough, Ballard, Wood, D. Sommers, Horn, S. Wilson, Chandler and Ferguson

AN ACT Relating to oil spills and the transfer and safety of petroleum products across the marine waters of the state of Washington; adding a new chapter to Title 88 RCW; adding a new chapter to Title 43 RCW; adding new sections to chapter 90.58 RCW; creating new sections; prescribing penalties; and making appropriations.

HJM 4023 by Representatives Vekich and Anderson

Requesting the President and Congress to promote a solution to the Cyprus problem.

MOTION

Mr. Heavey moved that the rules be suspended and the bill and memorial listed on today's introduction sheet under the fourth order of business be placed on the second reading calendar. The motion was carried.

There being no objection, the House advanced to the sixth order of business.

SECOND READING

MOTION

Mr. Heavey moved that the House immediately consider House Bill No. 2242 on the second reading calendar. The motion was carried.

HOUSE BILL NO. 2242, by Representatives Phillips, Van Luven, May, Holland, Hankins, Moyer, Patrick, Miller, Schoon, Winsley, Brough, Ballard, Wood, D. Sommers, Horn, S. Wilson, Chandler and Ferguson

Prescribing financial responsibility for vessels that spill oil and establishing guidelines for management of Washington's coast.

The bill was read the second time.

With consent of the House, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Representatives Rust and Phillips spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 2242, and the bill passed the House by the following vote: Yeas, 96; excused, 2.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Baugher, Beck, Belcher, Bowman, Braddock, Brekke, Bristow, Brooks, Brough, Brumsickle, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Fraser, Fuhrman, Grant, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Inslee, Jacobsen, Jesernig, Jones, King P, King R, Kremen, Leonard, Locke, May, McLean, Meyers R, Miller, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Padden, Patrick, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith, Sommers D, Sommers H, Spanel, Sprengle, Tate, Todd, Valle, Van Luven, Vekich, Walk, Walker, Wang, Wilson K, Wilson S, Wineberry, Winsley, Wolfe, Wood, Youngsman, Zellinsky, and Mr. Speaker - 96.

Excused: Representatives Betrozoff, Gallagher - 2.

House Bill No. 2242, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

Mr. Heavey moved that the House immediately consider House Joint Memorial No. 4023 on the second reading calendar. The motion was carried.

HOUSE JOINT MEMORIAL NO. 4023, by Representatives Vekich and Anderson

Requesting the President and Congress to promote a solution to the Cyprus problem.

The memorial was read the second time. With consent of the House, the rules were suspended, the second reading considered the third, and the memorial was placed on final passage.

Mr. Vekich spoke in favor of passage of the memorial.

ROLL CALL

The Clerk called the roll on the final passage of House Joint Memorial No. 4023, and the memorial passed the House by the following vote: Yeas, 96; excused, 2.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Baugher, Beck, Belcher, Bowman, Braddock, Brekke, Bristow, Brooks, Brough, Brumsickle, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Fraser, Fuhrman, Grant, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Inslee, Jacobsen, Jesernig, Jones, King P, King R, Kremen, Leonard, Locke, May, McLean, Meyers R, Miller, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Padden, Patrick, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith, Sommers D, Sommers H, Spanel, Sprenkle, Tate, Todd, Valle, Van Luven, Vekich, Walk, Walker, Wang, Wilson K, Wilson S, Wineberry, Winsley, Wolfe, Wood, Youngsman, Zellinsky, and Mr. Speaker - 96.

Excused: Representatives Berozoff, Gallagher - 2.

House Joint Memorial No. 4023, having received the constitutional majority, was declared passed.

There being no objection, the House reverted to the fifth order of business.

REPORT OF STANDING COMMITTEE

April 28, 1989

SSB 5521 Prime Sponsor, Committee on Ways & Means: Adopting the capital budget. Reported by Committee on Capital Facilities & Financing

MAJORITY recommendation: Do pass with the following amendments:

Strike everything after the enacting clause and insert the following:

*NEW SECTION. Sec. 1. A capital budget is hereby adopted and, subject to the provisions set forth in this act, the several dollar amounts hereinafter specified, or so much thereof as shall be sufficient to accomplish the purposes designated, are hereby appropriated and authorized to be incurred for capital projects during the period ending June 30, 1991, out of the several funds specified in this act.

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Central Washington University, secs. 779 - 791
 Community College System, secs. 823 - 891
 Community Development Department, secs. 201 - 220
 Conservation Commission, sec. 398
 Convention and Trade Center, secs. 539 - 544
 Corrections Department, secs. 271 - 298
 Definitions, sec. 2
 Eastern Washington University, secs. 768 - 778
 Ecology Department, secs. 302 - 307
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 Employment Security Department, sec. 299
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 Historical Society, Eastern Washington State, secs. 819 - 820
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 State Capital Historical Association, sec. 823
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 Trade and Economic Development Department, secs. 392 - 397
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 Washington State University, secs. 744 - 767
 Western Washington University, secs. 809 - 814
 Wildlife Department, secs. 445 - 468

NEW SECTION. Sec. 2. As used in this act, the following phrases have the following meanings:

'CEP & RI Acct' means Charitable, Educational, Penal, and Reformatory Institutions Account;

'CWU Cap Proj Acct' means Central Washington University Capital Projects Account;

'Cap Bldg Constr Acct' means Capitol Building Construction Account;

'Cap Purch & Dev Acct' means Capitol Purchase and Development Account;

'Capital improvements' or 'capital projects' means acquisition of sites, easements, rights of way, or improvements thereon and appurtenances thereto, construction and initial equipment, reconstruction, demolition, or major alterations of new or presently owned capital assets;

'Common School Constr Fund' means Common School Construction Fund;

'DSHS Constr Acct' means State Social and Health Services Construction Account;

'ESS Rail Assis Acct' means essential rail assistance account;

'ESS Rail Bank Acct' means essential rail bank account;

'EWU Cap Proj Acct' means Eastern Washington University Capital Projects Account;

'East Cap Devl Acct' means east campus development account;

'Fish Cap Proj Acct' means Fisheries Capital Projects Account;

'For Dev Acct' means Forest Development Account;

'Game Spec Wildlife Acct' means Game Special Wildlife Account;

'H Ed Constr Acct' means Higher Education Construction Account 1979;

'H Ed Reimb S/T bonds Acct' means Higher Education Reimbursable Short-Term Bonds Account;

'Hndcp Fac Constr Acct' means Handicapped Facilities Construction Account;

'K-12 Education Acct' means the 'children's initiative fund—K-12 education account' created by Initiative 102 if Initiative 102 is enacted;

'L & I Constr Acct' means Labor and Industries Construction Account;

'LIRA' means State and Local Improvement Revolving Account;

'LIRA, DSHS Fac' means Local Improvements Revolving Account—Department of Social and Health Services Facilities;

'LIRA, Public Rec Fac' means State and Local Improvement Revolving Account—Public Recreation Facilities;

'LIRA, Waste Disp Fac' means State and Local Improvement Revolving Account—Waste Disposal Facilities;

'LIRA, Waste Fac 1980' means State and Local Improvement Revolving Account—Waste Disposal Facilities 1980;

'LIRA, Water Sup Fac' means State and Local Improvement Revolving Account—Water supply facilities;

'Lapse' or 'revert' means the amount shall return to an unappropriated status;

'Local Jail Imp & Constr Acct' means Local Jail Improvement and Construction Account;

'ORA' means Outdoor Recreation Account;

'ORV' means off road vehicle;

'Provided solely' means the specified amount may be spent only for the specified purpose. Unless otherwise specifically authorized in this act, any portion of an amount provided solely for a specified purpose which is unnecessary to fulfill the specified purpose shall revert;

'Res Mgmt Cost Acct' means Resource Management Cost Account;

'Sal Enhmt Constr Acct' means Salmon Enhancement Construction Account;

'St Bldg Constr Acct' means State Building Construction Account;

'St Fac Renew Acct' means State Facilities Renewal Account;

'St H Ed Constr Acct' means State Higher Education Construction Account;

'State Emerg Water Proj Rev' means Emergency Water Project Revolving Account—
State;

'TESC Cap Proj Acct' means The Evergreen State College Capital Projects Account;

'UW Bldg Acct' means University of Washington Building Account;

'Unemp Comp Admin Acct' means Unemployment Compensation Administration Account;

'WA St Dev Loan Acct' means Washington State Development Loan Account;

'WSU Bldg Acct' means Washington State University Building Account;

'WWU Cap Proj Acct' means Western Washington University Capital Projects Account.

PART 1

GENERAL GOVERNMENT

NEW SECTION. Sec. 101. FOR THE SECRETARY OF STATE

Renovate essential records protection facility—Birch Bay (88-2-001)

	Reappropriation	Appropriation
St Bldg Constr Acct	60,000	
	<u>Prior Biennia</u>	<u>Future Biennia</u>
	52,000	Total
		112,000

NEW SECTION. Sec. 102. FOR THE SECRETARY OF STATE

Design and construct regional branch archive facility (90-1-003)

	Reappropriation	Appropriation
St Bldg Constr Acct		3,039,000
	<u>Prior Biennia</u>	<u>Future Biennia</u>
	49,000	7,069,000
		Total
		10,123,000

NEW SECTION. Sec. 103. FOR THE SECRETARY OF STATE

Acquisition and installation of moveable archive vault #2 shelving (90-2-002)

	Reappropriation	Appropriation
St Bldg Constr Acct		152,000
	<u>Prior Biennia</u>	<u>Future Biennia</u>
		Total
		152,000

NEW SECTION. Sec. 104. FOR THE OFFICE OF FINANCIAL MANAGEMENT

Local jail facilities (88-2-001)

	Reappropriation	Appropriation
Local Jail Imp & Con Acct	150,615	
St Bldg Constr Acct	1,060,789	
	<u>Prior Biennia</u>	<u>Future Biennia</u>
	3,827,596	Total
		5,039,000

NEW SECTION. Sec. 105. FOR THE OFFICE OF FINANCIAL MANAGEMENT

Branch campus—Planning, site acquisition, and development

The appropriation in this section is subject to the following conditions and limitations:

(1) \$1,000,000 of this appropriation is provided solely for a contract with the higher education coordinating board, in cooperation with the public institutions of higher education and the office of financial management, to develop a long-range plan for the orderly development of branch campuses and of facilities in Spokane. The plan shall be submitted to the legislature by January 1, 1990, and shall include:

(a) A distribution of projected enrollments among sectors of higher education and among the various campuses and sites, including consideration of changing demographics and place bound students through the year 2010;

(b) A recommendation on educational programs to meet the needs of the projected enrollments;

(c) A recommendation on facilities required and space standards, taking into consideration existing facilities;

(d) A recommendation on the most efficient configuration of facilities to meet projected enrollments and programs.

In developing the plan, the higher education coordinating board shall periodically consult with the legislature.

(2) \$45,000,000 of this appropriation is provided solely for the acquisition of land and/or construction of facilities as recommended by the higher education coordinating board and consistent with the provisions of Senate Bill No. 6095.

(3) No moneys from this appropriation may be expended without prior approval of the office of financial management and the higher education coordinating board.

	Reappropriation	Appropriation
St Bldg Constr Acct		46,000,000
	<u>Prior Biennia</u>	<u>Future Biennia</u>
		100,000,000
		Total
		146,000,000

NEW SECTION. Sec. 106. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION

Energy retrofit projects—Birch Bay (83-4-015)

	Reappropriation	Appropriation
Cap Bldg Constr Acct	314,700	

<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
715,300		1,030,000
<u>NEW SECTION, Sec. 107. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION</u>		
Temple of Justice renovation (86-1-011)		
	Reappropriation	Appropriation
St Bldg Constr Acct	3,700,000	
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
11,660,000		15,360,000
<u>NEW SECTION, Sec. 108. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION</u>		
Boiler plant structural repairs (88-1-003)		
	Reappropriation	Appropriation
Cap Bldg Constr Acct	337,000	
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
15,000		352,000
<u>NEW SECTION, Sec. 109. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION</u>		
Life/safety projects-Buildings (88-1-006)		
	Reappropriation	Appropriation
Cap Bldg Constr Acct	113,000	
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
1,014,000		1,127,000
<u>NEW SECTION, Sec. 110. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION</u>		
Northern State-Life Safety Repair (88-1-007)		
	Reappropriation	Appropriation
St Bldg Constr Acct	256,418	
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
68,582		325,000
<u>NEW SECTION, Sec. 111. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION</u>		
Archives renovation (88-2-004)		
	Reappropriation	Appropriation
Cap Purch & Dev Acct	20,000	
St Bldg Constr Acct	10,000	
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
530,000		560,000
<u>NEW SECTION, Sec. 112. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION</u>		
Campus repairs-Inadequate building systems (88-2-008)		
	Reappropriation	Appropriation
Cap Bldg Constr Acct	50,000	
Cap Purch & Dev Acct	50,000	
St Bldg Constr Acct	1,825,000	
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
5,442,000		7,367,000
<u>NEW SECTION, Sec. 113. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION</u>		
Campus property protection (88-3-012)		
	Reappropriation	Appropriation
St Bldg Constr Acct	350,000	
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
410,000		760,000
<u>NEW SECTION, Sec. 114. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION</u>		
East Campus programming and planning (88-3-042)		
	Reappropriation	Appropriation
St Bldg Constr Acct	90,000	
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
910,000		1,000,000
<u>NEW SECTION, Sec. 115. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION</u>		
Highway-License Building renovation (88-5-011)		
	Reappropriation	Appropriation
Cap Purch & Devel Acct	449,000	
St Bldg Constr Acct	51,000	
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
		500,000
<u>NEW SECTION, Sec. 116. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION</u>		
Emergency repairs (90-1-001)		
	Reappropriation	Appropriation
Cap Bldg Constr Acct		250,000
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
	500,000	750,000
<u>NEW SECTION, Sec. 117. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION</u>		
Small repairs and improvements (90-1-002)		

Cap Bldg Constr Acct	Reappropriation	Appropriation
<u>Prior Biennia</u>		450,000
	<u>Future Biennia</u>	<u>Total</u>
	900,000	1,350,000

NEW SECTION, Sec. 118. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION
Campus asbestos program (90-1-004)

St Bldg Constr Acct	Reappropriation	Appropriation
<u>Prior Biennia</u>		200,000
	<u>Future Biennia</u>	<u>Total</u>
	210,000	410,000

NEW SECTION, Sec. 119. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION

Minor works: Northern state repairs (90-1-012)

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

(1) The appropriation from the charitable, educational, penal, and reformatory institutions account shall be used solely for developing a long-range plan for the use of the Northern State Hospital facility. The plan shall be developed cooperatively with the department of social and health services and in consultation with affected local communities. The study shall be submitted to the office of financial management and the legislature by January 8, 1990.

(2) The appropriation from the state building construction account shall be used for asbestos abatement in residence facilities currently in use.

CEP & RI Acct	Reappropriation	Appropriation
St Bldg Constr Acct		100,000
<u>Prior Biennia</u>		960,000
	<u>Future Biennia</u>	<u>Total</u>
		1,060,000

NEW SECTION, Sec. 120. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION

Boiler plant structural repairs (90-1-016)

St Bldg Constr Acct	Reappropriation	Appropriation
<u>Prior Biennia</u>		730,000
	<u>Future Biennia</u>	<u>Total</u>
		730,000

NEW SECTION, Sec. 121. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION

Asbestos inventory and inspection program (90-01-023)

The appropriation in this section is subject to the following conditions and limitations: The department shall:

- (1) Develop guidelines for asbestos surveys in all state-owned buildings.
- (2) Review and approve state agency asbestos survey policies and procedures.
- (3) Establish and maintain a central file of asbestos surveys of state-owned buildings.

St Bldg Constr Acct	Reappropriation	Appropriation
<u>Prior Biennia</u>		200,000
	<u>Future Biennia</u>	<u>Total</u>
		200,000

NEW SECTION, Sec. 122. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION

Minor works: Sidewalk and street repairs (90-2-005)

Cap Bldg Constr Acct	Reappropriation	Appropriation
<u>Prior Biennia</u>		500,000
	<u>Future Biennia</u>	<u>Total</u>
	200,000	700,000

NEW SECTION, Sec. 123. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION

Minor works: Building exterior repairs and renovation (90-2-006)

Cap Bldg Constr Acct	Reappropriation	Appropriation
<u>Prior Biennia</u>		1,426,000
	<u>Future Biennia</u>	<u>Total</u>
	1,340,000	2,766,000

NEW SECTION, Sec. 124. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION

Minor works: Elevator/escalator repair (90-2-007)

St Bldg Constr Acct	Reappropriation	Appropriation
<u>Prior Biennia</u>		614,000
	<u>Future Biennia</u>	<u>Total</u>
	1,400,000	2,014,000

NEW SECTION, Sec. 125. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION

Minor works: Electrical repairs (90-2-008)

Cap Bldg Constr Acct	Reappropriation	Appropriation
<u>Prior Biennia</u>		797,000
	<u>Future Biennia</u>	<u>Total</u>
	901,000	1,698,000

NEW SECTION, Sec. 126. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION

Minor works: Mechanical system repairs (90-2-009)

St Bldg Constr Acct	Reappropriation	Appropriation
<u>Prior Biennia</u>		2,000,000
	<u>Future Biennia</u>	<u>Total</u>
	2,341,000	4,431,020

NEW SECTION, Sec. 127. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION

Minor works: Interior building repair (90-2-010)

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

(1) \$80,000 of the state building construction account appropriation is provided solely to reimburse the senate during the 1987-89 biennium for costs incurred in the completion of the renovation of the legislative building.

(2) The appropriation from the state building construction account includes moneys to make repairs at the state building at 506 East 16th Street, Olympia.

Motor transport Acct	Reappropriation	Appropriation
St Bldg Constr Acct		262,000
<u>Prior Biennia</u>		1,305,000
	<u>Future Biennia</u>	<u>Total</u>
	1,329,000	2,874,000

NEW SECTION, Sec. 128. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION

Capitol Lake repairs and preservation (90-3-013)

The appropriation in this section is subject to the following conditions and limitations:

(1) \$85,000 of this appropriation is provided solely for shoreline repairs.

(2) \$200,000 is provided solely for a study of the feasibility of developing a fresh-water wetland in the middle and south basins of Capitol Lake. The department of general administration shall contract with a qualified state agency, firm, or individual to conduct the feasibility study. The study shall include recommendations to local governments on ways they can reduce erosion and nonpoint pollution that adversely affect Capitol Lake.

Cap Bldg Constr Acct	Reappropriation	Appropriation
<u>Prior Biennia</u>		285,000
	<u>Future Biennia</u>	<u>Total</u>
		285,000

NEW SECTION, Sec. 129. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION

Facilities management system (90-4-018)

The appropriation in this section is subject to the following conditions and limitations: The department shall establish and maintain a central inventory of all state-owned land and facilities. The data elements of the inventory shall be developed in cooperation with the office of financial management.

St Bldg Constr Acct	Reappropriation	Appropriation
<u>Prior Biennia</u>		200,000
	<u>Future Biennia</u>	<u>Total</u>
		200,000

NEW SECTION, Sec. 130. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION

Construction of archives storage building (90-4-024)

St Bldg Constr Acct	Reappropriation	Appropriation
<u>Prior Biennia</u>		2,015,000
	<u>Future Biennia</u>	<u>Total</u>
		2,015,000

NEW SECTION, Sec. 131. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION

East campus development (90-5-003)

The appropriation in this section is subject to the following conditions and limitations: This appropriation is provided solely to design and construct a natural resources building and parking facility on a site directly east of the old Thurston County courthouse. Prior to the start of construction, the department shall prepare a parking and traffic plan for the building.

East Cap Devel Acct	Reappropriation	Appropriation
<u>Prior Biennia</u>		73,000,000
	<u>Future Biennia</u>	<u>Total</u>
		73,000,000

NEW SECTION, Sec. 132. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION

Dawley property acquisition (90-5-011)

St Bldg Constr Acct	Reappropriation	Appropriation
<u>Prior Biennia</u>		1,311,000
	<u>Future Biennia</u>	<u>Total</u>
		1,311,000

NEW SECTION, Sec. 133. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION

Preplans and surveys (90-5-022)

Cap Bldg Constr Acct	Reappropriation	Appropriation
<u>Prior Biennia</u>		143,000
	<u>Future Biennia</u>	<u>Total</u>
		143,000

NEW SECTION, Sec. 134. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION

Capitol Campus master plan (90-5-025)

The appropriation in this section is subject to the following condition and limitation: The capitol campus master plan shall include a recommendation for the location of a new state capital museum on the capitol campus.

Cap Bldg Constr Acct	Reappropriation	Appropriation
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
		500,000
		500,000

NEW SECTION, Sec. 135. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION

Capitol campus fire, safety, and temperature control system

Cap Bldg Constr Acct	Reappropriation	Appropriation
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
		850,000
		850,000

NEW SECTION, Sec. 136. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION

Northern State Multi-Service Center

The appropriation in this section is subject to the following conditions and limitations:

(1) This appropriation is provided solely for the renovation of buildings to provide long-term care for the mentally ill.

(2) No moneys from this appropriation may be expended until the department secures a lease with a county or a group of counties for the buildings to be renovated, for the purpose of operating a long-term care facility for the mentally ill.

St Bldg Constr Acct	Reappropriation	Appropriation
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
		2,500,000
		2,500,000

NEW SECTION, Sec. 137. FOR THE DEPARTMENT OF INFORMATION SERVICES

Washington higher education telecommunication system

The appropriation in this section is subject to the following conditions and limitations:

(1) \$4,064,000 is provided solely for equipment and construction for the expansion of the Washington higher education telecommunications system ("WHETS") for Washington State University.

(2) \$174,000 is provided solely for planning of future channel expansion of WHETS and extension of WHETS to other users, such as regional universities, community colleges, public schools, and state agencies.

St Bldg Constr Acct	Reappropriation	Appropriation
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
	9,950,000	4,238,000
		14,188,000

NEW SECTION, Sec. 138. FOR THE MILITARY DEPARTMENT

Tacoma Armory rehabilitation phase 3 (86-1-001)

St Bldg Constr Acct	Reappropriation	Appropriation
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
2,081,088	218,166	6,885,000
		2,299,254

NEW SECTION, Sec. 139. FOR THE MILITARY DEPARTMENT

Constr watercraft supt training complex (86-1-003)

The appropriations in this section are subject to the following conditions and limitations: The office of financial management shall not allot any portion of this appropriation unless it first determines that an agreement between the military department and the federal department of defense for the release of the property on Ruston Way in Tacoma provides that ownership of the property will be conveyed in fee simple to the state.

General fund—Federal	Reappropriation	Appropriation
St Bldg Constr Acct		6,885,000
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
1,640,000	5,500,000	1,700,000
		15,725,000

NEW SECTION, Sec. 140. FOR THE MILITARY DEPARTMENT

Minor works: Support fed service agreement (86-1-004)

General fund—Federal	Reappropriation	Appropriation
St Bldg Constr Acct		3,189,000
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
	8,884,000	1,063,000
		13,136,000

NEW SECTION, Sec. 141. FOR THE MILITARY DEPARTMENT

Minor works (86-1-005)

Reappropriation	Appropriation
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St Bldg Constr Acct		100,000	425,000
<u>Prior Biennia</u>	<u>Future Biennia</u>		<u>Total</u>
2,099,000	1,100,000		3,724,000
<u>NEW SECTION, Sec. 142. FOR THE MILITARY DEPARTMENT</u>			
Small repairs and improvements (86-2-006)			
		Reappropriation	Appropriation
St Bldg Constr Acct			375,000
<u>Prior Biennia</u>	<u>Future Biennia</u>		<u>Total</u>
812,000	1,150,000		2,337,000
<u>NEW SECTION, Sec. 143. FOR THE MILITARY DEPARTMENT</u>			
Construct Kent Armory (86-3-007)			
		Reappropriation	Appropriation
General fund—Federal			600,000
St Bldg Constr Acct		488,013	
<u>Prior Biennia</u>	<u>Future Biennia</u>		<u>Total</u>
3,000,987			4,089,000
<u>NEW SECTION, Sec. 144. FOR THE MILITARY DEPARTMENT</u>			
Life/Safety code compliance (88-1-005)			
		Reappropriation	Appropriation
St Bldg Constr Acct			800,000
<u>Prior Biennia</u>	<u>Future Biennia</u>		<u>Total</u>
	1,600,000		2,400,000
<u>NEW SECTION, Sec. 145. FOR THE MILITARY DEPARTMENT</u>			
Repair/replace leaking underground tanks (88-2-008)			
		Reappropriation	Appropriation
St Bldg Constr Acct		205,000	345,000
<u>Prior Biennia</u>	<u>Future Biennia</u>		<u>Total</u>
82,000	430,000		1,062,000
<u>NEW SECTION, Sec. 146. FOR THE MILITARY DEPARTMENT</u>			
Roof renovation (88-3-006)			
		Reappropriation	Appropriation
St Bldg Constr Acct		125,000	700,000
<u>Prior Biennia</u>	<u>Future Biennia</u>		<u>Total</u>
575,000	900,000		2,300,000
<u>NEW SECTION, Sec. 147. FOR THE MILITARY DEPARTMENT</u>			
Exterior painting of facilities (88-3-007)			
		Reappropriation	Appropriation
St Bldg Constr Acct		5,000	258,000
<u>Prior Biennia</u>	<u>Future Biennia</u>		<u>Total</u>
253,000	500,000		1,016,000
<u>NEW SECTION, Sec. 148. FOR THE MILITARY DEPARTMENT</u>			
Facility HVAC renovation (88-4-004)			
		Reappropriation	Appropriation
St Bldg Constr Acct			280,000
<u>Prior Biennia</u>	<u>Future Biennia</u>		<u>Total</u>
	434,000		714,000
<u>NEW SECTION, Sec. 149. FOR THE MILITARY DEPARTMENT</u>			
Energy conservation projects (88-4-010)			
		Reappropriation	Appropriation
St Bldg Constr Acct		125,000	
<u>Prior Biennia</u>	<u>Future Biennia</u>		<u>Total</u>
951,000			1,076,000
<u>NEW SECTION, Sec. 150. FOR THE MILITARY DEPARTMENT</u>			
Project preplanning (88-5-004)			
		Reappropriation	Appropriation
St Bldg Constr Acct			198,000
<u>Prior Biennia</u>	<u>Future Biennia</u>		<u>Total</u>
174,000	341,000		713,000
PART 2			
HUMAN RESOURCES			
<u>NEW SECTION, Sec. 201. FOR THE DEPARTMENT OF COMMUNITY DEVELOPMENT</u>			
Fire service training center—Minor works (87-4-002)			
		Reappropriation	Appropriation
St Bldg Constr Acct		145,000	
<u>Prior Biennia</u>	<u>Future Biennia</u>		<u>Total</u>
26,000			171,000
<u>NEW SECTION, Sec. 202. FOR THE DEPARTMENT OF COMMUNITY DEVELOPMENT</u>			
Capitalize development loan fund (88-2-002)			

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

(1) No more than \$2,000,000 of the appropriations shall be made available for expenditure if the delinquency rate on loans outstanding is greater than ten percent. However, once the department demonstrates a delinquency rate of ten percent or less, the balance of this appropriation shall be made available for expenditure.

(2) 'Delinquency' shall be defined as any loan more than ninety days past due where no formal loan workout agreement has been entered into between the borrower and the department.

(3) The department shall report to the legislature by January 8, 1990, on the number and types of loans awarded from the appropriation and the anticipated loan repayment rates on current and prior loans.

	Reappropriation	Appropriation
WA St Dev Loan Acct		2,000,000
St Bldg Constr Acct	1,100,000	1,000,000
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
7,970,000		10,970,000

NEW SECTION, Sec. 203. FOR THE DEPARTMENT OF COMMUNITY DEVELOPMENT

Endangered landmark buildings (88-2-009)

The appropriation in this section is subject to the following conditions and limitations:

(1) \$600,000 is provided solely to be used by the department to purchase and hold for brief periods landmark buildings which might otherwise be lost or altered, and to resell those buildings with the proceeds from the sale deposited in the endangered landmark preservation fund.

(2) This appropriation is contingent on an equal amount being provided from nonstate sources on a project by project basis.

(3) If legislation creating the landmarks preservation fund and establishing the endangered landmarks preservation program in statute is not adopted by the legislature by July 1, 1990, the appropriation in this section shall lapse.

	Reappropriation	Appropriation
St Bldg Constr Acct	600,000	
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
		600,000

NEW SECTION, Sec. 204. FOR THE DEPARTMENT OF COMMUNITY DEVELOPMENT

Grays Harbor dredging (88-3-006)

The appropriation in this section is subject to the following conditions and limitations:

(1) The appropriation in this section is provided solely for the state's share of costs for Grays Harbor dredging, dike construction, bridge relocation, and related expenses.

(2) This appropriation is contingent on \$40,000,000 from the United States army corps of engineers and \$10,000,000 from local government funds being provided for the same purpose as the purpose of this section.

(3) The Port of Grays Harbor shall try to acquire additional project funding from sources other than those in subsections (1) and (2) of this section. Any such moneys, up to \$10,000,000 provided from sources other than those in subsections (1) and (2) of this section, shall be used to reimburse or replace state building construction fund moneys.

(4) This appropriation shall be disbursed to the Port of Grays Harbor by the department of community development in amounts proportionate to the disbursements of nonstate funds identified in subsection (2) of this section.

	Reappropriation	Appropriation
St Bldg Constr Acct	10,000,000	
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
		10,000,000

NEW SECTION, Sec. 205. FOR THE DEPARTMENT OF COMMUNITY DEVELOPMENT

Capitalize housing trust fund (88-5-015)

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

(1) These appropriations shall be used solely for capital costs associated with the purposes of the housing trust fund under RCW 43.185.050. Moneys from these appropriations shall be used for loans or grants for capital projects state-wide that will provide housing for persons or families with special housing needs and with incomes at or below fifty percent of the median family income for the county or standard metropolitan statistical area where a given project is located. At least thirty percent of the moneys used for loans or grants shall go to projects located in rural areas.

(2) The department shall to the maximum extent feasible use the appropriation as leverage to obtain other funds for capital costs associated with the purposes of the housing trust fund under chapter 43.185 RCW.

	Reappropriation	Appropriation
St Bldg Constr Acct	2,000,000	15,000,000
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
	20,000,000	37,000,000

NEW SECTION, Sec. 206. FOR THE DEPARTMENT OF COMMUNITY DEVELOPMENT

Tacoma Union Station (88-5-016)

The appropriation in this section is subject to the following conditions and limitations:

(1) \$1,000,000 is provided solely to prevent further deterioration of the Tacoma Union Station building. This may include, but is not limited to, providing a fire detection system, removing safety hazards, and programming necessary to implement these works.

(2) A maximum of \$500,000 may be used for planning regarding future use of the Tacoma Union Station property to promote state economic development.

(3) The amounts provided in subsections (1) and (2) of this section are contingent on a written legal agreement between the city of Tacoma and the state that (a) requires state approval of future uses and disposition of the Tacoma Union Station property and (b) gives the state the right of first refusal to assume the city of Tacoma's option to purchase the Tacoma Union Station property currently owned by the Burlington Northern company.

(4) \$500,000 is provided solely for architectural plans and construction specifications for a state museum on the Union Station property.

(5) \$400,000 is provided solely for purchase of the Union Station property. The amount provided in this subsection is contingent on a like amount being provided for this purpose from nonstate sources.

(6) \$2,000,000 is provided solely for restoration of the rotunda of the Union Station building. The amount provided in this subsection is contingent on the city's agreement to exercise its option to purchase Union Station and the city's agreement to grant to the state the right of first refusal to assume the city's option to purchase the property should the city decide to withdraw from the project.

(7) The amounts provided in subsections (4), (5), and (6) of this section are provided contingent on a written legal agreement between the city of Tacoma and the state that:

(a) The city shall obtain the state's approval for all decisions with respect to:

(i) Determining final ownership of Union Station itself;

(ii) Identifying appropriate uses for the site; and

(iii) Selecting consultants retained by the city under its contract with the state;

(b) The city shall consult with the state and, unless prohibited from doing so by terms of the United States general services administration lease, shall follow the state's recommendations in other significant decisions concerning the development of the Union Station properties, including but not limited to:

(i) Planning the development and redevelopment of the site to accommodate appropriate uses;

(ii) Obtaining financing for acquisition, development, or redevelopment of the property; and

(iii) Acquiring, leasing, subleasing, and/or reselling the property;

(c) If the city finds that it is not possible to follow the state's recommendations, the city shall advise the state and allow the state a reasonable opportunity to comment; and

(d) The city shall obtain a public access easement from the United States general services administration or any other owner or lessee that will allow public access through the rotunda to the facilities of any state agency, subject to such reasonable limitations as required by the federal courts for safe and efficient operation.

(8) If the appropriation in this section is not expended, or if the conditions and limitations in subsections (3) and (7) of this section are not met, by June 30, 1990, the appropriation in this section shall lapse.

	Reappropriation	Appropriation
St Bldg Constr Acct	3,400,000	
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
1,000,000		4,400,000

NEW SECTION, Sec. 207. FOR THE DEPARTMENT OF COMMUNITY DEVELOPMENT

San Juan County Courthouse (88-5-017)

The appropriation in this section is subject to the following conditions and limitations:

(1) This appropriation is contingent on the provision of an equal amount of money from nonstate sources.

(2) If the appropriation in this section is not expended, or if the conditions and limitations in subsection (1) of this section are not met, by June 30, 1990, the appropriation in this section shall lapse.

	Reappropriation	Appropriation
St Bldg Constr Acct	100,000	
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
		100,000

NEW SECTION, Sec. 208. FOR THE DEPARTMENT OF COMMUNITY DEVELOPMENT

Columbia County Courthouse (89-4-004)

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

(1) The \$400,000 reappropriation shall be matched by \$700,000 in private donations and local funds from Columbia county.

(2) If the reappropriation in this section is not expended, or if the conditions and limitations in subsection (2) of this section are not met, by June 30, 1990, the reappropriation in this section shall lapse.

	Reappropriation	Appropriation
St Bldg Constr Acct	400,000	
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
		400,000

NEW SECTION. Sec. 209. FOR THE DEPARTMENT OF COMMUNITY DEVELOPMENT
Spokane public facilities (89-5-005)

The appropriation in this section is subject to the following conditions and limitations:

(1) The appropriation is provided solely for the purposes of RCW 36.100.030 and 36.100.060.
(2) The appropriation may be spent only if the Spokane public facilities district has been created.

(3) If the appropriation in this section is not expended, or if the conditions and limitations in subsections (1), (2), and (3) of this section are not met, by December 31, 1991, the appropriation in this section shall lapse.

	Reappropriation	Appropriation
St Bldg Constr Acct	1,000,000	
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
		1,000,000

NEW SECTION. Sec. 210. FOR THE DEPARTMENT OF COMMUNITY DEVELOPMENT
Public works trust fund (90-2-001)

The appropriations in this section are subject to the following conditions and limitations: The appropriations are provided solely for public works projects recommended by the public works board and approved by the legislature under chapter 43.155 RCW.

	Reappropriation	Appropriation
Pub Works Asst Acct	61,627,871	78,241,000
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
32,446,397	168,562,493	327,623,873

NEW SECTION. Sec. 211. FOR THE DEPARTMENT OF COMMUNITY DEVELOPMENT
Emergency management building minor renovation (90-2-003)

The appropriation in this section is subject to the following conditions and limitations: This appropriation shall be used solely to provide handicapped access and improve insulation.

	Reappropriation	Appropriation
St Bldg Constr Acct		80,000
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
		80,000

NEW SECTION. Sec. 212. FOR THE DEPARTMENT OF COMMUNITY DEVELOPMENT
Fire service training center minor works (90-2-004)

	Reappropriation	Appropriation
St Bldg Constr Acct		441,887
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
		441,887

NEW SECTION. Sec. 213. FOR THE DEPARTMENT OF COMMUNITY DEVELOPMENT
Tall ship tourist attraction

The appropriation in this section is subject to the following conditions and limitations:

(1) This appropriation shall be used for the Grays Harbor historical seaport authority to construct a tall ship tourist attraction.

(2) Expenditure of moneys from this appropriation is contingent on the expenditure for the same purpose of at least two dollars from nonstate sources for each dollar spent from this appropriation.

	Reappropriation	Appropriation
St Bldg Constr Acct		1,750,000
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
		1,750,000

NEW SECTION. Sec. 214. FOR THE DEPARTMENT OF COMMUNITY DEVELOPMENT
Asian Counseling and Referral Service

The appropriation in this section is subject to the following conditions and limitations:

(1) This appropriation shall be used for building renovation costs only.
(2) This appropriation is contingent on the expenditure for the same purpose of at least two dollars from nonstate sources for each dollar spent from this appropriation.

	Reappropriation	Appropriation
St Bldg Constr Acct		100,000
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
		100,000

NEW SECTION. Sec. 215. FOR THE DEPARTMENT OF COMMUNITY DEVELOPMENT
Thorp Grist Mill restoration

The appropriation in this section is subject to the following conditions and limitations: Expenditure of moneys from this appropriation is contingent on the expenditure for the same purpose of at least two dollars from nonstate sources for each dollar spent from this appropriation.

St Bldg Constr Acct	Reappropriation	Appropriation
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
		30,000
		30,000

NEW SECTION, Sec. 216. FOR THE DEPARTMENT OF COMMUNITY DEVELOPMENT

Nordic Heritage Museum: Building acquisition and improvements

The appropriation in this section is subject to the following conditions and limitations: This appropriation is contingent on the expenditure for the same purpose of at least two dollars from nonstate sources for each dollar spent from this appropriation.

St Bldg Constr Acct	Reappropriation	Appropriation
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
		200,000
		200,000

NEW SECTION, Sec. 217. FOR THE DEPARTMENT OF COMMUNITY DEVELOPMENT

7th Street Theater

The appropriation in this section is subject to the following conditions and limitations: Expenditure of moneys from this appropriation is contingent on the expenditure for the same purpose of at least one dollar from nonstate sources for each dollar spent from this appropriation.

St Bldg Constr Acct	Reappropriation	Appropriation
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
		250,000
		250,000

NEW SECTION, Sec. 218. FOR THE DEPARTMENT OF COMMUNITY DEVELOPMENT

Clark County cultural center—Planning

The appropriation in this section is subject to the following conditions and limitations: The appropriation is provided for a grant to Clark county for planning a cultural art/puppet center and theater.

St Bldg Constr Acct	Reappropriation	Appropriation
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
		25,000
		25,000

NEW SECTION, Sec. 219. FOR THE DEPARTMENT OF COMMUNITY DEVELOPMENT

Purchase of the Last Territorial Governor's House

The appropriation in this section is subject to the following conditions and limitations:

(1) Expenditure of moneys from this appropriation is contingent on the expenditure for the same purpose of at least one dollar from nonstate sources, including in-kind contributions, for each four dollars spent from this appropriation.

(2) A nonprofit organization shall be formed for the purpose of spending this appropriation and operating the territorial governor's house.

St Bldg Constr Acct	Reappropriation	Appropriation
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
		200,000
		200,000

NEW SECTION, Sec. 220. FOR THE DEPARTMENT OF COMMUNITY DEVELOPMENT

Marine science center construction

The appropriation in this section is subject to the following conditions and limitations:

(1) This appropriation is provided solely for a grant to the city of Poulsbo for construction of a marine science center to be operated by educational service district no. 114.

(2) Expenditure of this appropriation is contingent on site acquisition and at least \$300,000 of construction costs contributed from nonstate sources.

St Bldg Constr Acct	Reappropriation	Appropriation
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
		500,000
		500,000

NEW SECTION, Sec. 221. FOR THE DEPARTMENT OF LABOR AND INDUSTRIES

Property acquisition, design and construct office facility (90-5-001)

L & I Constr Acct	Reappropriation	Appropriation
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
		63,000,000
		63,000,000

NEW SECTION, Sec. 222. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

Lakeland Village: Construct habilitation center (79-1-009)

Reappropriation	Appropriation
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DSHS Constr Acct		450,000	
<u>Prior Biennia</u>	<u>Future Biennia</u>		<u>Total</u>
5,965,662			6,415,662
NEW SECTION. Sec. 223. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES			
Rainier School: Renovate Evergreen Center (79-1-017)			
		Reappropriation	Appropriation
St Bldg Constr Acct		4,400,000	
DSHS Constr Acct		150,000	
<u>Prior Biennia</u>	<u>Future Biennia</u>		<u>Total</u>
983,824			5,533,824
NEW SECTION. Sec. 224. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES			
Referendum #37 (79-3-001)			
The appropriation in this section is subject to the following conditions and limitations: In addition to previously approved projects, \$29,000 shall be used to construct an addition to a training center in Skamania county to serve up to ten more developmentally disabled children under four years old. This amount may be expended only if the final application for the project is submitted by December 31, 1989, and approved by March 31, 1990.			
		Reappropriation	Appropriation
Handicap Fac Constr Acct		350,000	
Improve—DSHS Fac Acct		23,500	
<u>Prior Biennia</u>	<u>Future Biennia</u>		<u>Total</u>
2,937,539			3,311,039
NEW SECTION. Sec. 225. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES			
State mental health residences (79-3-002)			
The appropriation in this section is subject to the following conditions and limitations: A maximum of \$40,000 of the funds provided may be spent for renovation or other costs necessary to establish a self-supporting day care center for children of state employees at Eastern State Hospital. A maximum of \$280,000 of the funds provided in this section is provided solely for participation by the department of social and health services in a project to construct a multipurpose child care center at the Everett community college.			
		Reappropriation	Appropriation
Improve—DSHS Fac Acct		230,000	90,000
<u>Prior Biennia</u>	<u>Future Biennia</u>		<u>Total</u>
974,177			1,294,177
NEW SECTION. Sec. 226. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES			
Western State Hospital: Complete artwork (79-4-005)			
		Reappropriation	Appropriation
DSHS Constr Acct		40,000	
<u>Prior Biennia</u>	<u>Future Biennia</u>		<u>Total</u>
108,045			148,045
NEW SECTION. Sec. 227. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES			
Western State Hospital: Fire safety (83-1-006)			
		Reappropriation	Appropriation
DSHS Constr Acct		25,000	
<u>Prior Biennia</u>	<u>Future Biennia</u>		<u>Total</u>
189,203			214,203
NEW SECTION. Sec. 228. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES			
Frances Haddon Morgan Center: Renovate Marion School (83-1-015)			
		Reappropriation	Appropriation
St Bldg Constr Acct		150,000	
<u>Prior Biennia</u>	<u>Future Biennia</u>		<u>Total</u>
1,319,000			1,469,000
NEW SECTION. Sec. 229. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES			
Eastern State Hospital: Renovate wards, phase 1 (83-2-016)			
		Reappropriation	Appropriation
DSHS Constr Acct		100,000	
<u>Prior Biennia</u>	<u>Future Biennia</u>		<u>Total</u>
3,175,000			3,275,000
NEW SECTION. Sec. 230. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES			
Western State Hospital: Renovate wards, phase 2 (83-2-017)			
		Reappropriation	Appropriation
DSHS Constr Acct		2,300,000	
<u>Prior Biennia</u>	<u>Future Biennia</u>		<u>Total</u>
11,598,000			13,898,000
NEW SECTION. Sec. 231. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES			
Mission Creek: Renovate main buildings (86-1-202)			
		Reappropriation	Appropriation
St Fac Renew Acct		165,000	

Prior Biennia
1,882,999

Future Biennia

Total
2,047,999

NEW SECTION, Sec. 232. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES
Fircrest Schools: Construct food service (86-1-403)

	Reappropriation	Appropriation
DSHS Constr Acct	200,000	

Prior Biennia
3,896,302

Future Biennia

Total
4,096,302

NEW SECTION, Sec. 233. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES
Referendum 27 and 38 (86-2-099)

The appropriation in this section is subject to the following conditions and limitations: This appropriation is provided solely for drought-related municipal and industrial water supply projects. Up to sixteen full-time equivalent staff per year may be funded from the reappropriation of Referendum 38 for the purpose of reviewing local water improvement accounts.

	Reappropriation	Appropriation
LIRA Water Supp Fac	22,000,000	

Prior Biennia
23,134,000

Future Biennia

Total
45,134,000

NEW SECTION, Sec. 234. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES
Western State Hospital: Renovate wards, phase 3 (88-1-307)

	Reappropriation	Appropriation
St Bldg Constr Acct	375,000	

Prior Biennia
210,900

Future Biennia

Total
585,900

NEW SECTION, Sec. 235. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES
CSTC: Renovate residences to high school (88-1-318)

	Reappropriation	Appropriation
St Bldg Constr Acct	160,000	

Prior Biennia
165,000

Future Biennia

Total
325,000

NEW SECTION, Sec. 236. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES
Western State Hospital: Sanitary sewer (88-2-400)

	Reappropriation	Appropriation
St Bldg Constr Acct	2,650,000	

Prior Biennia
2,229,000

Future Biennia

Total
4,879,000

NEW SECTION, Sec. 237. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES
Minor capital renewal: Fire safety (90-1-004)

	Reappropriation	Appropriation
CEP & RI Acct		600,000

St Bldg Constr Acct	810,000	
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Prior Biennia
335,000

Future Biennia
1,200,000

Total
2,945,000

NEW SECTION, Sec. 238. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES
Minor capital renewal: Hazardous substance (90-1-005)

	Reappropriation	Appropriation
CEP & RI Acct		500,000

St Bldg Constr Acct	450,000	
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Prior Biennia
527,000

Future Biennia
1,392,500

Total
2,869,500

NEW SECTION, Sec. 239. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES
Emergency capital repairs (90-1-007)

	Reappropriation	Appropriation
CEP & RI Acct		250,000

St Bldg Constr Acct	220,000	
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St Fac Renew Acct	160,000	
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Prior Biennia
864,502

Future Biennia
500,000

Total
1,994,502

NEW SECTION, Sec. 240. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES
Echo Glen: Renovate eleven living units (90-1-210)

	Reappropriation	Appropriation
St Bldg Constr Acct		2,964,000

Prior Biennia

Future Biennia

Total
2,964,000

NEW SECTION, Sec. 241. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES
Western State Hospital: Ward renovations, phase 4 (90-1-312)

The appropriation in this section is subject to the following conditions and limitations: \$1,000,000 is intended for planning to accelerate the next phase of this renovation project.

St Bldg Constr Acct	Reappropriation	Appropriation
<u>Prior Biennia</u>		6,192,000
	<u>Future Biennia</u>	<u>Total</u>
		6,192,000
<u>NEW SECTION, Sec. 242. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES</u>		
Eastern State Hospital: Ward renovations, phase 2 (90-1-339)		
St Bldg Constr Acct	Reappropriation	Appropriation
<u>Prior Biennia</u>		4,510,400
	<u>Future Biennia</u>	<u>Total</u>
		4,510,400
<u>NEW SECTION, Sec. 243. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES</u>		
Minor capital renewal: Utilities and facilities (90-2-001)		
CEP & RI Acct	Reappropriation	Appropriation
St Bldg Constr Acct	450,000	750,000
<u>Prior Biennia</u>		<u>Total</u>
608,000	<u>Future Biennia</u>	3,908,000
	2,100,000	
<u>NEW SECTION, Sec. 244. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES</u>		
Minor capital renewal: Roads and grounds (90-2-002)		
CEP & RI Acct	Reappropriation	Appropriation
St Bldg Constr Acct	500,000	500,000
<u>Prior Biennia</u>		<u>Total</u>
122,000	<u>Future Biennia</u>	2,322,000
	1,200,000	
<u>NEW SECTION, Sec. 245. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES</u>		
Minor capital renewal: Roofs (90-2-003)		
St Bldg Constr Acct	Reappropriation	Appropriation
<u>Prior Biennia</u>	200,000	700,000
940,000	<u>Future Biennia</u>	<u>Total</u>
	2,000,000	3,840,000
<u>NEW SECTION, Sec. 246. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES</u>		
Small repairs and improvements (90-2-008)		
CEP & RI Acct	Reappropriation	Appropriation
<u>Prior Biennia</u>		190,000
	<u>Future Biennia</u>	<u>Total</u>
	415,000	605,000
<u>NEW SECTION, Sec. 247. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES</u>		
Minor projects: Bureau of Alcohol and Substance Abuse (90-2-010)		
CEP & RI Acct	Reappropriation	Appropriation
<u>Prior Biennia</u>		442,400
	<u>Future Biennia</u>	<u>Total</u>
	100,000	542,400
<u>NEW SECTION, Sec. 248. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES</u>		
Minor projects: Juvenile rehabilitation division (90-2-020)		
CEP & RI Acct	Reappropriation	Appropriation
St Bldg Constr Acct	340,000	270,100
St Fac Renew Acct	650,000	
<u>Prior Biennia</u>		<u>Total</u>
2,375,000	<u>Future Biennia</u>	3,935,100
	300,000	
<u>NEW SECTION, Sec. 249. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES</u>		
Minor projects: Mental health division, including renovation and expansion of bathroom facilities for the PORTAL program at the Northern State multi-service center (90-2-030)		
St Bldg Constr Acct	Reappropriation	Appropriation
St Fac Renew Acct	200,000	650,000
<u>Prior Biennia</u>	110,000	<u>Total</u>
1,514,042	<u>Future Biennia</u>	3,174,042
	700,000	
<u>NEW SECTION, Sec. 250. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES</u>		
Minor projects: Mental health division (2) (90-2-032)		
CEP & RI Acct	Reappropriation	Appropriation
<u>Prior Biennia</u>		75,000
	<u>Future Biennia</u>	<u>Total</u>
	250,000	325,000
<u>NEW SECTION, Sec. 251. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES</u>		
Minor projects: Developmental disabilities division (90-2-040)		
CEP & RI Acct	Reappropriation	Appropriation
		21,200

St Bldg Constr Acct	245,000	517,600
St Fac Renew Acct	80,000	
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
2,078,999	550,000	3,492,799

NEW SECTION, Sec. 252. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES
Minor projects: Health division (90-2-050)

	Reappropriation	Appropriation
CEP & RI Acct		358,900
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
	100,000	358,900

NEW SECTION, Sec. 253. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES
Lakeland Village: Steam plant replacement (90-2-425)

	Reappropriation	Appropriation
St Bldg Constr Acct		4,063,000
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
		4,063,000

NEW SECTION, Sec. 254. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES
Minor capital renewal, mental health division (90-2-060)

The appropriation in this section is subject to the following conditions and limitations: This appropriation is provided solely for minor building renewal projects at Western and Eastern state hospitals, which may include remodeling existing state buildings for use as employee child care facilities.

	Reappropriation	Appropriation
St Bldg Constr Acct		1,000,000
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
		1,000,000

NEW SECTION, Sec. 255. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES
Resource conservation (90-4-006)

	Reappropriation	Appropriation
St Bldg Constr Acct	150,000	
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
165,045		315,045

NEW SECTION, Sec. 256. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES
Preplanning (90-4-009)

	Reappropriation	Appropriation
CEP & RI Acct		191,400
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
	329,500	520,900

NEW SECTION, Sec. 257. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES
Food bank facility: Fircrest (90-5-011)

	Reappropriation	Appropriation
St Bldg Constr Acct		788,000
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
		788,000

NEW SECTION, Sec. 258. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES
Eastern State Hospital: Electrical System Replacement (90-2-345)

	Reappropriation	Appropriation
St Bldg Constr Acct		1,371,600
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
		1,371,600

NEW SECTION, Sec. 259. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES
Child care facilities

The appropriation in this section is subject to the following conditions and limitations:

(1) This appropriation is provided solely for the child care coordinating committee to award grants to state agencies, institutions of higher education, state employees, or groups of state employees for the purpose of making capital improvements to start or renovate child care centers for state employees.

(2) The child care coordinating committee shall adopt rules for awarding the grants that include an application process that encourages state agencies and employees to submit innovative and competitive proposals for the grants.

(3) The child care coordinating committee shall report to the legislature by January 8, 1991, describing the number and types of grants awarded under this appropriation and making recommendations for future child care facility grants.

	Reappropriation	Appropriation
St Bldg Constr Acct		600,000
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
		600,000

NEW SECTION, Sec. 260. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

Mental health evaluation and treatment facility in Snohomish county

The appropriation in this section is subject to the following conditions and limitations:

(1) This appropriation is provided solely for a mental health evaluation and treatment facility in Snohomish county.

(2) No moneys from this appropriation may be expended until the department enters into a fifteen-year lease or lease/purchase agreement with Snohomish county or a group of counties for the facility. The payments under the agreement shall be either at least equal to the facility component of the state average rate-per-patient day paid by the department to community mental health providers for comparable services, or at least equal to the amount of this appropriation amortized over fifteen years.

St Bldg Constr Acct		Reappropriation	Appropriation
			1,000,000
<u>Prior Biennia</u>	<u>Future Biennia</u>		<u>Total</u>
			1,000,000

NEW SECTION, Sec. 261. FOR THE DEPARTMENT OF VETERANS' AFFAIRS

Food services renovation (88-1-014)

CEP & RI Acct		Reappropriation	Appropriation
			282,700
<u>Prior Biennia</u>	<u>Future Biennia</u>		<u>Total</u>
			282,700

NEW SECTION, Sec. 262. FOR THE DEPARTMENT OF VETERANS' AFFAIRS

Soldiers Home—Preplan a thirty bed Alzheimer's unit (88-5-020)

The appropriation in this section is subject to the following conditions and limitations:

(1) The department shall participate in the long-term care study to be conducted by the department of social and health services as required by Engrossed Substitute Senate Bill No. 5352.

(2) The department shall prepare a policy on admissions to the veterans' home and soldiers' home. The policy shall identify priority populations and establish procedures to ensure the highest priority group of veterans are served. The department shall report to the house of representatives capital facilities and operations committee and senate ways and means committee on the admission policy by December 1, 1989.

CEP & RI Acct		Reappropriation	Appropriation
			33,700
<u>Prior Biennia</u>	<u>Future Biennia</u>		<u>Total</u>
	1,908,700		1,942,400

NEW SECTION, Sec. 263. FOR THE DEPARTMENT OF VETERANS' AFFAIRS

Minor projects—Asbestos (90-1-003)

CEP & RI Acct		Reappropriation	Appropriation
			300,000
<u>Prior Biennia</u>	<u>Future Biennia</u>		<u>Total</u>
			300,000

NEW SECTION, Sec. 264. FOR THE DEPARTMENT OF VETERANS' AFFAIRS

Minor projects—Roads and walkways (90-1-005)

CEP & RI Acct		Reappropriation	Appropriation
			100,000
<u>Prior Biennia</u>	<u>Future Biennia</u>		<u>Total</u>
			100,000

NEW SECTION, Sec. 265. FOR THE DEPARTMENT OF VETERANS' AFFAIRS

Air quality, Building 9 (90-1-009)

CEP & RI Acct		Reappropriation	Appropriation
			313,200
<u>Prior Biennia</u>	<u>Future Biennia</u>		<u>Total</u>
			313,200

NEW SECTION, Sec. 266. FOR THE DEPARTMENT OF VETERANS' AFFAIRS

Small projects (90-1-011)

CEP & RI Acct		Reappropriation	Appropriation
			39,800
<u>Prior Biennia</u>	<u>Future Biennia</u>		<u>Total</u>
			39,800

NEW SECTION, Sec. 267. FOR THE DEPARTMENT OF VETERANS' AFFAIRS

Minor projects—Building remodel (90-2-008)

CEP & RI Acct		Reappropriation	Appropriation
			256,000
<u>Prior Biennia</u>	<u>Future Biennia</u>		<u>Total</u>
			256,000

NEW SECTION, Sec. 268. FOR THE DEPARTMENT OF VETERANS' AFFAIRS

Minor projects—Utilities and energy projects (90-4-006)

		Reappropriation	Appropriation
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CEP & RI Acct		544,000
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
		544,000

NEW SECTION, Sec. 269. FOR THE DEPARTMENT OF VETERANS' AFFAIRS
 Minor projects—Building study (90-5-012)

Reappropriation	Appropriation
	35,000

CEP & RI Acct		35,000
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
		35,000

NEW SECTION, Sec. 270. FOR THE DEPARTMENT OF VETERANS' AFFAIRS
 Steam distribution system (92-2-024)

Reappropriation	Appropriation
	22,200

CEP & RI Acct		22,200
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
	895,700	917,900

NEW SECTION, Sec. 271. FOR THE DEPARTMENT OF CORRECTIONS

The department of corrections shall develop a population management and facilities master plan that evaluates alternatives for accommodating increased correctional system population, reflecting updated office of financial management inmate population forecasts and any population increases resulting from legislation enacted during the 1989 legislative session. The plan shall assess and evaluate each alternative on the basis of its short-term and long-term programs and fiscal impacts and shall be submitted to the fiscal committees of the legislature by December 1, 1989.

NEW SECTION, Sec. 272. FOR THE DEPARTMENT OF CORRECTIONS

Washington Corrections Center enlarge, remodel six hundred beds (83-3-029)

Reappropriation	Appropriation
	32,961

St Bldg Constr Acct		32,961
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
1,338,053		1,371,014

NEW SECTION, Sec. 273. FOR THE DEPARTMENT OF CORRECTIONS

Washington State Reformatory facility improvements (83-3-048)

Reappropriation	Appropriation
	6,500,000

St Bldg Constr Acct		6,500,000
DSHS Constr Acct		500,000

<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
8,033,303	16,000,000	39,633,303

NEW SECTION, Sec. 274. FOR THE DEPARTMENT OF CORRECTIONS

Washington State Penitentiary improve security, facilities, utilities (83-3-052)

Reappropriation	Appropriation
	400,000

St Bldg Constr Acct		400,000
DSHS Constr Acct		1,600,000

<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
6,317,413	2,476,000	16,691,413

NEW SECTION, Sec. 275. FOR THE DEPARTMENT OF CORRECTIONS

McNeil Island Corrections Center renovation of utilities (86-1-002)

Reappropriation	Appropriation
	4,000,000

St Bldg Constr Acct		4,000,000
St Fac Renew Acct		300,000

<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
3,724,000	4,674,000	13,959,000

NEW SECTION, Sec. 276. FOR THE DEPARTMENT OF CORRECTIONS

McNeil Island Corrections Center repairs to transportation system, including parking and a materials forwarding facility at Western State Hospital (86-1-004)

Reappropriation	Appropriation
	985,000

St Bldg Constr Acct		985,000
St Fac Renew Acct		900,000

<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
1,408,000	7,081,000	13,896,000

NEW SECTION, Sec. 277. FOR THE DEPARTMENT OF CORRECTIONS

McNeil Island Corrections Center building fire/safety (86-1-008)

Reappropriation	Appropriation
	2,500,000

St Bldg Constr Acct		2,500,000
St Fac Renew Acct		1,000,000

<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
1,665,000	967,000	8,315,000

NEW SECTION, Sec. 278. FOR THE DEPARTMENT OF CORRECTIONS

State-wide minor projects (86-2-005)

Reappropriation	Appropriation
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St Bldg Constr Acct		1,000,000	
St Fac Renew Acct		300,000	
	<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
	2,879,000		4,179,000
NEW SECTION, Sec. 279. FOR THE DEPARTMENT OF CORRECTIONS			
State-wide small repairs and improvements (86-2-006)			
		Reappropriation	Appropriation
St Bldg Constr Acct		250,000	
	<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
	296,000		546,000
NEW SECTION, Sec. 280. FOR THE DEPARTMENT OF CORRECTIONS			
Life safety code compliance (88-1-002)			
		Reappropriation	Appropriation
St Bldg Constr Acct		700,000	
	<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
	840,000		1,540,000
NEW SECTION, Sec. 281. FOR THE DEPARTMENT OF CORRECTIONS			
State-wide wastewater system improvements (88-1-017)			
		Reappropriation	Appropriation
St Bldg Constr Acct		440,000	
	<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
	268,000		1,313,000
NEW SECTION, Sec. 282. FOR THE DEPARTMENT OF CORRECTIONS			
State-wide water system improvements (88-1-018)			
		Reappropriation	Appropriation
St Bldg Constr Acct		250,000	
	<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
	172,000		1,361,000
NEW SECTION, Sec. 283. FOR THE DEPARTMENT OF CORRECTIONS			
McNeil Island Corrections Center implement master plan (88-2-003)			
The appropriation in this section is subject to the following conditions and limitations: The money in this appropriation shall not be expended until the office of financial management has determined that satisfactory progress has been made on receiving approval of the environmental impact statement, selecting mainland parking facility, and selecting mainland ferry terminal.			
		Reappropriation	Appropriation
St Bldg Constr Acct			4,377,000
	<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
	621,000	28,000,000	32,998,000
NEW SECTION, Sec. 284. FOR THE DEPARTMENT OF CORRECTIONS			
Pre-release facility relocation (88-2-004)			
The appropriation in this section is subject to the following conditions and limitations: The department shall develop a siting policy, in conjunction with cities, counties, community groups, and the department of community development, for the establishment of additional pre-release facilities. The policy shall include at least the following elements:			
(1) Guidelines for appropriate site selection of prerelease facilities;			
(2) Requirements for notification to local government and community groups of intent to site a prerelease facility; and			
(3) Guidelines for effective relations between the prerelease program operation and the surrounding community.			
		Reappropriation	Appropriation
St Bldg Constr Acct		4,200,000	
	<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
	262,000		4,462,000
NEW SECTION, Sec. 285. FOR THE DEPARTMENT OF CORRECTIONS			
Eastern Washington prerelease, site preparation (88-2-005)			
		Reappropriation	Appropriation
St Bldg Constr Acct		340,000	
	<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
	671,000		1,011,000
NEW SECTION, Sec. 286. FOR THE DEPARTMENT OF CORRECTIONS			
Washington Corrections Center for Women implement master plan (88-2-006)			
		Reappropriation	Appropriation
St Bldg Constr Acct		460,000	
	<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
	155,000	5,800,000	7,415,000
NEW SECTION, Sec. 287. FOR THE DEPARTMENT OF CORRECTIONS			

Washington Corrections Center reroof building (88-3-019)		Reappropriation	Appropriation
St Bldg Constr Acct		1,000,000	
<u>Prior Biennia</u>	<u>Future Biennia</u>		<u>Total</u>
65,000			1,065,000
<u>NEW SECTION, Sec. 288. FOR THE DEPARTMENT OF CORRECTIONS</u>			
State-wide asbestos removal/encapsulation (90-1-001)			
		Reappropriation	Appropriation
St Bldg Constr Acct			2,500,000
<u>Prior Biennia</u>	<u>Future Biennia</u>		<u>Total</u>
	5,000,000		7,500,000
<u>NEW SECTION, Sec. 289. FOR THE DEPARTMENT OF CORRECTIONS</u>			
Hazardous materials management (90-1-004)			
		Reappropriation	Appropriation
St Bldg Constr Acct			879,000
<u>Prior Biennia</u>	<u>Future Biennia</u>		<u>Total</u>
	604,000		1,483,000
<u>NEW SECTION, Sec. 290. FOR THE DEPARTMENT OF CORRECTIONS</u>			
WCC and WCCW perimeter security upgrade (90-1-007)			
		Reappropriation	Appropriation
St Bldg Constr Acct			1,652,000
<u>Prior Biennia</u>	<u>Future Biennia</u>		<u>Total</u>
	3,277,000		4,929,000
<u>NEW SECTION, Sec. 291. FOR THE DEPARTMENT OF CORRECTIONS</u>			
State-wide minor projects (90-1-009)			
		Reappropriation	Appropriation
CEP & RI Acct			1,000,000
St Bldg Constr Acct			4,349,000
<u>Prior Biennia</u>	<u>Future Biennia</u>		<u>Total</u>
	8,000,000		13,349,000
<u>NEW SECTION, Sec. 292. FOR THE DEPARTMENT OF CORRECTIONS</u>			
State-wide small repairs and improvements (90-1-010)			
		Reappropriation	Appropriation
St Bldg Constr Acct			756,000
<u>Prior Biennia</u>	<u>Future Biennia</u>		<u>Total</u>
			756,000
<u>NEW SECTION, Sec. 293. FOR THE DEPARTMENT OF CORRECTIONS</u>			
State-wide emergency repairs projects (90-1-013)			
		Reappropriation	Appropriation
CEP & RI Acct			750,000
<u>Prior Biennia</u>	<u>Future Biennia</u>		<u>Total</u>
	1,500,000		2,250,000
<u>NEW SECTION, Sec. 294. FOR THE DEPARTMENT OF CORRECTIONS</u>			
Washington Corrections Center Reception Center upgrade (90-2-012)			
		Reappropriation	Appropriation
CEP & RI Acct			26,000
St Bldg Constr Acct			236,000
<u>Prior Biennia</u>	<u>Future Biennia</u>		<u>Total</u>
	14,400,000		14,662,000
<u>NEW SECTION, Sec. 295. FOR THE DEPARTMENT OF CORRECTIONS</u>			
WSP—Expand medium security complex (MSC) industries building (90-2-016)			
		Reappropriation	Appropriation
St Bldg Constr Acct			1,213,000
<u>Prior Biennia</u>	<u>Future Biennia</u>		<u>Total</u>
			1,213,000
<u>NEW SECTION, Sec. 296. FOR THE DEPARTMENT OF CORRECTIONS</u>			
State-wide roof repair (90-3-011)			
		Reappropriation	Appropriation
St Bldg Constr Acct			1,500,000
<u>Prior Biennia</u>	<u>Future Biennia</u>		<u>Total</u>
			1,500,000
<u>NEW SECTION, Sec. 297. FOR THE DEPARTMENT OF CORRECTIONS</u>			
Community corrections preplanning for construction—Work release (90-4-005)			
The appropriation in this section is subject to the following conditions and limitations: No money from this appropriation may be expended until the department has developed the siting policy requirements contained in Senate Bill No. 5111.			
		Reappropriation	Appropriation
CEP & RI Acct			218,000

<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
	7,790,000	8,008,000
<u>NEW SECTION, Sec. 298. FOR THE DEPARTMENT OF CORRECTIONS</u>		
Clallam Bay corrections center double-celling and program area renovations		
	Reappropriation	Appropriation
St Bldg Constr Acct		4,071,000
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
		4,071,000
<u>NEW SECTION, Sec. 299. FOR THE DEPARTMENT OF EMPLOYMENT SECURITY</u>		
Port Angeles—Job Service Center (90-2-001)		
	Reappropriation	Appropriation
Unemploy Comp Admin—State		900,000
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
		900,000

PART 3

NATURAL RESOURCES

NEW SECTION, Sec. 301. FOR THE WASHINGTON STATE ENERGY OFFICE

Energy conservation projects (90-4-001)

The appropriation in this section is subject to the following conditions and limitations: The department shall contract with the following agencies for the amounts specified to undertake energy conservation projects. Each contract shall require the agencies listed below to deposit into the energy conservation account an amount equal to the contract amount. The payback period shall be determined by the department, but shall not exceed six years.

(1) No more than \$1,033,000 shall be expended for energy conservation projects for Military Department facilities;

(2) No more than \$361,600 shall be expended for energy conservation projects for the department of social and health services;

(3) No more than \$552,000 shall be expended for energy conservation projects for The Evergreen State College.

	Reappropriation	Appropriation
St Bldg Constr Acct		1,946,600
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
	2,199,000	4,145,600

NEW SECTION, Sec. 302. FOR THE DEPARTMENT OF ECOLOGY

Referendum 26—Waste disposal facilities; special program, state-wide (74-5-004)

The appropriation in this section is subject to the following conditions and limitations: In making grants or loans from this appropriation for waste reduction and recycling projects, the department shall give priority to food and yard wastes projects.

	Reappropriation	Appropriation
LIRA—Waste Disp Fac	23,753,701	
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
207,023,603		230,777,304

NEW SECTION, Sec. 303. FOR THE DEPARTMENT OF ECOLOGY

Referendum 27 and 38—Water supply facilities; special program, state-wide (74-5-006)

The appropriation in this section is subject to the following conditions and limitations: A maximum of \$75,000 of this reappropriation may be expended for modification of the gate on the Lake Osoyoos international water control structure authorized by chapter 76, Laws of 1982.

	Reappropriation	Appropriation
LIRA Water Sup Fac	29,423,518	
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
25,812,996	11,764,121	67,000,635

NEW SECTION, Sec. 304. FOR THE DEPARTMENT OF ECOLOGY

State emergency water project revolving account; special program, state-wide (76-5-003)

	Reappropriation	Appropriation
St Emer Water Proj Rev	4,003,787	3,794,791
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
14,096,717	292,794	22,188,089

NEW SECTION, Sec. 305. FOR THE DEPARTMENT OF ECOLOGY

Padilla Bay Research Reserve—Land acquisition/special program (80-2-002)

	Reappropriation	Appropriation
General Fund—Federal	112,362	
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
1,201,177		1,313,539

NEW SECTION, Sec. 306. FOR THE DEPARTMENT OF ECOLOGY

Referendum 39—Waste disposal facilities, 1980; special program, state-wide (82-5-005)

The appropriation in this section is subject to the following conditions and limitations:

(1) No expenditure from this appropriation shall be made for any grant valued over fifty million dollars to a city or county for solid waste disposal facilities unless the following conditions are met:

(a) The city or county agrees to comply with all the terms of the grant contract between the city or county and the department of ecology;

(b) The city or county agrees to implement curbside collection of recyclable materials as prescribed in the grant contract; and

(c) The city or county does not begin actual construction of the solid waste disposal facility until it has obtained a permit for prevention of significant deterioration as required by the federal clean air act.

(2) In making grants or loans from this appropriation for waste reduction and recycling projects, the department shall give priority to food and yard waste projects.

	Reappropriation	Appropriation
LIRA Waste Fac—1980	126,900,046	
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
324,970,900		451,870,946

NEW SECTION, Sec. 307. FOR THE DEPARTMENT OF ECOLOGY

Water quality account; special programs, state-wide (86-5-007)

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

(1) In awarding grants, extending grant payments, or making loans from this appropriation for facilities that discharge directly into marine waters, the department shall:

(a) Give first priority to secondary wastewater treatment facilities that are mandated by both federal and state law;

(b) Give second priority to projects that reduce combined sewer overflows; and

(c) Encourage economies that are derived from any simultaneous projects that achieve the purposes of both (a) and (b) of this subsection.

(2) The following limitations shall apply to the department's total distribution of funds appropriated under this section:

(a) Not more than fifty percent for water pollution control facilities which discharge directly into marine waters;

(b) Not more than twenty percent for water pollution control activities that prevent or mitigate pollution of underground waters and facilities that protect federally designated sole source aquifers with at least two-thirds for the Spokane-Rathdrum Prairie aquifer;

(c) Not more than ten percent for water pollution control activities that protect freshwater lakes and rivers including but not limited to Lake Chelan and the Yakima and Columbia rivers;

(d) Not more than ten percent for activities which control nonpoint source water pollution;

(e) Ten percent and such sums as may be remaining from the categories specified in (a) through (d) of this subsection for water pollution control activities or facilities as determined by the department.

(3) In determining compliance schedules for the greatest reasonable reduction of combined sewer overflows, the department shall consider the amount of grant or loan moneys available to assist local governments in the planning, design, acquisition, construction, and improvement of combined sewer overflow facilities.

	Reappropriation	Appropriation
Water Quality Acct	67,050,663	112,529,625
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
8,838,172	177,177,999	365,596,459

NEW SECTION, Sec. 308. FOR THE STATE PARKS AND RECREATION COMMISSION

Yakima Greenway acquisition (81-3-098)

	Reappropriation	Appropriation
ORA—State	75,272	
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
17,795		93,067

NEW SECTION, Sec. 309. FOR THE STATE PARKS AND RECREATION COMMISSION

State-wide—Water supply facilities (86-1-002)

	Reappropriation	Appropriation
St Bldg Constr Acct	380,062	
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
684,584		1,064,646

NEW SECTION, Sec. 310. FOR THE STATE PARKS AND RECREATION COMMISSION

State-wide—Sewage treatment facilities (86-1-003)

	Reappropriation	Appropriation
LIRA Waste Fac—1980	309,103	
St Bldg Constr Acct	50,000	
ORA—Federal	23,049	
ORA—State	24,024	
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
359,335		765,511

NEW SECTION, Sec. 311. FOR THE STATE PARKS AND RECREATION COMMISSION
State-wide—Boating repairs (86-1-020)

	Reappropriation	Appropriation
St Bldg Constr Acct	12,000	
ORA—State	72,577	
<u>Prior Biennia</u>		<u>Total</u>
330,274	<u>Future Biennia</u>	414,851

NEW SECTION, Sec. 312. FOR THE STATE PARKS AND RECREATION COMMISSION
State-wide—Boating renovation (86-1-021)

	Reappropriation	Appropriation
St Bldg Constr Acct	2,901	
ORA—State	68,323	
<u>Prior Biennia</u>		<u>Total</u>
62,280	<u>Future Biennia</u>	133,504

NEW SECTION, Sec. 313. FOR THE STATE PARKS AND RECREATION COMMISSION
Beacon Rock—Replace floats and piling, renovate shear boom (86-1-022)

	Reappropriation	Appropriation
ORA—Federal	6,000	
ORA—State	46,651	
<u>Prior Biennia</u>		<u>Total</u>
235,509	<u>Future Biennia</u>	288,160

NEW SECTION, Sec. 314. FOR THE STATE PARKS AND RECREATION COMMISSION
State-wide—Energy conservation and landscape repairs (86-1-026)

	Reappropriation	Appropriation
St Bldg Constr Acct	116,827	
ORA—State	3,479	
<u>Prior Biennia</u>		<u>Total</u>
155,752	<u>Future Biennia</u>	276,058

NEW SECTION, Sec. 315. FOR THE STATE PARKS AND RECREATION COMMISSION
State-wide—Energy conservation and landscape renovation (86-1-027)

	Reappropriation	Appropriation
St Bldg Constr Acct	135,222	
<u>Prior Biennia</u>		<u>Total</u>
351,998	<u>Future Biennia</u>	487,220

NEW SECTION, Sec. 316. FOR THE STATE PARKS AND RECREATION COMMISSION
Iron Horse—Trail safety and bridge repair/acquisition (86-1-030)

The appropriations in this section are subject to the following conditions and limitations: Unless House Bill No. 1512 is enacted by June 30, 1989, with an initial appropriation for this project from the trust land purchase account, the reappropriation from the trust land purchase account in this section shall be null and void.

	Reappropriation	Appropriation
St Bldg Constr Acct	63,591	
Trust Land Pur Acct	200,000	
<u>Prior Biennia</u>		<u>Total</u>
144,123	<u>Future Biennia</u>	407,714

NEW SECTION, Sec. 317. FOR THE STATE PARKS AND RECREATION COMMISSION
Fort Worden—Point Wilson bank protection, phase 2 (86-1-032)

	Reappropriation	Appropriation
St Bldg Constr Acct	85,000	
ORA—Federal	73,663	
ORA—State	95,204	
<u>Prior Biennia</u>		<u>Total</u>
43,133	<u>Future Biennia</u>	242,600

NEW SECTION, Sec. 318. FOR THE STATE PARKS AND RECREATION COMMISSION
State-wide—Boating improvements (86-3-005)

	Reappropriation	Appropriation
ORA—Federal	36,700	
ORA—State	57,000	
<u>Prior Biennia</u>		<u>Total</u>
115,300	<u>Future Biennia</u>	209,000

NEW SECTION, Sec. 319. FOR THE STATE PARKS AND RECREATION COMMISSION
Mount Spokane—Entrance road development (86-3-034)

	Reappropriation	Appropriation
Mot Veh Fund	8,003	
<u>Prior Biennia</u>		<u>Total</u>
169,830	<u>Future Biennia</u>	177,833

NEW SECTION, Sec. 320. FOR THE STATE PARKS AND RECREATION COMMISSION
West Hylebos—Acquisition and development (86-4-013)

St Bldg Constr Acct	Reappropriation	Appropriation
	195,595	
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
177		195,772
<u>NEW SECTION, Sec. 321. FOR THE STATE PARKS AND RECREATION COMMISSION</u>		
Ilahee—Replace breakwater, ramps (87-1-024)		
	Reappropriation	Appropriation
ORA—Federal	6,534	
ORA—State	15,289	
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
196,355		218,178
<u>NEW SECTION, Sec. 322. FOR THE STATE PARKS AND RECREATION COMMISSION</u>		
Sacaajawea—Boat launch reconstruction (87-1-025)		
	Reappropriation	Appropriation
ORA—State	14,207	
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
127,513		141,720
<u>NEW SECTION, Sec. 323. FOR THE STATE PARKS AND RECREATION COMMISSION</u>		
Lake Sylvia—Dam safety renovation, and repair, phase 2 (87-1-028)		
	Reappropriation	Appropriation
St Bldg Constr Acct	5,802	165,000
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
136,198		307,000
<u>NEW SECTION, Sec. 324. FOR THE STATE PARKS AND RECREATION COMMISSION</u>		
Kopachuck—Shoreline protection (87-1-031)		
	Reappropriation	Appropriation
ORA—State	43,889	
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
58,000		101,889
<u>NEW SECTION, Sec. 325. FOR THE STATE PARKS AND RECREATION COMMISSION</u>		
Moran—Mountain Lake CCC building renovation (87-1-049)		
	Reappropriation	Appropriation
St Bldg Constr Acct	149,999	
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
6,000		155,999
<u>NEW SECTION, Sec. 326. FOR THE STATE PARKS AND RECREATION COMMISSION</u>		
Deception Pass—Renovate CCC buildings 2 and 3, Rosario (87-1-050)		
	Reappropriation	Appropriation
St Bldg Constr Acct	200,014	
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
7,400		207,414
<u>NEW SECTION, Sec. 327. FOR THE STATE PARKS AND RECREATION COMMISSION</u>		
Fort Worden—Phased weatherization of facilities (87-2-016)		
	Reappropriation	Appropriation
St Bldg Constr Acct	160,088	
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
289,912		450,000
<u>NEW SECTION, Sec. 328. FOR THE STATE PARKS AND RECREATION COMMISSION</u>		
Flaming geyser—Bridge relocation and installation, phase 2 (87-2-029)		
	Reappropriation	Appropriation
St Bldg Constr Acct		241,000
ORA—Federal	180,272	
ORA—State	171,897	
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
10,728	625,000	1,228,897
<u>NEW SECTION, Sec. 329. FOR THE STATE PARKS AND RECREATION COMMISSION</u>		
Covenant Beach—Acquisition and relocation (87-2-039)		
	Reappropriation	Appropriation
St Bldg Constr Acct	94,520	
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
169,416		263,936
<u>NEW SECTION, Sec. 330. FOR THE STATE PARKS AND RECREATION COMMISSION</u>		
Auburn Game Farm—Completion of park development (87-3-012)		
	Reappropriation	Appropriation
St Bldg Constr Acct	451,922	350,000
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
77,246		879,168
<u>NEW SECTION, Sec. 331. FOR THE STATE PARKS AND RECREATION COMMISSION</u>		

Green River Gorge—Acquisition, phased project (87-5-010)		
	Reappropriation	Appropriation
St Bldg Constr Acct	596,306	263,000
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
395,694		1,255,000
<u>NEW SECTION, Sec. 332. FOR THE STATE PARKS AND RECREATION COMMISSION</u>		
State-wide—Potable water supply, omnibus facility contingency (88-1-002)		
	Reappropriation	Appropriation
St Bldg Constr Acct	65,085	
LIRA—Water Sup Fac	43,404	
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
36,511		145,000
<u>NEW SECTION, Sec. 333. FOR THE STATE PARKS AND RECREATION COMMISSION</u>		
State-wide—Potable water supply, omnibus minor projects (88-1-003)		
	Reappropriation	Appropriation
St Bldg Constr Acct	366,115	
LIRA—Water Sup Fac	244,000	
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
82,885		693,000
<u>NEW SECTION, Sec. 334. FOR THE STATE PARKS AND RECREATION COMMISSION</u>		
Sequim Bay—Reservoir cover (88-1-004)		
	Reappropriation	Appropriation
St Bldg Constr Acct	23,415	
LIRA—Water Sup Fac	23,000	
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
85,585		132,000
<u>NEW SECTION, Sec. 335. FOR THE STATE PARKS AND RECREATION COMMISSION</u>		
Sequim Bay—Renovate park water system (88-1-005)		
	Reappropriation	Appropriation
St Bldg Constr Acct	45,517	
LIRA—Water Sup Fac	30,345	
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
114,138		190,000
<u>NEW SECTION, Sec. 336. FOR THE STATE PARKS AND RECREATION COMMISSION</u>		
Moran—Renovate potable water system (88-1-006)		
	Reappropriation	Appropriation
St Bldg Constr Acct	153,000	
LIRA—Water Sup Fac	101,358	
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
28,642		283,000
<u>NEW SECTION, Sec. 337. FOR THE STATE PARKS AND RECREATION COMMISSION</u>		
State-wide—Sewer facilities, omnibus facility contingency (88-1-007)		
	Reappropriation	Appropriation
LIRA Waste Fac—1980	153,657	
St Bldg Constr Acct	51,520	
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
92,823		298,000
<u>NEW SECTION, Sec. 338. FOR THE STATE PARKS AND RECREATION COMMISSION</u>		
State-wide—Sewer facilities, omnibus minor projects (88-1-008)		
	Reappropriation	Appropriation
LIRA Waste Fac—1980	225,998	
St Bldg Constr Acct	75,333	
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
34,669		336,000
<u>NEW SECTION, Sec. 339. FOR THE STATE PARKS AND RECREATION COMMISSION</u>		
State-wide—Boat pumpout facilities (88-1-009)		
	Reappropriation	Appropriation
LIRA Waste Fac—1980	30,712	
St Bldg Constr Acct	440,235	1,000,000
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
78,053		1,549,000
<u>NEW SECTION, Sec. 340. FOR THE STATE PARKS AND RECREATION COMMISSION</u>		
Ocean City—Connect to municipal sewer system (88-1-010)		
	Reappropriation	Appropriation
LIRA Waste Fac—1980	276,084	
St Bldg Constr Acct	93,000	
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
12,916		382,000

NEW SECTION, Sec. 341. FOR THE STATE PARKS AND RECREATION COMMISSION
State-wide—Boat traffic control markers and devices (88-1-013)

	Reappropriation	Appropriation
ORA—State	42,604	
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
67,396		110,000

NEW SECTION, Sec. 342. FOR THE STATE PARKS AND RECREATION COMMISSION
St. Edward—Main electrical code compliance (88-1-027)

	Reappropriation	Appropriation
St Bldg Constr Acct	103,000	
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
21,000		124,000

NEW SECTION, Sec. 343. FOR THE STATE PARKS AND RECREATION COMMISSION
Fort Worden—Electrical service renovation to 7,200 volts (88-1-030)

	Reappropriation	Appropriation
St Bldg Constr Acct	299,036	
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
25,964		325,000

NEW SECTION, Sec. 344. FOR THE STATE PARKS AND RECREATION COMMISSION
St Edward: Lighted entrance trail and comfort station (88-1-041)

	Reappropriation	Appropriation
St Bldg Constr Acct		222,000
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
		222,000

NEW SECTION, Sec. 345. FOR THE STATE PARKS AND RECREATION COMMISSION
State-wide—Boating facilities, omnibus facilities contingency (88-2-011)

	Reappropriation	Appropriation
ORA—State	176,846	
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
44,154		221,000

NEW SECTION, Sec. 346. FOR THE STATE PARKS AND RECREATION COMMISSION
State-wide—Boating facilities, omnibus minor projects (88-2-012)

	Reappropriation	Appropriation
ORA—State	647,581	
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
321,419		969,000

NEW SECTION, Sec. 347. FOR THE STATE PARKS AND RECREATION COMMISSION
Centennial facilities—Contingency request (88-2-020)

	Reappropriation	Appropriation
LIRA, Pub Rec Fac	5,000	
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
35,000		40,000

NEW SECTION, Sec. 348. FOR THE STATE PARKS AND RECREATION COMMISSION
Fort Columbia—Renovate historic buildings/Chinook displays (88-2-021)

	Reappropriation	Appropriation
LIRA, Pub Rec Fac	57,000	
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
41,000		98,000

NEW SECTION, Sec. 349. FOR THE STATE PARKS AND RECREATION COMMISSION
State-wide—Park facilities renovation, omnibus facilities contingency (88-2-025)

	Reappropriation	Appropriation
St Bldg Constr Acct	288,734	
LIRA, Pub Rec Fac	31,077	
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
344,266		664,077

NEW SECTION, Sec. 350. FOR THE STATE PARKS AND RECREATION COMMISSION
Camp Wooten—Replace men's comfort station #23, add showers (88-2-041)

	Reappropriation	Appropriation
St Bldg Constr Acct		157,000
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
	109,700	266,700

NEW SECTION, Sec. 351. FOR THE STATE PARKS AND RECREATION COMMISSION
Bogachiel—Campsite and day use renovation (88-2-058)

	Reappropriation	Appropriation
General Fund—Local/Private	11,560	
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
3,440		15,000

NEW SECTION, Sec. 352. FOR THE STATE PARKS AND RECREATION COMMISSION

Fort Worden—Ballon Hanger, replace roof, renovate interior (88-3-023)		
	Reappropriation	Appropriation
General Fund—Local/Private	213,000	
St Bldg Constr Acct	195,000	
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
86,000		494,000
<u>NEW SECTION, Sec. 353. FOR THE STATE PARKS AND RECREATION COMMISSION</u>		
Camano Island—Point Lowell road relocation (88-3-043)		
	Reappropriation	Appropriation
St Bldg Constr Acct	157,513	
Mot Veh Fund		619,000
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
44,487		821,000
<u>NEW SECTION, Sec. 354. FOR THE STATE PARKS AND RECREATION COMMISSION</u>		
Chief Timothy—Boat launch expansion (88-5-014)		
	Reappropriation	Appropriation
ORA—State	207,000	
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
23,000		230,000
<u>NEW SECTION, Sec. 355. FOR THE STATE PARKS AND RECREATION COMMISSION</u>		
Moses Lake—Boat launch with parking and comfort station (88-5-016)		
	Reappropriation	Appropriation
ORA—State	181,000	
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
11,000		192,000
<u>NEW SECTION, Sec. 356. FOR THE STATE PARKS AND RECREATION COMMISSION</u>		
State-wide—Acquisition/dev. river access, phased project (88-5-017)		
Sixty thousand dollars of this reappropriation is subject to initial appropriation in HB 1512.		
	Reappropriation	Appropriation
ORA—State	197,872	
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
73,128		271,000
<u>NEW SECTION, Sec. 357. FOR THE STATE PARKS AND RECREATION COMMISSION</u>		
Maryhill—Development (88-5-035)		
	Reappropriation	Appropriation
St Bldg Constr Acct	1,025,798	
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
50,202		1,076,000
<u>NEW SECTION, Sec. 358. FOR THE STATE PARKS AND RECREATION COMMISSION</u>		
Ocean beaches—Acquisition of ocean beaches, phased project (88-5-036)		
	Reappropriation	Appropriation
St Bldg Constr Acct	447,220	200,000
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
102,780		750,000
<u>NEW SECTION, Sec. 359. FOR THE STATE PARKS AND RECREATION COMMISSION</u>		
Mount Spokane—Winter recreation facilities (88-5-041)		
	Reappropriation	Appropriation
St Bldg Constr Acct	12,000	
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
71,000		83,000
<u>NEW SECTION, Sec. 360. FOR THE STATE PARKS AND RECREATION COMMISSION</u>		
Fi Worden: 30-unit campground (88-5-056)		
	Reappropriation	Appropriation
St Bldg Constr Acct	380,000	
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
		380,000
<u>NEW SECTION, Sec. 361. FOR THE STATE PARKS AND RECREATION COMMISSION</u>		
Crystal Falls—Acquisition and development phase 2 (88-5-057)		
	Reappropriation	Appropriation
St Bldg Constr Acct	31,464	
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
128,536	329,600	489,600
<u>NEW SECTION, Sec. 362. FOR THE STATE PARKS AND RECREATION COMMISSION</u>		
Blake Island—Fire protection system, concession building (89-1-050)		
	Reappropriation	Appropriation
St Bldg Constr Acct	119,000	
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
		119,000

NEW SECTION. Sec. 363. FOR THE STATE PARKS AND RECREATION COMMISSION

State-wide—Omnibus minor projects—Water supply/irrigation (89-1-101)
 Reappropriation Appropriation

St Bldg Constr Acct		275,000
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
		275,000

NEW SECTION. Sec. 364. FOR THE STATE PARKS AND RECREATION COMMISSION

State-wide—Omnibus minor projects—Sanitary facilities (89-1-102)
 Reappropriation Appropriation

St Bldg Constr Acct		152,000
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
	193,900	345,900

NEW SECTION. Sec. 365. FOR THE STATE PARKS AND RECREATION COMMISSION

State-wide—Omnibus minor projects—Electrical (89-1-103)
 Reappropriation Appropriation

St Bldg Constr Acct		231,000
ORA—State		63,700
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
		294,700

NEW SECTION. Sec. 366. FOR THE STATE PARKS AND RECREATION COMMISSION

Moran—Renovate mountain lake dam (89-1-110)
 Reappropriation Appropriation

St Bldg Constr Acct		144,000
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
		144,000

NEW SECTION. Sec. 367. FOR THE STATE PARKS AND RECREATION COMMISSION

State-wide—Compliance with safe drinking water act (89-1-116)
 Reappropriation Appropriation

St Bldg Constr Acct		441,000
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
		441,000

NEW SECTION. Sec. 368. FOR THE STATE PARKS AND RECREATION COMMISSION

Camp Wooten—Sewage renovation, phase 2 (89-1-122)
 Reappropriation Appropriation

St Bldg Constr Acct		138,000
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
		138,000

NEW SECTION. Sec. 369. FOR THE STATE PARKS AND RECREATION COMMISSION

Sacajawea—Modify river floats, revise piling anchorage system (89-1-129)
 Reappropriation Appropriation

ORA—State		192,000
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
		192,000

NEW SECTION. Sec. 370. FOR THE STATE PARKS AND RECREATION COMMISSION

State-wide—Asbestos removal—Forts Worden, Flagler, Columbia (89-1-134)
 Reappropriation Appropriation

St Bldg Constr Acct		150,000
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
		150,000

NEW SECTION. Sec. 371. FOR THE STATE PARKS AND RECREATION COMMISSION

State-wide—Omnibus minor projects—Boating/marine construction (89-2-106)
 Reappropriation Appropriation

St Bldg Constr Acct		179,250
ORA—State		674,050
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
		853,300

NEW SECTION. Sec. 372. FOR THE STATE PARKS AND RECREATION COMMISSION

State-wide—Omnibus minor projects—General construction (89-2-107)
 Reappropriation Appropriation

St Bldg Constr Acct		560,000
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
	858,000	1,418,000

NEW SECTION. Sec. 373. FOR THE STATE PARKS AND RECREATION COMMISSION

State-wide—Omnibus minor projects—Specialized construction (89-2-109)
 Reappropriation Appropriation

St Bldg Constr Acct		219,000
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
		219,000

<u>NEW SECTION, Sec. 374. FOR THE STATE PARKS AND RECREATION COMMISSION</u>		
Lake Sammamish—Boat launch repairs (89-2-139)		
	Reappropriation	Appropriation
ORA—State		114,000
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
		114,000
<u>NEW SECTION, Sec. 375. FOR THE STATE PARKS AND RECREATION COMMISSION</u>		
State-wide—Omnibus minor projects—Site/environment/protection (89-3-104)		
	Reappropriation	Appropriation
St Bldg Constr Acct		300,000
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
		300,000
<u>NEW SECTION, Sec. 376. FOR THE STATE PARKS AND RECREATION COMMISSION</u>		
State-wide—Omnibus minor projects—Acquisition (89-3-105)		
	Reappropriation	Appropriation
St Bldg Constr Acct		115,000
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
	140,700	255,700
<u>NEW SECTION, Sec. 377. FOR THE STATE PARKS AND RECREATION COMMISSION</u>		
State-wide—Omnibus minor projects—Weatherproofing (89-3-108)		
	Reappropriation	Appropriation
St Bldg Constr Acct		167,000
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
		167,000
<u>NEW SECTION, Sec. 378. FOR THE STATE PARKS AND RECREATION COMMISSION</u>		
Fort Worden—Rebuild boat launch breakwater, dredge marina (89-3-135)		
	Reappropriation	Appropriation
ORA—State		315,000
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
		315,000
<u>NEW SECTION, Sec. 379. FOR THE STATE PARKS AND RECREATION COMMISSION</u>		
Larabee—Acquisition of Clayton Beach (89-5-002)		
	Reappropriation	Appropriation
St Bldg Constr Acct	342,000	
ORA—Federal		140,540
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
1,258,000		1,740,540
<u>NEW SECTION, Sec. 380. FOR THE STATE PARKS AND RECREATION COMMISSION</u>		
Hood Canal—Acquisition of property, phase 2 (89-5-111)		
	Reappropriation	Appropriation
St Bldg Constr Acct	49,681	393,000
ORA—State		60,000
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
319		503,000
<u>NEW SECTION, Sec. 381. FOR THE STATE PARKS AND RECREATION COMMISSION</u>		
Spokane Centennial Trail—Acquisition/initial development (89-5-112)		
	Reappropriation	Appropriation
St Bldg Constr Acct		120,000
ORA—Federal		119,000
General Fund—Federal	3,589,620	
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
10,380		3,839,000
<u>NEW SECTION, Sec. 382. FOR THE STATE PARKS AND RECREATION COMMISSION</u>		
Fort Casey—Acquisition of keystone spit, phase 2 (89-5-113)		
	Reappropriation	Appropriation
St Bldg Constr Acct	198,780	104,000
ORA—Federal		103,000
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
301,220		707,000
<u>NEW SECTION, Sec. 383. FOR THE STATE PARKS AND RECREATION COMMISSION</u>		
Belfair—Acquisition of adjoining property, phase 2 (89-5-114)		
	Reappropriation	Appropriation
St Bldg Constr Acct	29,000	193,000
ORA—Federal		27,000
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
21,000		270,000
<u>NEW SECTION, Sec. 384. FOR THE STATE PARKS AND RECREATION COMMISSION</u>		
Fort Canby—Initial development, Beards Hollow (89-5-115)		

	Reappropriation	Appropriation
St Bldg Constr Acct		289,000
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
		289,000

NEW SECTION, Sec. 385. FOR THE STATE PARKS AND RECREATION COMMISSION
Snohomish Centennial Trail

The appropriation in this section is subject to the following conditions and limitations: This appropriation is provided solely for the Snohomish County parks department to purchase and develop the railroad right-of-way from Snohomish to Arlington. No portion of this appropriation may be expended unless an amount from nonstate sources equal to the amount of this appropriation is provided for the project.

	Reappropriation	Appropriation
St Bldg Constr Acct		1,100,000
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
		1,100,000

NEW SECTION, Sec. 386. FOR THE STATE PARKS AND RECREATION COMMISSION
Spokane Centennial Trail—Initial development 'The Islands' (89-5-166)

	Reappropriation	Appropriation
St Bldg Constr Acct		250,000
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
		250,000

NEW SECTION, Sec. 387. FOR THE STATE PARKS AND RECREATION COMMISSION
Ocean Beach OBA—Comfort stations and parking at four locations (89-5-120)

	Reappropriation	Appropriation
St Bldg Constr Acct		342,000
ORA—Federal		316,000
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
		658,000

NEW SECTION, Sec. 388. FOR THE STATE PARKS AND RECREATION COMMISSION
State-wide—Omnibus facility contingency request (90-1-001)

This appropriation is subject to the following conditions and limitations: \$120,000 is provided solely for a railroad safety crossing at Doug's Beach.

	Reappropriation	Appropriation
St Bldg Constr Acct		464,000
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
		464,000

NEW SECTION, Sec. 389. FOR THE STATE PARKS AND RECREATION COMMISSION
Steamboat Rock—Random camp area, Jones Bay (95-2-182)

	Reappropriation	Appropriation
St Bldg Constr Acct		150,000
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
		150,000

NEW SECTION, Sec. 390. FOR THE STATE PARKS AND RECREATION COMMISSION
Wishram Museum—Feasibility study

The appropriation in this section is subject to the following conditions and limitations: The appropriation is provided for a feasibility study for a water park and railroad museum and bridge access in Wishram.

	Reappropriation	Appropriation
St Bldg Constr Acct		10,000
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
		10,000

NEW SECTION, Sec. 391. FOR THE INTERAGENCY COMMITTEE FOR OUTDOOR RECREATION
Grants to public agencies' recreation projects (90-2-001)

	Reappropriation	Appropriation
St Bldg Constr Acct		500,000
ORA—Federal	150,000	800,000
ORA—State	1,068,604	6,436,000
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
21,513,197	12,000,000	42,457,801

NEW SECTION, Sec. 392. FOR THE DEPARTMENT OF TRADE AND ECONOMIC DEVELOPMENT
Community economic revitalization board (86-1-001)

	Reappropriation	Appropriation
St Bldg Constr Acct	5,340,000	
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
19,025,928		24,365,928

NEW SECTION, Sec. 393. FOR THE DEPARTMENT OF TRADE AND ECONOMIC DEVELOPMENT
Washington Technology Center (88-1-003)

The appropriation in this section shall be subject to the following conditions and limitations: The moneys from this appropriation shall be transferred to and administered by the University of Washington.

St Bldg Constr Acct	Reappropriation	Appropriation
	9,600,000	600,000
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
5,302,000		15,502,000

NEW SECTION. Sec. 394. FOR THE DEPARTMENT OF TRADE AND ECONOMIC DEVELOPMENT Washington State Agricultural Trade Center—Yakima (88-3-004)

The appropriation in this section is subject to the following conditions and limitations: Expenditures made under this appropriation shall equal seventy-five percent of the total project design and construction costs and shall not exceed \$6,500,000. The twenty-five percent of actual expenditures for design and construction costs shall be cash from nonstate sources.

St Bldg Constr Acct	Reappropriation	Appropriation
	2,300,000	
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
4,200,000		6,500,000

NEW SECTION. Sec. 395. FOR THE DEPARTMENT OF TRADE AND ECONOMIC DEVELOPMENT Agricultural Complex—Yakima (89-2-005)

The appropriation in this section is subject to the following conditions and limitations: \$1,500,000 is provided solely for parking lot paving as required by order of a court or administrative law judge.

St Bldg Constr Acct	Reappropriation	Appropriation
	750,000	1,500,000
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
1,250,000		3,500,000

NEW SECTION. Sec. 396. FOR THE DEPARTMENT OF TRADE AND ECONOMIC DEVELOPMENT U.S. Olympic Academy (90-5-001)

The appropriation in this section is subject to the following conditions and limitations:

(1) Expenditures made under this appropriation shall not exceed twenty-five percent of the total project costs.

(2) Not less than seventy-five percent of the total project design and construction costs shall be from nonstate sources consisting of cash and the fair market value of donated property.

(3) This appropriation shall not be used for any operating expenses of the academy or any affiliated organization.

(4) No portion of this appropriation shall be expended until the attorney general has approved the expenditure for compliance with Article 8, section 5 of the Washington Constitution.

(5) Prior to any expenditure from this appropriation, the department shall notify the legal entity that will manage and operate the academy that the legislature does not intend to provide any future operating or capital money for the academy.

St Bldg Constr Acct	Reappropriation	Appropriation
		5,000,000
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
		5,000,000

NEW SECTION. Sec. 397. FOR THE DEPARTMENT OF TRADE AND ECONOMIC DEVELOPMENT Mt. St. Helens Road and Visitor Center (90-5-002)

The appropriation in this section is subject to the following conditions and limitations:

(1) Expenditures under this appropriation shall not exceed twenty-five percent of the total project cost.

(2) Expenditure of this appropriation is contingent on a contribution of at least \$300,000 by Cowlitz county for the project.

St Bldg Constr Acct	Reappropriation	Appropriation
		5,600,000
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
		5,600,000

NEW SECTION. Sec. 398. FOR THE STATE CONSERVATION COMMISSION Water quality projects (90-2-001)

Water Quality Acct	Reappropriation	Appropriation
	352,500	2,072,160
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
1,509,500	4,400,000	8,334,160

PART 4

NATURAL RESOURCES - CONTINUED

NEW SECTION. Sec. 401. FOR THE DEPARTMENT OF FISHERIES

Habitat—Salmon enhancement program (77-1-005)

Salmon Enhancement Acct	Reappropriation	Appropriation
	25,000	

St Bldg Constr Acct			921,000
<u>Prior Biennia</u>	<u>Future Biennia</u>		<u>Total</u>
4,284,687			5,230,687
<u>NEW SECTION, Sec. 402. FOR THE DEPARTMENT OF FISHERIES</u>			
Replacements and alterations (77-2-004)			
		Reappropriation	Appropriation
Fish Cap Proj Acct		2,243	
<u>Prior Biennia</u>	<u>Future Biennia</u>		<u>Total</u>
3,996,688			3,998,931
<u>NEW SECTION, Sec. 403. FOR THE DEPARTMENT OF FISHERIES</u>			
Puget Sound artificial reef construction (79-2-008)			
		Reappropriation	Appropriation
ORA—Federal		8,300	
ORA—State		16,600	
<u>Prior Biennia</u>	<u>Future Biennia</u>		<u>Total</u>
420,550			445,450
<u>NEW SECTION, Sec. 404. FOR THE DEPARTMENT OF FISHERIES</u>			
Hood Canal Bridge—Public fishing access (79-2-011)			
		Reappropriation	Appropriation
St Bldg Constr Acct		52,000	
<u>Prior Biennia</u>	<u>Future Biennia</u>		<u>Total</u>
442,000			494,000
<u>NEW SECTION, Sec. 405. FOR THE DEPARTMENT OF FISHERIES</u>			
Oakland Bay tideland access design and construction (81-5-014)			
The appropriations in this section are subject to the following conditions and limitations: If not expended by June 30, 1990, the appropriations in this section shall lapse.			
		Reappropriation	Appropriation
St Bldg Constr Acct		11,000	
ORA—Federal		90,000	
ORA—State		79,000	
<u>Prior Biennia</u>	<u>Future Biennia</u>		<u>Total</u>
			180,000
<u>NEW SECTION, Sec. 406. FOR THE DEPARTMENT OF FISHERIES</u>			
Health, safety and code compliance (86-1-020)			
		Reappropriation	Appropriation
St Bldg Constr Acct		78,000	
<u>Prior Biennia</u>	<u>Future Biennia</u>		<u>Total</u>
371,000	500,000		1,799,000
<u>NEW SECTION, Sec. 407. FOR THE DEPARTMENT OF FISHERIES</u>			
Towhead Island public access—Renovation (86-2-028)			
The appropriations in this section are subject to the following conditions and limitations: If not expended by June 30, 1990, the appropriations in this section shall lapse.			
		Reappropriation	Appropriation
ORA—Federal		20,000	
ORA—State		191,000	
<u>Prior Biennia</u>	<u>Future Biennia</u>		<u>Total</u>
			211,000
<u>NEW SECTION, Sec. 408. FOR THE DEPARTMENT OF FISHERIES</u>			
Issaquah Hatchery Interpretative Center (86-2-029)			
The appropriations in this section are subject to the following conditions and limitations: If not expended by June 30, 1990, the appropriations in this section shall lapse.			
		Reappropriation	Appropriation
St Bldg Constr Acct		42,000	
ORA—Federal		53,000	
ORA—State		17,800	
<u>Prior Biennia</u>	<u>Future Biennia</u>		<u>Total</u>
17,200			130,000
<u>NEW SECTION, Sec. 409. FOR THE DEPARTMENT OF FISHERIES</u>			
Minor capital projects—Salmon (86-3-022)			
The appropriation in this section is subject to the following conditions and limitations: If not expended by June 30, 1990, the appropriation in this section shall lapse.			
		Reappropriation	Appropriation
St Bldg Constr Acct		116,000	
<u>Prior Biennia</u>	<u>Future Biennia</u>		<u>Total</u>
306,000			422,000
<u>NEW SECTION, Sec. 410. FOR THE DEPARTMENT OF FISHERIES</u>			
Minor capital projects—Shellfish (86-3-023)			
		Reappropriation	Appropriation

St Bldg Constr Acct		71,240	
<u>Prior Biennia</u>			<u>Total</u>
376,400			447,640
<u>NEW SECTION, Sec. 411. FOR THE DEPARTMENT OF FISHERIES</u>			
Paving and maintenance—Asphalt ponds (86-3-024)			
		Reappropriation	Appropriation
St Bldg Constr Acct		10,000	
<u>Prior Biennia</u>			<u>Total</u>
285,401			295,401
<u>NEW SECTION, Sec. 412. FOR THE DEPARTMENT OF FISHERIES</u>			
Bremerton public fishing pier—Design and construction (86-3-027)			
The appropriations in this section are subject to the following conditions and limitations: If not expended by June 30, 1990, the appropriations in this section shall lapse.			
		Reappropriation	Appropriation
St Bldg Constr Acct		89,000	
ORA—Federal		410,000	
ORA—State		285,000	
<u>Prior Biennia</u>			<u>Total</u>
36,000			820,000
<u>NEW SECTION, Sec. 413. FOR THE DEPARTMENT OF FISHERIES</u>			
Willapa Hatchery—New main pipeline (86-3-030)			
		Reappropriation	Appropriation
St Bldg Constr Acct		12,640	
<u>Prior Biennia</u>			<u>Total</u>
373,000			385,640
<u>NEW SECTION, Sec. 414. FOR THE DEPARTMENT OF FISHERIES</u>			
Patrol seized gear storage (86-3-033)			
		Reappropriation	Appropriation
St Bldg Constr Acct		5,000	
<u>Prior Biennia</u>			<u>Total</u>
93,000			98,000
<u>NEW SECTION, Sec. 415. FOR THE DEPARTMENT OF FISHERIES</u>			
Hood Canal boat access development (86-3-035)			
The appropriations in this section are subject to the following conditions and limitations: If not expended by June 30, 1990, the appropriations in this section shall lapse.			
		Reappropriation	Appropriation
ORA—Federal		30,000	
ORA—State		270,000	
<u>Prior Biennia</u>			<u>Total</u>
			300,000
<u>NEW SECTION, Sec. 416. FOR THE DEPARTMENT OF FISHERIES</u>			
Hood Canal Smelt Beach acquisition (86-3-036)			
The appropriations in this section are subject to the following conditions and limitations: If not expended by June 30, 1990, the appropriations in this section shall lapse.			
		Reappropriation	Appropriation
ORA—Federal		150,000	
ORA—State		150,000	
<u>Prior Biennia</u>			<u>Total</u>
			300,000
<u>NEW SECTION, Sec. 417. FOR THE DEPARTMENT OF FISHERIES</u>			
Point Whitney Beach access acquisition (86-3-037)			
		Reappropriation	Appropriation
St Bldg Constr Acct			250,000
ORA—Federal		128,000	250,000
ORA—State		127,000	
<u>Prior Biennia</u>			<u>Total</u>
		150,000	905,000
<u>NEW SECTION, Sec. 418. FOR THE DEPARTMENT OF FISHERIES</u>			
Knappton public access (86-3-038)			
The appropriations in this section are subject to the following conditions and limitations: If not expended by June 30, 1990, the appropriations in this section shall lapse.			
		Reappropriation	Appropriation
ORA—Federal		54,000	
ORA—State		55,000	
<u>Prior Biennia</u>			<u>Total</u>
			109,000
<u>NEW SECTION, Sec. 419. FOR THE DEPARTMENT OF FISHERIES</u>			

McAllister—Improvements (88-2-003)			
St Bldg Constr Acct		Reappropriation	Appropriation
<u>Prior Biennia</u>	<u>Future Biennia</u>	226,300	
32,700			<u>Total</u>
NEW SECTION, Sec. 420. FOR THE DEPARTMENT OF FISHERIES			259,000
Minor capital projects—Salmon north (88-2-005)			
St Bldg Constr Acct		Reappropriation	Appropriation
<u>Prior Biennia</u>	<u>Future Biennia</u>	8,000	
432,000			<u>Total</u>
NEW SECTION, Sec. 421. FOR THE DEPARTMENT OF FISHERIES			440,000
Minor capital projects—Salmon south (88-2-006)			
General Fund—Federal		Reappropriation	Appropriation
St Bldg Constr Acct		853,000	
<u>Prior Biennia</u>	<u>Future Biennia</u>	362,000	
36,000			<u>Total</u>
NEW SECTION, Sec. 422. FOR THE DEPARTMENT OF FISHERIES			1,251,000
Minor capital projects—Salmon coast (88-2-007)			
St Bldg Constr Acct		Reappropriation	Appropriation
<u>Prior Biennia</u>	<u>Future Biennia</u>	26,000	
166,200			<u>Total</u>
NEW SECTION, Sec. 423. FOR THE DEPARTMENT OF FISHERIES			192,200
Salmon culture—Repair and replacement (88-2-008)			
St Bldg Constr Acct		Reappropriation	Appropriation
<u>Prior Biennia</u>	<u>Future Biennia</u>	150,000	
155,000			<u>Total</u>
NEW SECTION, Sec. 424. FOR THE DEPARTMENT OF FISHERIES			305,000
Concrete ponds—Repair and replacement (88-2-009)			
St Bldg Constr Acct		Reappropriation	Appropriation
<u>Prior Biennia</u>	<u>Future Biennia</u>	96,000	
707,000			<u>Total</u>
NEW SECTION, Sec. 425. FOR THE DEPARTMENT OF FISHERIES			803,000
Small repairs and improvements (88-2-019)			
General Fund—Federal		Reappropriation	Appropriation
St Bldg Constr Acct		159,000	
<u>Prior Biennia</u>	<u>Future Biennia</u>		
NEW SECTION, Sec. 426. FOR THE DEPARTMENT OF FISHERIES			<u>Total</u>
Clam and Oyster Beach enhancement (88-5-002)			159,000
St Bldg Constr Acct		Reappropriation	Appropriation
<u>Prior Biennia</u>	<u>Future Biennia</u>	1,181,000	
32,000			<u>Total</u>
NEW SECTION, Sec. 427. FOR THE DEPARTMENT OF FISHERIES			1,200,000
Fish protection facilities (88-5-012)			
St Bldg Constr Acct		Reappropriation	Appropriation
<u>Prior Biennia</u>	<u>Future Biennia</u>	50,000	
154,000			<u>Total</u>
NEW SECTION, Sec. 428. FOR THE DEPARTMENT OF FISHERIES			235,000
Columbia River—Fishing access (88-5-014)			
St Bldg Constr Acct		Reappropriation	Appropriation
<u>Prior Biennia</u>	<u>Future Biennia</u>	186,000	
129,000			<u>Total</u>
NEW SECTION, Sec. 429. FOR THE DEPARTMENT OF FISHERIES			315,000
Coast and Puget Sound Salmon enhancement (88-5-016)			
Salmon Enhancement Acct		Reappropriation	Appropriation
St Bldg Constr Acct		2,632,000	
<u>Prior Biennia</u>	<u>Future Biennia</u>		
1,388,000			<u>Total</u>
NEW SECTION, Sec. 430. FOR THE DEPARTMENT OF FISHERIES			2,500,000
			<u>Total</u>
			7,770,000

Shorefishing access development (88-5-018)		Reappropriation	Appropriation
St Bldg Constr Acct		623,000	450,000
<u>Prior Biennia</u>	<u>Future Biennia</u>		<u>Total</u>
250,000	1,273,000		2,596,000
<u>NEW SECTION, Sec. 431. FOR THE DEPARTMENT OF FISHERIES</u>			
South Sound net pen support facility (90-2-007)		Reappropriation	Appropriation
St Bldg Constr Acct			343,000
<u>Prior Biennia</u>	<u>Future Biennia</u>		<u>Total</u>
			343,000
<u>NEW SECTION, Sec. 432. FOR THE DEPARTMENT OF FISHERIES</u>			
Humpulups upgrade intake dam (90-2-010)		Reappropriation	Appropriation
St Bldg Constr Acct			213,100
<u>Prior Biennia</u>	<u>Future Biennia</u>		<u>Total</u>
			213,100
<u>NEW SECTION, Sec. 433. FOR THE DEPARTMENT OF FISHERIES</u>			
Salmon culture minor works projects (90-2-011)		Reappropriation	Appropriation
St Bldg Constr Acct			655,000
<u>Prior Biennia</u>	<u>Future Biennia</u>		<u>Total</u>
			655,000
<u>NEW SECTION, Sec. 434. FOR THE DEPARTMENT OF FISHERIES</u>			
Habitat management shop building (90-2-012)		Reappropriation	Appropriation
St Bldg Constr Acct			435,000
<u>Prior Biennia</u>	<u>Future Biennia</u>		<u>Total</u>
			435,000
<u>NEW SECTION, Sec. 435. FOR THE DEPARTMENT OF FISHERIES</u>			
Field services—Minor works (90-2-015)		Reappropriation	Appropriation
St Bldg Constr Acct			235,000
<u>Prior Biennia</u>	<u>Future Biennia</u>		<u>Total</u>
	100,000		335,000
<u>NEW SECTION, Sec. 436. FOR THE DEPARTMENT OF FISHERIES</u>			
Salmon culture—Minor capital (90-2-017)		Reappropriation	Appropriation
St Bldg Constr Acct			668,700
<u>Prior Biennia</u>	<u>Future Biennia</u>		<u>Total</u>
	1,350,000		2,018,700
<u>NEW SECTION, Sec. 437. FOR THE DEPARTMENT OF FISHERIES</u>			
George Adams, water supply (90-2-019)		Reappropriation	Appropriation
St Bldg Constr Acct			175,000
<u>Prior Biennia</u>	<u>Future Biennia</u>		<u>Total</u>
			175,000
<u>NEW SECTION, Sec. 438. FOR THE DEPARTMENT OF FISHERIES</u>			
Ilwaco boat access expansion (90-2-023)		Reappropriation	Appropriation
ORA—State			300,000
<u>Prior Biennia</u>	<u>Future Biennia</u>		<u>Total</u>
			300,000
<u>NEW SECTION, Sec. 439. FOR THE DEPARTMENT OF FISHERIES</u>			
Bonneville pool access expansion (90-2-028)		Reappropriation	Appropriation
ORA—State			100,000
<u>Prior Biennia</u>	<u>Future Biennia</u>		<u>Total</u>
	100,000		200,000
<u>NEW SECTION, Sec. 440. FOR THE DEPARTMENT OF FISHERIES</u>			
Property acquisition (90-3-009)		Reappropriation	Appropriation
St Bldg Constr Acct			330,000
<u>Prior Biennia</u>	<u>Future Biennia</u>		<u>Total</u>
			330,000
<u>NEW SECTION, Sec. 441. FOR THE DEPARTMENT OF FISHERIES</u>			
Shellfish surveys and Point Whitney repairs (90-3-013)		Reappropriation	Appropriation

St Bldg Constr Acct			175,000
<u>Prior Biennia</u>	<u>Future Biennia</u>		<u>Total</u>
	350,000		525,000
<u>NEW SECTION, Sec. 442. FOR THE DEPARTMENT OF FISHERIES</u>			
Point Whitney—Property acquisition (90-3-014)			
		Reappropriation	Appropriation
St Bldg Constr Acct			150,000
<u>Prior Biennia</u>	<u>Future Biennia</u>		<u>Total</u>
			150,000
<u>NEW SECTION, Sec. 443. FOR THE DEPARTMENT OF FISHERIES</u>			
Strait of Juan De Fuca shoreline acquisition (90-5-025)			
		Reappropriation	Appropriation
ORA—State			350,000
<u>Prior Biennia</u>	<u>Future Biennia</u>		<u>Total</u>
	200,000		550,000
<u>NEW SECTION, Sec. 444. FOR THE DEPARTMENT OF FISHERIES</u>			
Kingston boat launch development (90-5-027)			
		Reappropriation	Appropriation
ORA—State			100,000
<u>Prior Biennia</u>	<u>Future Biennia</u>		<u>Total</u>
			100,000
<u>NEW SECTION, Sec. 445. FOR THE DEPARTMENT OF WILDLIFE</u>			
Chehalis Valley HMA acquisition (83-5-021)			
		Reappropriation	Appropriation
Wildlife Acct—State		346,000	
<u>Prior Biennia</u>	<u>Future Biennia</u>		<u>Total</u>
			346,000
<u>NEW SECTION, Sec. 446. FOR THE DEPARTMENT OF WILDLIFE</u>			
Lake Goodwin redevelopment (86-2-021)			
		Reappropriation	Appropriation
ORA—State		77,297	
Wildlife Acct—State		8,588	
<u>Prior Biennia</u>	<u>Future Biennia</u>		<u>Total</u>
			85,885
<u>NEW SECTION, Sec. 447. FOR THE DEPARTMENT OF WILDLIFE</u>			
Satsop river: Acquisition and redevelopment (86-2-029)			
		Reappropriation	Appropriation
ORA—State		75,000	
<u>Prior Biennia</u>	<u>Future Biennia</u>		<u>Total</u>
8,000			83,000
<u>NEW SECTION, Sec. 448. FOR THE DEPARTMENT OF WILDLIFE</u>			
Mineral Lake—Site improvements (86-3-028)			
		Reappropriation	Appropriation
ORA—State		40,346	
<u>Prior Biennia</u>	<u>Future Biennia</u>		<u>Total</u>
71,163			111,509
<u>NEW SECTION, Sec. 449. FOR THE DEPARTMENT OF WILDLIFE</u>			
Pipe Lake—Public fishing access (86-4-027)			
		Reappropriation	Appropriation
ORA—State		83,250	
<u>Prior Biennia</u>	<u>Future Biennia</u>		<u>Total</u>
			83,250
<u>NEW SECTION, Sec. 450. FOR THE DEPARTMENT OF WILDLIFE</u>			
State-wide boating access development (88-5-014)			
		Reappropriation	Appropriation
Wildlife Acct—Federal		231,375	
<u>Prior Biennia</u>	<u>Future Biennia</u>		<u>Total</u>
268,625			500,000
<u>NEW SECTION, Sec. 451. FOR THE DEPARTMENT OF WILDLIFE</u>			
Aberdeen Fish Hatchery expansion (89-5-017)			
		Reappropriation	Appropriation
Game Spec Wildlife Acct		740,000	
<u>Prior Biennia</u>	<u>Future Biennia</u>		<u>Total</u>
79,000			819,000
<u>NEW SECTION, Sec. 452. FOR THE DEPARTMENT OF WILDLIFE</u>			
Asbestos abatement health safety and code compliance, phase 1 (90-1-001)			
		Reappropriation	Appropriation
St Bldg Constr Acct			600,000

	<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
		1,200,000	1,800,000
	<u>NEW SECTION, Sec. 453. FOR THE DEPARTMENT OF WILDLIFE</u>		
	Public fishing access minor works repair (90-1-014)		
		Reappropriation	Appropriation
Wildlife Acct—Federal			500,000
	<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
		1,300,000	1,800,000
	<u>NEW SECTION, Sec. 454. FOR THE DEPARTMENT OF WILDLIFE</u>		
	Emergency repair and replacement (90-2-002)		
		Reappropriation	Appropriation
Wildlife Acct—State		50,000	300,000
	<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
	253,000	900,000	1,503,000
	<u>NEW SECTION, Sec. 455. FOR THE DEPARTMENT OF WILDLIFE</u>		
	Facility maintenance small repair and improvements (90-2-003)		
		Reappropriation	Appropriation
Wildlife Acct—State			500,000
	<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
	629,000	1,100,000	2,229,000
	<u>NEW SECTION, Sec. 456. FOR THE DEPARTMENT OF WILDLIFE</u>		
	Hatchery renovation and improvement (90-2-004)		
		Reappropriation	Appropriation
St Bldg Constr Acct			1,150,000
Wildlife Acct—Federal		576,774	1,100,000
Wildlife Acct—State			1,000,000
	<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
	400,000	13,000,000	17,226,774
	<u>NEW SECTION, Sec. 457. FOR THE DEPARTMENT OF WILDLIFE</u>		
	Redevelopment of public fishing access sites (IAC) (90-2-007)		
		Reappropriation	Appropriation
ORA—State			1,126,000
	<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
		2,115,000	3,241,000
	<u>NEW SECTION, Sec. 458. FOR THE DEPARTMENT OF WILDLIFE</u>		
	Development of public fishing access sites (IAC) (90-2-008)		
		Reappropriation	Appropriation
St Bldg Constr Acct			294,000
ORA—State			136,000
	<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
		300,000	730,000
	<u>NEW SECTION, Sec. 459. FOR THE DEPARTMENT OF WILDLIFE</u>		
	Wildlife area repair and development (90-2-016)		
		Reappropriation	Appropriation
Wildlife Acct—State			250,000
	<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
		500,000	750,000
	<u>NEW SECTION, Sec. 460. FOR THE DEPARTMENT OF WILDLIFE</u>		
	Wells wildlife area repair and improvements (90-2-018)		
		Reappropriation	Appropriation
Game Spec Wildlife Acct		92,000	50,000
	<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
	8,000	100,000	250,000
	<u>NEW SECTION, Sec. 461. FOR THE DEPARTMENT OF WILDLIFE</u>		
	Vancouver well (90-2-022)		
		Reappropriation	Appropriation
Wildlife Acct—State		167,203	
	<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
			167,203
	<u>NEW SECTION, Sec. 462. FOR THE DEPARTMENT OF WILDLIFE</u>		
	State-wide fencing repair and replacement (90-3-015)		
		Reappropriation	Appropriation
Wildlife Acct—State			1,000,000
	<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
	368,000	2,000,000	3,368,000
	<u>NEW SECTION, Sec. 463. FOR THE DEPARTMENT OF WILDLIFE</u>		
	Migratory waterfowl habitat acquisition (90-5-005)		
		Reappropriation	Appropriation

Wildlife Acct—State	333,285	350,000
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
62,715	700,000	1,446,000

NEW SECTION, Sec. 464. FOR THE DEPARTMENT OF WILDLIFE
Acquisition of critical habitat (90-5-006)

	Reappropriation	Appropriation
Wildlife Acct—State		250,000
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
	500,000	750,000

NEW SECTION, Sec. 465. FOR THE DEPARTMENT OF WILDLIFE
Acquisition of critical water oriented access (IAC) (90-5-009)

	Reappropriation	Appropriation
ORA—State		20,250
Wildlife Acct—Federal		100,000
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
		120,250

NEW SECTION, Sec. 466. FOR THE DEPARTMENT OF WILDLIFE
Acquisition of wildlife habitat (90-5-012)

The appropriation in this section is subject to the following conditions and limitations: No moneys may be expended from this appropriation without first selling state-owned land of equal or greater value.

	Reappropriation	Appropriation
Wildlife Acct—State		600,000
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
	800,000	1,400,000

NEW SECTION, Sec. 467. FOR THE DEPARTMENT OF WILDLIFE
Migratory waterfowl habitat development (90-5-017)

	Reappropriation	Appropriation
Wildlife Acct—State		300,000
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
212,000	700,000	1,362,000

NEW SECTION, Sec. 468. FOR THE DEPARTMENT OF WILDLIFE
Habitat enhancement fund (90-5-019)

	Reappropriation	Appropriation
Wildlife Acct—Private/local		500,000
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
	1,000,000	1,500,000

PART 5

NATURAL RESOURCES - CONTINUED

NEW SECTION, Sec. 501. FOR THE DEPARTMENT OF NATURAL RESOURCES
Right-of-way acquisition (86-3-001)

	Reappropriation	Appropriation
For Dev Acct		213,000
Res Mgmt Cost Acct		577,000
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
1,646,000	950,000	3,386,000

NEW SECTION, Sec. 502. FOR THE DEPARTMENT OF NATURAL RESOURCES
Unforeseen emergency repairs, irrigation (86-3-002)

	Reappropriation	Appropriation
Res Mgmt Cost Acct		200,000
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
492,000	400,000	1,092,000

NEW SECTION, Sec. 503. FOR THE DEPARTMENT OF NATURAL RESOURCES
Commercial development and electronics (86-3-004)

	Reappropriation	Appropriation
Res Mgmt Cost Acct		420,000
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
20,000	400,000	840,000

NEW SECTION, Sec. 504. FOR THE DEPARTMENT OF NATURAL RESOURCES
Recreation sites renovation (86-3-018)

	Reappropriation	Appropriation
ORV Acct	64,200	
ORA—State	259,300	
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
399,500		723,000

NEW SECTION, Sec. 505. FOR THE DEPARTMENT OF NATURAL RESOURCES
Aquatic land enhancement (86-3-020)

	Reappropriation	Appropriation
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Aquatic Lands Acct		1,295,000	4,154,000
<u>Prior Biennia</u>	<u>Future Biennia</u>		<u>Total</u>
962,000	14,400,000		21,697,000

NEW SECTION, Sec. 506. FOR THE DEPARTMENT OF NATURAL RESOURCES
Land bank (86-4-003)

The appropriation in this section is subject to the following conditions and limitations: No moneys may be expended from this appropriation without first selling state-owned land of equal or greater value.

Res Mgmt Cost Acct		Reappropriation	Appropriation
			12,000,000
<u>Prior Biennia</u>	<u>Future Biennia</u>		<u>Total</u>
11,440,000	30,000,000		53,440,000

NEW SECTION, Sec. 507. FOR THE DEPARTMENT OF NATURAL RESOURCES
State-wide emergency repairs (88-1-002)

For Dev Acct		Reappropriation	Appropriation
Res Mgmt Cost Acct			8,600
St Bldg Constr Acct			32,300
			18,300
<u>Prior Biennia</u>	<u>Future Biennia</u>		<u>Total</u>
54,000	135,900		249,100

NEW SECTION, Sec. 508. FOR THE DEPARTMENT OF NATURAL RESOURCES
State-wide nonemergency repairs (88-2-010)

For Dev Acct		Reappropriation	Appropriation
Res Mgmt Cost Acct			8,700
St Bldg Constr Acct			32,900
			18,700
<u>Prior Biennia</u>	<u>Future Biennia</u>		<u>Total</u>
55,000	138,500		253,800

NEW SECTION, Sec. 509. FOR THE DEPARTMENT OF NATURAL RESOURCES
Commercial development/L.I.D. (88-2-020)

Res Mgmt Cost Acct		Reappropriation	Appropriation
			710,000
<u>Prior Biennia</u>	<u>Future Biennia</u>		<u>Total</u>
745,000	1,420,000		2,875,000

NEW SECTION, Sec. 510. FOR THE DEPARTMENT OF NATURAL RESOURCES
Timber—Fish—Wildlife (88-2-021)

St Bldg Constr Acct		Reappropriation	Appropriation
		262,500	
<u>Prior Biennia</u>	<u>Future Biennia</u>		<u>Total</u>
37,500			300,000

NEW SECTION, Sec. 511. FOR THE DEPARTMENT OF NATURAL RESOURCES
Natural resources conservation areas (88-2-060)

Conservation Area Acct		Reappropriation	Appropriation
		3,500,000	942,000
<u>Prior Biennia</u>	<u>Future Biennia</u>		<u>Total</u>
4,400,000			8,842,000

NEW SECTION, Sec. 512. FOR THE DEPARTMENT OF NATURAL RESOURCES
NAP property purchases (88-2-061)

The appropriations in this section are subject to the following conditions and limitations: \$1,000,000 of the state building and construction account appropriation and \$471,000 of the conservation area account appropriation are provided solely for the purpose of purchasing property or a less-than-fee interest in property under chapter 79.70 RCW. Moneys from this appropriation may not be expended unless for every two dollars to be expended from this appropriation at least one dollar is spent from privately raised funds, contributions of real property or interest in real property, or services necessary to achieve the purpose of this section.

Conservation Area Acct		Reappropriation	Appropriation
St Bldg Constr Acct		890,000	471,000
			1,000,000
<u>Prior Biennia</u>	<u>Future Biennia</u>		<u>Total</u>
3,110,000			5,471,000

NEW SECTION, Sec. 513. FOR THE DEPARTMENT OF NATURAL RESOURCES
Hawks Prairie sewer hookup (88-5-045)

Res Mgmt Cost Acct		Reappropriation	Appropriation
		50,000	
<u>Prior Biennia</u>	<u>Future Biennia</u>		<u>Total</u>
150,000			200,000

NEW SECTION, Sec. 514. FOR THE DEPARTMENT OF NATURAL RESOURCES

Seed orchard irrigation (89-2-006)			
	Reappropriation	Appropriation	
For Dev Acct		19,500	
Res Mgmt Cost Acct		45,500	
		<u>Total</u>	
<u>Prior Biennia</u>	<u>Future Biennia</u>		
165,000	160,000		390,000
<u>NEW SECTION, Sec. 515. FOR THE DEPARTMENT OF NATURAL RESOURCES</u>			
Management roads (89-2-008)			
	Reappropriation	Appropriation	
Res Mgmt Cost Acct	122,400		
		<u>Total</u>	
<u>Prior Biennia</u>	<u>Future Biennia</u>		
233,000			355,400
<u>NEW SECTION, Sec. 516. FOR THE DEPARTMENT OF NATURAL RESOURCES</u>			
Communication site maintenance (89-2-009)			
	Reappropriation	Appropriation	
Res Mgmt Cost Acct		150,000	
		<u>Total</u>	
<u>Prior Biennia</u>	<u>Future Biennia</u>		
177,000	300,000		627,000
<u>NEW SECTION, Sec. 517. FOR THE DEPARTMENT OF NATURAL RESOURCES</u>			
Real estate improved property minor works (89-2-010)			
	Reappropriation	Appropriation	
For Dev Acct		25,000	
Res Mgmt Cost Acct		365,000	
		<u>Total</u>	
<u>Prior Biennia</u>	<u>Future Biennia</u>		
250,000	780,000		1,420,000
<u>NEW SECTION, Sec. 518. FOR THE DEPARTMENT OF NATURAL RESOURCES</u>			
Recreation site renovation (89-3-001)			
The appropriations in this section are subject to the following conditions and limitations: If not expended by June 30, 1990, the appropriations in this section shall lapse.			
	Reappropriation	Appropriation	
St Bldg Constr Acct	550,100		
ORA—State	561,100		
		<u>Total</u>	
<u>Prior Biennia</u>	<u>Future Biennia</u>		
36,800			1,148,000
<u>NEW SECTION, Sec. 519. FOR THE DEPARTMENT OF NATURAL RESOURCES</u>			
Wharf demolition/dock renovation (90-1-403)			
	Reappropriation	Appropriation	
Res Mgmt Cost Acct		200,000	
		<u>Total</u>	
<u>Prior Biennia</u>	<u>Future Biennia</u>		
			200,000
<u>NEW SECTION, Sec. 520. FOR THE DEPARTMENT OF NATURAL RESOURCES</u>			
Asbestos surveys/removal (90-1-703)			
	Reappropriation	Appropriation	
For Dev Acct		35,700	
Res Mgmt Cost Acct		49,200	
St Bldg Constr Acct		30,000	
		<u>Total</u>	
<u>Prior Biennia</u>	<u>Future Biennia</u>		
			114,900
<u>NEW SECTION, Sec. 521. FOR THE DEPARTMENT OF NATURAL RESOURCES</u>			
Environmental cleanup (90-1-704)			
	Reappropriation	Appropriation	
For Dev Acct		75,900	
Res Mgmt Cost Acct		273,500	
St Bldg Constr Acct		235,600	
		<u>Total</u>	
<u>Prior Biennia</u>	<u>Future Biennia</u>		
	554,900		1,139,900
<u>NEW SECTION, Sec. 522. FOR THE DEPARTMENT OF NATURAL RESOURCES</u>			
Environmental protection (90-1-706)			
	Reappropriation	Appropriation	
For Dev Acct		13,700	
Res Mgmt Cost Acct		119,300	
St Bldg Constr Acct		151,000	
		<u>Total</u>	
<u>Prior Biennia</u>	<u>Future Biennia</u>		
	284,000		568,000
<u>NEW SECTION, Sec. 523. FOR THE DEPARTMENT OF NATURAL RESOURCES</u>			
NE city code compliance (90-1-708)			
	Reappropriation	Appropriation	
Res Mgmt Cost Acct		31,500	

St Bldg Constr Acct		15,500
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
		47,000
<u>NEW SECTION, Sec. 524. FOR THE DEPARTMENT OF NATURAL RESOURCES</u>		
Regional cold storage (90-2-310)		
	Reappropriation	Appropriation
For Dev Acct		150,000
Res Mgmt Cost Acct		362,000
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
	142,000	654,000
<u>NEW SECTION, Sec. 525. FOR THE DEPARTMENT OF NATURAL RESOURCES</u>		
Irrigation pipeline replacement (90-2-311)		
	Reappropriation	Appropriation
Res Mgmt Cost Acct		532,000
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
	400,000	932,000
<u>NEW SECTION, Sec. 526. FOR THE DEPARTMENT OF NATURAL RESOURCES</u>		
Administration sites repairs (90-2-312)		
	Reappropriation	Appropriation
Res Mgmt Cost Acct		65,000
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
	130,000	195,000
<u>NEW SECTION, Sec. 527. FOR THE DEPARTMENT OF NATURAL RESOURCES</u>		
Bridge and road replacement (90-2-503)		
	Reappropriation	Appropriation
ORV Acct		15,000
For Dev Acct		15,000
Res Mgmt Cost Acct		35,000
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
	2,240,000	3,512,000
<u>NEW SECTION, Sec. 528. FOR THE DEPARTMENT OF NATURAL RESOURCES</u>		
Compound replacement planning (90-2-705)		
	Reappropriation	Appropriation
St Bldg Constr Acct		50,000
Res Mgmt Cost Acct		39,000
For Dev Acct		11,000
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
		100,000
<u>NEW SECTION, Sec. 529. FOR THE DEPARTMENT OF NATURAL RESOURCES</u>		
Woodard Bay NRCA fencing dev. (90-3-103)		
	Reappropriation	Appropriation
St Bldg Constr Acct		200,000
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
		200,000
<u>NEW SECTION, Sec. 530. FOR THE DEPARTMENT OF NATURAL RESOURCES</u>		
Dishman Hills protection dev. (90-3-104)		
	Reappropriation	Appropriation
St Bldg Constr Acct		100,000
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
		100,000
<u>NEW SECTION, Sec. 531. FOR THE DEPARTMENT OF NATURAL RESOURCES</u>		
Natural area preserves management (90-3-105)		
	Reappropriation	Appropriation
St Bldg Constr Acct		150,000
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
	200,000	350,000
<u>NEW SECTION, Sec. 532. FOR THE DEPARTMENT OF NATURAL RESOURCES</u>		
Construct and improve recreation sites (90-5-201)		
	Reappropriation	Appropriation
ORV Acct		117,000
St Bldg Constr Acct		363,000
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
		480,000
<u>NEW SECTION, Sec. 533. FOR THE DEPARTMENT OF NATURAL RESOURCES</u>		
Seattle waterfront phase 1 dev. (90-5-202)		
	Reappropriation	Appropriation
ORA—State		750,000

<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
	750,000	1,500,000
<u>NEW SECTION, Sec. 534. FOR THE DEPARTMENT OF NATURAL RESOURCES</u>		
<u>Woodard Bay health and safety dev. (90-5-203)</u>		
	Reappropriation	Appropriation
St Bldg Constr Acct		250,000
ORA—Federal		250,000
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
		500,000
<u>NEW SECTION, Sec. 535. FOR THE DEPARTMENT OF NATURAL RESOURCES</u>		
<u>Long Lake phase 2 dev. (90-5-204)</u>		
	Reappropriation	Appropriation
ORV Acct		150,000
ORA—State		205,000
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
		355,000
<u>NEW SECTION, Sec. 536. FOR THE DEPARTMENT OF NATURAL RESOURCES</u>		
<u>Geoduck Hatchery (90-5-402)</u>		
	Reappropriation	Appropriation
Res Mgmt Cost Acct		333,927
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
		333,927
<u>NEW SECTION, Sec. 537. FOR THE DEPARTMENT OF NATURAL RESOURCES</u>		
<u>Spencer Island wetlands acquisition</u>		
The appropriation in this section is subject to the following conditions and limitations: Expenditure of moneys from this appropriation is contingent on the expenditure for the same purpose of at least one dollar from nonstate sources for each dollar spent from this appropriation.		
	Reappropriation	Appropriation
St Bldg Constr Acct		300,000
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
		300,000
<u>NEW SECTION, Sec. 538. FOR THE DEPARTMENT OF NATURAL RESOURCES</u>		
<u>Mitigation of aviation hazard in Lake Washington/Cedar River</u>		
The appropriation in this section is subject to the following conditions and limitations: This appropriation is provided solely for efforts to mitigate against aviation hazards posed by birds frequenting a sandbar north of the runway at Renton municipal airport.		
(1) \$40,000 of this appropriation may be used to investigate the gravity of the aviation hazard, and to investigate alternative methods of reducing the hazard, including low-cost techniques such as netting or other deterrents to the birds, and also including dredging of all or a portion of the sandbar. The amount provided in this subsection may also be used to assist the city of Renton in obtaining necessary permits or obtaining information necessary for permits for mitigating measures.		
(2) \$100,000 is provided solely for a ten percent contribution to a matching ninety percent grant from the federal aviation administration to the Renton municipal airport for the purpose of eliminating or reducing the hazard posed by the birds.		
(3) The department is authorized to lease lands containing the sandbar to the city of Renton, if necessary to secure the grant described in subsection (2) of this section, or if necessary to implement another method of reducing flight hazards.		
	Reappropriation	Appropriation
St Bldg Constr Acct		140,000
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
		140,000
<u>NEW SECTION, Sec. 539. FOR THE STATE CONVENTION AND TRADE CENTER</u>		
<u>Washington State Convention and Trade Center (83-5-001)</u>		
	Reappropriation	Appropriation
Conv Cntr Acct		1,000,000
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
35,618,000		36,618,000
<u>NEW SECTION, Sec. 540. FOR THE STATE CONVENTION AND TRADE CENTER</u>		
<u>Project reserves and contingency funds (89-5-001)</u>		
	Reappropriation	Appropriation
Conv Cntr Acct		3,000,000
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
1,765,000		4,765,000
<u>NEW SECTION, Sec. 541. FOR THE STATE CONVENTION AND TRADE CENTER</u>		
<u>Conversion of retail space to meeting rooms (89-5-002)</u>		
	Reappropriation	Appropriation

Conv Cntr Acct		12,250,000	
<u>Prior Biennia</u>	<u>Future Biennia</u>		<u>Total</u>
750,000			13,000,000

NEW SECTION, Sec. 542. FOR THE STATE CONVENTION AND TRADE CENTER
Expansion of the nine hundred level (89-5-003)

Conv Cntr Acct		Reappropriation	Appropriation
		12,750,000	
<u>Prior Biennia</u>	<u>Future Biennia</u>		<u>Total</u>
550,000			13,300,000

NEW SECTION, Sec. 543. FOR THE STATE CONVENTION AND TRADE CENTER
Purchase of McKay parcel (89-5-004)

Conv Cntr Acct		Reappropriation	Appropriation
		10,400,000	
<u>Prior Biennia</u>	<u>Future Biennia</u>		<u>Total</u>
			10,400,000

NEW SECTION, Sec. 544. FOR THE STATE CONVENTION AND TRADE CENTER
Eagles building: Exterior cleanup and repair (89-5-005)

Conv Cntr Acct		Reappropriation	Appropriation
		300,000	
<u>Prior Biennia</u>	<u>Future Biennia</u>		<u>Total</u>
			300,000

PART 6

TRANSPORTATION

NEW SECTION, Sec. 601. FOR THE WASHINGTON STATE PATROL
Crime laboratory renovation—Seattle (90-2-003)

St Bldg Constr Acct		Reappropriation	Appropriation
			441,000
<u>Prior Biennia</u>	<u>Future Biennia</u>		<u>Total</u>
15,000			456,000

NEW SECTION, Sec. 602. FOR THE WASHINGTON STATE PATROL
Expand and renovate laboratory—Tacoma (90-2-005)

St Bldg Const Acct		Reappropriation	Appropriation
			165,200
<u>Prior Biennia</u>	<u>Future Biennia</u>		<u>Total</u>
6,000			171,200

NEW SECTION, Sec. 603. FOR THE WASHINGTON STATE PATROL
Crime laboratory renovation—Spokane (90-2-008)

St Bldg Constr Acct		Reappropriation	Appropriation
			80,000
<u>Prior Biennia</u>	<u>Future Biennia</u>		<u>Total</u>
10,000			90,000

NEW SECTION, Sec. 604. FOR THE WASHINGTON STATE PATROL
Construct district headquarters—Everett (90-2-018)

The appropriation in this section is subject to the following conditions and limitations: This appropriation is provided solely for the design and construction of a crime lab facility as part of the new district headquarters.

St Bldg Constr Acct		Reappropriation	Appropriation
			470,100
<u>Prior Biennia</u>	<u>Future Biennia</u>		<u>Total</u>
			470,100

NEW SECTION, Sec. 605. FOR THE DEPARTMENT OF TRANSPORTATION
Acquisition of dredge spoils sites (83-1-001)

St Bldg Constr Acct		Reappropriation	Appropriation
		2,369,430	
<u>Prior Biennia</u>	<u>Future Biennia</u>		<u>Total</u>
2,420,000			4,789,430

NEW SECTION, Sec. 606. FOR THE DEPARTMENT OF TRANSPORTATION
Retention dam: Green/Toutle River site acquisition (87-1-001)

St Bldg Constr Acct		Reappropriation	Appropriation
		5,387,043	
<u>Prior Biennia</u>	<u>Future Biennia</u>		<u>Total</u>
13,289,430			18,676,473

NEW SECTION, Sec. 607. FOR THE DEPARTMENT OF TRANSPORTATION
Freight rail assistance and banking (90-5-001)

The appropriations in this section are subject to the following conditions and limitations:
(1) \$2,300,000 from the essential rail assistance account appropriation is provided solely for distribution to county rail districts and port districts for the purposes of acquiring, maintaining, or improving branch lines as authorized by chapter 47.76 RCW.

(2) \$1,100,000 from the essential rail bank account appropriation is provided solely for the purchase of unused rail rights-of-way as authorized by chapter 47.76 RCW.

(3) Expenditures from the essential rail bank account appropriation shall not be made until the department consults with the chairs and ranking minority members of the house of representatives and senate transportation committees, house of representatives capital facilities committee, and senate ways and means committee, concerning specific railroad rights-of-way that the department proposes to acquire or assist local governments in acquiring, and as required by Substitute House Bill No. 1825.

	Reappropriation	Appropriation
Ess Rail Assis Acct		2,300,000
Ess Rail Bank Acct		1,100,000
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
		3,400,000

PART 7

EDUCATION

NEW SECTION, Sec. 701. FOR THE STATE BOARD OF EDUCATION
Public school building construction: 1979 (79-3-002)

	Reappropriation	Appropriation
Common School Constr Fund	500	
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
66,425		66,925

NEW SECTION, Sec. 702. FOR THE STATE BOARD OF EDUCATION
Public school building construction: 1983 (83-3-001)

	Reappropriation	Appropriation
Common School Constr Fund	600,000	
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
1,000,000		1,600,000

NEW SECTION, Sec. 703. FOR THE STATE BOARD OF EDUCATION
Public school building construction: 1985-87 (86-4-001)

	Reappropriation	Appropriation
Common School Constr Fund	2,500,000	
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
29,500,000		32,000,000

NEW SECTION, Sec. 704. FOR THE STATE BOARD OF EDUCATION
Planning grants: 1985-87 (86-4-007)

	Reappropriation	Appropriation
Common School Constr Fund	60,000	
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
292,275		352,275

NEW SECTION, Sec. 705. FOR THE STATE BOARD OF EDUCATION
Artwork grants: 1985-87 (86-4-008)

	Reappropriation	Appropriation
Common School Constr Fund	180,000	
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
114,000		294,000

NEW SECTION, Sec. 706. FOR THE STATE BOARD OF EDUCATION
Public school building construction: 1987 (88-2-001)

	Reappropriation	Appropriation
Common School Constr Fund	87,500,000	
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
120,762,000		208,262,000

NEW SECTION, Sec. 707. FOR THE STATE BOARD OF EDUCATION
Darrington school district: New elementary and middle school (89-2-004)

	Reappropriation	Appropriation
Common School Constr Fund	3,000,000	
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
		3,000,000

NEW SECTION, Sec. 708. FOR THE STATE BOARD OF EDUCATION
Public school building construction: 1989 (90-2-001)

The appropriation in this section is subject to the following conditions and limitations:

(1) A maximum of \$1,050,000 may be spent for state administration of school construction funding.

(2) \$66,136,000 is provided solely for modernization projects approved by the state board of education.

(3) The appropriation in this section includes proceeds of the issuance of bonds authorized for deposit in the common school construction fund by chapter 3, Laws of 1987 1st ex. sess., and ten million dollars in additional state bonds authorized by chapter ____, Laws of 1989 (HB ____). Of the proceeds of bonds authorized by chapter ____, Laws of 1989 (HB ____), \$8,000,000, or as

much thereof as may be necessary, shall be compensation to the common school construction fund for the sale of timber from common school trust lands sold to the parks and recreation commission pursuant to RCW 43.51.270, and authorized for sale by the legislature prior to January 1, 1989.

(4) If Initiative 102 is not enacted by December 31, 1989, or if Engrossed Substitute Senate Bill No. 5352 as enacted does not contain a transfer of \$45,000,000 from the children's initiative fund—K-12 education account to the common school construction fund, \$45,000,000 of this appropriation shall lapse.

(5) The state board shall review current rules and administrative procedures, and shall amend or revise these rules and procedures to address the following concerns:

(a) The discrepancy between the forecasted enrollments used for determining state funding for school construction, and the state-wide growth trends predicted by the office of financial management;

(b) The infrequency of cooperative use of surplus space available in neighboring districts;

(c) The creation of new construction needs by school districts by selling or demolishing schools, or by redesignating grade space or administrative use of school buildings;

(d) The incentive to condemn useable schools to secure state funding, rather than awaiting uncertain support for modernization;

(e) Greater needs for replacement of decaying schools caused by deferral of modernization, at a higher long-term cost to the state and local districts;

(f) The potential of district boundary changes for the purpose of achieving more efficient use of facilities; and

(g) The potential of the state to recover its share of the value of sold school buildings that were built with state matching moneys.

Prior to September 15, 1989, the state board of education shall report to the capital facilities and financing committee of the house of representatives and the ways and means committee of the senate on the actions taken or rules adopted by the board to address these concerns.

	Reappropriation	Appropriation
Common School Constr Fund		231,500,000
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
		231,500,000

NEW SECTION, Sec. 709. FOR THE STATE BOARD OF EDUCATION

Common school disbursement limit

The appropriations in sections 701 through 708 of this act are subject to the following conditions and limitations: A maximum of \$276,890,000 from the total of these appropriations may be disbursed during the 1989-91 biennium. If Initiative 102 is not enacted by December 31, 1989, or if Engrossed Substitute Senate Bill No. 5352 as enacted does not contain a transfer of \$45,000,000 from the children's initiative fund—K-12 education account to the common school construction fund, the amount provided under this subsection shall be reduced to \$231,890,000.

NEW SECTION, Sec. 710. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION

School housing emergencies

The appropriation in this section is subject to the following conditions and limitations:

(1) This appropriation is provided solely to provide portable classrooms for school districts that have experienced an unanticipated school housing emergency. Portable classrooms provided under this section shall be leased by the superintendent of public instruction to school districts at fair market rates, and the lease payments shall be deposited into the common school construction fund. School districts may qualify for assistance under this section only as a result of events barring students from occupying a school or a portion of a school, and portables shall not be provided under this section to address needs attributable to enrollment growth. The superintendent of public instruction shall provide assistance to a school district under this section only if satisfied that the district has considered other available options and that portable classrooms are the most feasible solution to school housing needs.

(2) Districts receiving assistance under this section shall submit a plan to replace or reopen their closed facilities prior to the end of the lease period, and shall certify that local levy funds or other resources are available and adequate to complete the plan and meet all terms of the lease.

	Reappropriation	Appropriation
Common School Constr Fund		650,000
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
		650,000

NEW SECTION, Sec. 711. FOR THE WASHINGTON INSTITUTE OF APPLIED TECHNOLOGY

Vocational Technology Center (88-2-003)

	Reappropriation	Appropriation
St Bldg Constr Acct	475,000	
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
5,525,000		6,000,000

NEW SECTION, Sec. 712. FOR THE STATE SCHOOL FOR THE BLIND

Automatic sliding doors—Irwin education building (90-1-001)		Reappropriation	Appropriation
St Bldg Constr Acct			14,580
<u>Prior Biennia</u>	<u>Future Biennia</u>		<u>Total</u>
			14,580
<u>NEW SECTION.</u> Sec. 713. FOR THE STATE SCHOOL FOR THE BLIND			
Asbestos abatement (90-1-006)		Reappropriation	Appropriation
St Bldg Constr Acct			324,000
<u>Prior Biennia</u>	<u>Future Biennia</u>		<u>Total</u>
			324,000
<u>NEW SECTION.</u> Sec. 714. FOR THE STATE SCHOOL FOR THE BLIND			
Replace heating and ventilation system and roof repairs: Irwin building (90-2-002)		Reappropriation	Appropriation
St Bldg Constr Acct			130,000
<u>Prior Biennia</u>	<u>Future Biennia</u>		<u>Total</u>
			130,000
<u>NEW SECTION.</u> Sec. 715. FOR THE STATE SCHOOL FOR THE BLIND			
Driveway/parking lot repaving (90-2-003)		Reappropriation	Appropriation
St Bldg Constr Acct			21,270
<u>Prior Biennia</u>	<u>Future Biennia</u>		<u>Total</u>
			21,270
<u>NEW SECTION.</u> Sec. 716. FOR THE STATE SCHOOL FOR THE DEAF			
Remove and replace three transformers/clerk (90-1-002)		Reappropriation	Appropriation
St Bldg Constr Acct			36,500
<u>Prior Biennia</u>	<u>Future Biennia</u>		<u>Total</u>
			36,500
<u>NEW SECTION.</u> Sec. 717. FOR THE STATE SCHOOL FOR THE DEAF			
Asbestos abatement (90-1-005)		Reappropriation	Appropriation
St Bldg Constr Acct			245,000
<u>Prior Biennia</u>	<u>Future Biennia</u>		<u>Total</u>
			245,000
<u>NEW SECTION.</u> Sec. 718. FOR THE STATE SCHOOL FOR THE DEAF			
Wheelchair lifts—Clark Hall, vocational, Northrup School (90-2-003)		Reappropriation	Appropriation
St Bldg Constr Acct			147,100
<u>Prior Biennia</u>	<u>Future Biennia</u>		<u>Total</u>
			147,100
<u>NEW SECTION.</u> Sec. 719. FOR THE STATE SCHOOL FOR THE DEAF			
Roof repair (91-2-002)		Reappropriation	Appropriation
St Bldg Constr Acct			50,000
<u>Prior Biennia</u>	<u>Future Biennia</u>		<u>Total</u>
			50,000
<u>NEW SECTION.</u> Sec. 720. FOR THE UNIVERSITY OF WASHINGTON			
Roberts Hall renovation (83-1-012)		Reappropriation	Appropriation
H Ed Reimb S/T Bonds Acct			400,000
<u>Prior Biennia</u>	<u>Future Biennia</u>		<u>Total</u>
5,355,794			5,755,794
<u>NEW SECTION.</u> Sec. 721. FOR THE UNIVERSITY OF WASHINGTON			
Safety—Fire code, PCB and life safety (86-1-001)		Reappropriation	Appropriation
St Bldg Constr Acct			4,000,000
UW Bldg Acct			8,600,000
<u>Prior Biennia</u>	<u>Future Biennia</u>		<u>Total</u>
1,707,000	14,000,000		29,507,000
<u>NEW SECTION.</u> Sec. 722. FOR THE UNIVERSITY OF WASHINGTON			
Safety—Asbestos removal (86-1-002)		Reappropriation	Appropriation
St Bldg Constr Acct			2,200,000
UW Bldg Acct			350,000
<u>Prior Biennia</u>	<u>Future Biennia</u>		<u>Total</u>
1,450,000	20,000,000		29,500,000
<u>NEW SECTION.</u> Sec. 723. FOR THE UNIVERSITY OF WASHINGTON			

Safety—General (86-1-003)			
St Bldg Constr Acct		Reappropriation	Appropriation
		750,000	
<u>Prior Bienna</u>	<u>Future Bienna</u>		<u>Total</u>
250,000			1,000,000
<u>NEW SECTION. Sec. 724. FOR THE UNIVERSITY OF WASHINGTON</u>			
Minor works—Building renewal (86-1-004)			
St Bldg Constr Acct		Reappropriation	Appropriation
		2,600,000	
UW Bldg Acct		1,740,000	9,733,000
<u>Prior Bienna</u>	<u>Future Bienna</u>		<u>Total</u>
4,274,325	26,000,000		50,077,090
<u>NEW SECTION. Sec. 725. FOR THE UNIVERSITY OF WASHINGTON</u>			
Fisheries repairs and expansion (86-1-014)			
St H Ed Constr Acct		Reappropriation	Appropriation
		2,600,000	
<u>Prior Bienna</u>	<u>Future Bienna</u>		<u>Total</u>
3,090,805			5,690,805
<u>NEW SECTION. Sec. 726. FOR THE UNIVERSITY OF WASHINGTON</u>			
HSC G Court, H Wing and I Court addition (86-2-021)			
St Bldg Constr Acct		Reappropriation	Appropriation
		20,400,000	24,692,000
UW Bldg Acct		3,500,000	
<u>Prior Bienna</u>	<u>Future Bienna</u>		<u>Total</u>
776,000			49,368,000
<u>NEW SECTION. Sec. 727. FOR THE UNIVERSITY OF WASHINGTON</u>			
Minor works—Program renewal (86-3-005)			
The appropriations in this section are subject to the following conditions and limitations: The appropriations are provided solely for minor repairs, fixtures, and improvements to state buildings and facilities and shall not be used for computer equipment or for other expenses that normally would be funded from the state operating budget.			
UW Bldg Acct		Reappropriation	Appropriation
		2,700,000	9,000,000
<u>Prior Bienna</u>	<u>Future Bienna</u>		<u>Total</u>
9,921,000	42,270,000		70,914,527
<u>NEW SECTION. Sec. 728. FOR THE UNIVERSITY OF WASHINGTON</u>			
Energy conservation (86-4-023)			
St Bldg Constr Acct		Reappropriation	Appropriation
		900,000	
H Ed Constr Acct		300,000	
<u>Prior Bienna</u>	<u>Future Bienna</u>		<u>Total</u>
663,566			1,863,566
<u>NEW SECTION. Sec. 729. FOR THE UNIVERSITY OF WASHINGTON</u>			
Pavillon roof (88-1-009)			
St Bldg Constr Acct		Reappropriation	Appropriation
		652,000	
<u>Prior Bienna</u>	<u>Future Bienna</u>		<u>Total</u>
80,000			732,000
<u>NEW SECTION. Sec. 730. FOR THE UNIVERSITY OF WASHINGTON</u>			
Electrical distribution system (88-1-011)			
St Bldg Constr Acct		Reappropriation	Appropriation
		1,000,000	
<u>Prior Bienna</u>	<u>Future Bienna</u>		<u>Total</u>
500,000	5,139,000		6,639,000
<u>NEW SECTION. Sec. 731. FOR THE UNIVERSITY OF WASHINGTON</u>			
Power plant chiller (88-1-012)			
St Bldg Constr Acct		Reappropriation	Appropriation
		750,000	
<u>Prior Bienna</u>	<u>Future Bienna</u>		<u>Total</u>
250,000			1,000,000
<u>NEW SECTION. Sec. 732. FOR THE UNIVERSITY OF WASHINGTON</u>			
Power plant stack replacement (88-1-023)			
UW Bldg Acct		Reappropriation	Appropriation
		1,050,000	
<u>Prior Bienna</u>	<u>Future Bienna</u>		<u>Total</u>
450,000			1,500,000
<u>NEW SECTION. Sec. 733. FOR THE UNIVERSITY OF WASHINGTON</u>			

Suzzallo Library addition (88-2-013)		
St Bldg Constr Acct	Reappropriation	Appropriation
	20,600,000	
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
11,310,104	-	34,583,000
<u>NEW SECTION, Sec. 734. FOR THE UNIVERSITY OF WASHINGTON</u>		
Communications building renovation (88-2-014)		
St Bldg Constr Acct	Reappropriation	Appropriation
	4,480,000	1,015,000
UW Bldg Acct		1,167,000
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
75,000		6,737,000
<u>NEW SECTION, Sec. 735. FOR THE UNIVERSITY OF WASHINGTON</u>		
H wing renovation (88-2-015)		
St Bldg Constr Acct	Reappropriation	Appropriation
	715,000	
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
18,000		733,000
<u>NEW SECTION, Sec. 736. FOR THE UNIVERSITY OF WASHINGTON</u>		
Power plant boiler (88-2-022)		
St Bldg Constr Acct	Reappropriation	Appropriation
	490,000	
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
203,000		693,000
<u>NEW SECTION, Sec. 737. FOR THE UNIVERSITY OF WASHINGTON</u>		
Science and engineering planning (88-2-044)		
UW Bldg Acct	Reappropriation	Appropriation
	250,000	
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
750,000		1,000,000
<u>NEW SECTION, Sec. 738. FOR THE UNIVERSITY OF WASHINGTON</u>		
Power plant boiler retrofit (88-4-024)		
UW Bldg Acct	Reappropriation	Appropriation
	2,050,000	
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
250,000		2,300,000
<u>NEW SECTION, Sec. 739. FOR THE UNIVERSITY OF WASHINGTON</u>		
Emergency power generation (90-2-001)		
St Bldg Constr Acct	Reappropriation	Appropriation
		11,110,000
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
		11,110,000
<u>NEW SECTION, Sec. 740. FOR THE UNIVERSITY OF WASHINGTON</u>		
Physics (90-2-009)		
The appropriation in this section is subject to the following conditions and limitations: This appropriation shall not be construed as an intention by the legislature to appropriate moneys in the future for additional buildings for the purposes served by this appropriation.		
St Bldg Constr Acct	Reappropriation	Appropriation
		4,155,000
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
		4,155,000
<u>NEW SECTION, Sec. 741. FOR THE UNIVERSITY OF WASHINGTON</u>		
Chemistry I (90-2-011)		
St Bldg Constr Acct	Reappropriation	Appropriation
		39,152,000
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
		39,152,000
<u>NEW SECTION, Sec. 742. FOR THE UNIVERSITY OF WASHINGTON</u>		
Electrical engineering building addition (90-2-013)		
St Bldg Constr Acct	Reappropriation	Appropriation
		3,111,000
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
		3,111,000
<u>NEW SECTION, Sec. 743. FOR THE UNIVERSITY OF WASHINGTON</u>		
Computer sciences building (92-2-024)		
St Bldg Constr Acct	Reappropriation	Appropriation
		1,000,000

<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
		1,000,000
<u>NEW SECTION, Sec. 744. FOR WASHINGTON STATE UNIVERSITY</u>		
Chemistry building, phase 2 (86-1-003)		
	Reappropriation	Appropriation
H Ed Constr Acct	1,932,000	
WSU Bldg Acct	1,000,000	
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
11,860,000		14,792,000
<u>NEW SECTION, Sec. 745. FOR WASHINGTON STATE UNIVERSITY</u>		
Food—Human nutrition facility—Equipment (86-1-004)		
	Reappropriation	Appropriation
WSU Bldg Acct	1,502,000	
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
2,915,435		4,417,435
<u>NEW SECTION, Sec. 746. FOR WASHINGTON STATE UNIVERSITY</u>		
McCoy Hall capital renewal (86-1-005)		
	Reappropriation	Appropriation
H Ed Constr Acct	78,000	
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
2,162,537		2,240,537
<u>NEW SECTION, Sec. 747. FOR WASHINGTON STATE UNIVERSITY</u>		
Science Hall renewal, phase 2 (86-1-006)		
	Reappropriation	Appropriation
H Ed Constr Acct	3,603,000	
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
8,151,395		11,754,395
<u>NEW SECTION, Sec. 748. FOR WASHINGTON STATE UNIVERSITY</u>		
Neill Hall renewal (86-1-007)		
	Reappropriation	Appropriation
WSU Bldg Acct	3,569,500	
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
		3,569,500
<u>NEW SECTION, Sec. 749. FOR WASHINGTON STATE UNIVERSITY</u>		
Minor capital improvement (88-1-001)		
	Reappropriation	Appropriation
WSU Bldg Acct	1,896,000	
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
2,827,000		4,723,000
<u>NEW SECTION, Sec. 750. FOR WASHINGTON STATE UNIVERSITY</u>		
Minor capital renewal (88-1-002)		
	Reappropriation	Appropriation
St Bldg Constr Acct	2,109,000	
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
3,593,000		5,702,000
<u>NEW SECTION, Sec. 751. FOR WASHINGTON STATE UNIVERSITY</u>		
Preplanning (88-1-004)		
	Reappropriation	Appropriation
WSU Bldg Acct	107,000	
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
		107,000
<u>NEW SECTION, Sec. 752. FOR WASHINGTON STATE UNIVERSITY</u>		
Todd Hall addition (88-1-011)		
	Reappropriation	Appropriation
St Bldg Constr Acct	4,904,000	
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
428,000		5,332,000
<u>NEW SECTION, Sec. 753. FOR WASHINGTON STATE UNIVERSITY</u>		
Fine arts mechanical renovation (88-1-012)		
	Reappropriation	Appropriation
WSU Bldg Acct	240,000	
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
2,713,000		2,953,000
<u>NEW SECTION, Sec. 754. FOR WASHINGTON STATE UNIVERSITY</u>		
Carpenter Hall renewal (88-2-005)		
	Reappropriation	Appropriation
H Ed Constr Acct	3,029,400	
WSU Bldg Acct	2,685,000	

	<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
	485,600		6,200,000
NEW SECTION, Sec. 755. FOR WASHINGTON STATE UNIVERSITY			
Dairy forage facility (88-3-007)			
		Reappropriation	Appropriation
WSU Bldg Acct		1,100,000	
	<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
	82,000		1,182,000
NEW SECTION, Sec. 756. FOR WASHINGTON STATE UNIVERSITY			
Veterinary research diagnostic center (88-5-006)			
		Reappropriation	Appropriation
SI Bldg Constr Acct		225,000	
	<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
	25,000	3,172,600	3,422,600
NEW SECTION, Sec. 757. FOR WASHINGTON STATE UNIVERSITY			
Minor capital improvements (90-1-001)			
		Reappropriation	Appropriation
WSU Bldg Acct			5,000,000
	<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
			8,233,000
NEW SECTION, Sec. 758. FOR WASHINGTON STATE UNIVERSITY			
Hazardous, pathological, radioactive waste handling facilities (90-1-004)			
		Reappropriation	Appropriation
WSU Bldg Acct			152,000
	<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
		11,000,000	11,152,000
NEW SECTION, Sec. 759. FOR WASHINGTON STATE UNIVERSITY			
Nuclear radiation center study (90-1-011)			
		Reappropriation	Appropriation
WSU Bldg Acct			53,000
	<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
		4,000,000	4,053,000
NEW SECTION, Sec. 760. FOR WASHINGTON STATE UNIVERSITY			
Expansion of east campus electrical substation (90-1-014)			
		Reappropriation	Appropriation
WSU Bldg Acct			533,000
	<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
			533,000
NEW SECTION, Sec. 761. FOR WASHINGTON STATE UNIVERSITY			
Smith Gym electrical system renewal (90-1-018)			
		Reappropriation	Appropriation
WSU Bldg Acct			648,000
	<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
			648,000
NEW SECTION, Sec. 762. FOR WASHINGTON STATE UNIVERSITY			
Holland Library addition (90-2-013)			
		Reappropriation	Appropriation
St Bldg Constr Acct			33,400,000
WSU Bldg Acct		184,000	
	<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
	87,000		33,671,000
NEW SECTION, Sec. 763. FOR WASHINGTON STATE UNIVERSITY			
Veterinary Teaching Hospital (90-2-016)			
		Reappropriation	Appropriation
St Bldg Constr Acct			1,300,000
WSU Bldg Acct			200,000
	<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
	327,000	29,438,000	31,265,000
NEW SECTION, Sec. 764. FOR WASHINGTON STATE UNIVERSITY			
Food—Human nutrition building, phase 2 (90-2-020)			
		Reappropriation	Appropriation
General Fund—Federal			12,688,000
	<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
			12,688,000
NEW SECTION, Sec. 765. FOR WASHINGTON STATE UNIVERSITY			
Minor capital renewal (90-3-002)			

The appropriation in this section is subject to the following conditions and limitations: The appropriation is provided solely for minor repairs, fixtures, and improvements to state buildings

and facilities and shall not be used for computer equipment or for other expenses that normally would be funded from the state operating budget.

St Bldg Constr Acct	Reappropriation	Appropriation
<u>Prior Biennia</u>	<u>Future Biennia</u>	5,000,000
		<u>Total</u>
		5,000,000
NEW SECTION. Sec. 766. FOR WASHINGTON STATE UNIVERSITY		
Todd Hall renewal (90-3-003)		
WSU Bldg Acct	Reappropriation	Appropriation
<u>Prior Biennia</u>	<u>Future Biennia</u>	182,000
		<u>Total</u>
		182,000
NEW SECTION. Sec. 767. FOR WASHINGTON STATE UNIVERSITY		
WSU Tri-Cities University Center (90-5-901)		
St Bldg Constr Acct	Reappropriation	Appropriation
<u>Prior Biennia</u>	<u>Future Biennia</u>	420,000
		<u>Total</u>
		720,000
NEW SECTION. Sec. 768. FOR EASTERN WASHINGTON UNIVERSITY		
Mathematical science and technology remodel (81-1-002)		
St Bldg Constr Acct	Reappropriation	Appropriation
<u>Prior Biennia</u>	<u>Future Biennia</u>	74,000
		<u>Total</u>
		82,900
NEW SECTION. Sec. 769. FOR EASTERN WASHINGTON UNIVERSITY		
Science building addition/remodel (83-1-001)		
St Bldg Constr Acct	Reappropriation	Appropriation
<u>Prior Biennia</u>	<u>Future Biennia</u>	6,250,000
		<u>Total</u>
		6,784,500
NEW SECTION. Sec. 770. FOR EASTERN WASHINGTON UNIVERSITY		
Electrical system renewal (86-1-002)		
St Bldg Constr Acct	Reappropriation	Appropriation
<u>Prior Biennia</u>	<u>Future Biennia</u>	709,000
		<u>Total</u>
		18,765,100
NEW SECTION. Sec. 771. FOR EASTERN WASHINGTON UNIVERSITY		
Roof replacement (86-1-003)		
St Bldg Constr Acct	Reappropriation	Appropriation
<u>Prior Biennia</u>	<u>Future Biennia</u>	500,000
		<u>Total</u>
		2,915,000
NEW SECTION. Sec. 772. FOR EASTERN WASHINGTON UNIVERSITY		
Water storage and distribution (86-1-004)		
St H Ed Constr Acct	Reappropriation	Appropriation
<u>Prior Biennia</u>	<u>Future Biennia</u>	207,000
		<u>Total</u>
		1,170,000
NEW SECTION. Sec. 773. FOR EASTERN WASHINGTON UNIVERSITY		
Minor works projects (86-1-010)		
EWU Cap Proj Acct	Reappropriation	Appropriation
<u>Prior Biennia</u>	<u>Future Biennia</u>	403,000
		<u>Total</u>
		2,100,000
NEW SECTION. Sec. 774. FOR EASTERN WASHINGTON UNIVERSITY		
Small repairs projects (86-1-011)		
EWU Cap Proj Acct	Reappropriation	Appropriation
<u>Prior Biennia</u>	<u>Future Biennia</u>	155,000
		<u>Total</u>
		1,000,000
NEW SECTION. Sec. 775. FOR EASTERN WASHINGTON UNIVERSITY		
Energy conservation (86-2-006)		
St H Ed Constr Acct	Reappropriation	Appropriation
St Bldg Constr Acct		424,000
<u>Prior Biennia</u>	<u>Future Biennia</u>	30,000
		<u>Total</u>
		556,000

NEW SECTION, Sec. 776. FOR EASTERN WASHINGTON UNIVERSITY
Life/safety and code compliance: Asbestos (88-1-001)

	Reappropriation	Appropriation
St Bldg Constr Acct		1,900,000
EWU Cap Proj Acct	170,000	
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
513,000	4,000,000	6,583,000

NEW SECTION, Sec. 777. FOR EASTERN WASHINGTON UNIVERSITY
Fire suppression (88-1-005)

	Reappropriation	Appropriation
St Bldg Constr Acct	215,000	
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
361,000	2,158,000	2,734,000

NEW SECTION, Sec. 778. FOR EASTERN WASHINGTON UNIVERSITY
Kennedy Library addition/HVAC—Preplanning (90-5-003)

	Reappropriation	Appropriation
EWU Cap Proj Acct		165,000
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
		165,000

NEW SECTION, Sec. 779. FOR CENTRAL WASHINGTON UNIVERSITY
Energy savings projects (86-2-005)

	Reappropriation	Appropriation
CWU Cap Proj Acct	725,000	
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
183,818		908,818

NEW SECTION, Sec. 780. FOR CENTRAL WASHINGTON UNIVERSITY
Nicholson Pavilion, Phase I (86-3-001)

	Reappropriation	Appropriation
H Ed Constr Acct	9,500	
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
959,506		969,006

NEW SECTION, Sec. 781. FOR CENTRAL WASHINGTON UNIVERSITY
Small repairs and improvements (86-3-013)

	Reappropriation	Appropriation
CWU Cap Proj Acct	30,000	
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
503,000		533,000

NEW SECTION, Sec. 782. FOR CENTRAL WASHINGTON UNIVERSITY
Life safety—Code compliance (88-1-004)

	Reappropriation	Appropriation
St Bldg Constr Acct	509,000	
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
1,248,000		1,757,000

NEW SECTION, Sec. 783. FOR CENTRAL WASHINGTON UNIVERSITY
Handicap modifications (88-1-007)

	Reappropriation	Appropriation
CWU Cap Proj Acct	625,000	
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
90,000		715,000

NEW SECTION, Sec. 784. FOR CENTRAL WASHINGTON UNIVERSITY
Nicholson Pavilion phase 2 (88-2-001)

	Reappropriation	Appropriation
St Bldg Constr Acct	3,600,000	
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
263,000		3,863,000

NEW SECTION, Sec. 785. FOR CENTRAL WASHINGTON UNIVERSITY
Life/safety (90-1-030)

	Reappropriation	Appropriation
St Bldg Constr Acct		831,000
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
	1,000,000	1,831,000

NEW SECTION, Sec. 786. FOR CENTRAL WASHINGTON UNIVERSITY
Asbestos abatement (90-1-040)

	Reappropriation	Appropriation
St Bldg Constr Acct		1,000,000
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
1,735,000	1,000,000	3,735,000

NEW SECTION, Sec. 787. FOR CENTRAL WASHINGTON UNIVERSITY

Psychology animal research facility (90-1-060)	Reappropriation	Appropriation
St Bldg Constr Acct		1,547,000
<u>Prior Biennia</u>	<u>Future Biennia</u>	Total
		1,547,000
<u>NEW SECTION, Sec. 788. FOR CENTRAL WASHINGTON UNIVERSITY</u>		
Barge Hall renovation (90-2-001)	Reappropriation	Appropriation
St Bldg Constr Acct		600,000
<u>Prior Biennia</u>	<u>Future Biennia</u>	Total
	7,744,800	8,344,800
<u>NEW SECTION, Sec. 789. FOR CENTRAL WASHINGTON UNIVERSITY</u>		
Telecommunications system—Phase 2 (90-2-003)	Reappropriation	Appropriation
CWU Cap Proj Acct	1,732,000	1,443,600
<u>Prior Biennia</u>	<u>Future Biennia</u>	Total
68,000		3,243,600
<u>NEW SECTION, Sec. 790. FOR CENTRAL WASHINGTON UNIVERSITY</u>		
Shaw/Smyser Hall remodel (90-2-005)	Reappropriation	Appropriation
St Bldg Constr Acct		2,405,900
CWU Cap Proj Acct		1,300,000
<u>Prior Biennia</u>	<u>Future Biennia</u>	Total
		3,705,900
<u>NEW SECTION, Sec. 791. FOR CENTRAL WASHINGTON UNIVERSITY</u>		
Minor works projects group I (90-2-050)		
The appropriations in this section are subject to the following conditions and limitations: The appropriations are provided solely for minor repairs, fixtures, and improvements to state buildings and facilities and shall not be used for computer equipment or for other expenses that normally would be funded from the state operating budget.		
	Reappropriation	Appropriation
CWU Cap Proj Acct	800,000	3,856,600
<u>Prior Biennia</u>	<u>Future Biennia</u>	Total
2,212,958	10,450,000	17,319,558
PART 8		
EDUCATION - CONTINUED		
<u>NEW SECTION, Sec. 801. FOR THE EVERGREEN STATE COLLEGE</u>		
Life safety—Code compliance (88-1-001)	Reappropriation	Appropriation
St Bldg Constr Acct	172,000	819,000
<u>Prior Biennia</u>	<u>Future Biennia</u>	Total
1,012,000		2,003,000
<u>NEW SECTION, Sec. 802. FOR THE EVERGREEN STATE COLLEGE</u>		
Energy audit compliance (88-2-016)	Reappropriation	Appropriation
St Bldg Constr Acct	60,000	
<u>Prior Biennia</u>	<u>Future Biennia</u>	Total
145,000		205,000
<u>NEW SECTION, Sec. 803. FOR THE EVERGREEN STATE COLLEGE</u>		
Campus recreation center, Phase II: Gym (88-5-015)	Reappropriation	Appropriation
St Bldg Constr Acct	474,572	
<u>Prior Biennia</u>	<u>Future Biennia</u>	Total
6,298,428		6,773,000
<u>NEW SECTION, Sec. 804. FOR THE EVERGREEN STATE COLLEGE</u>		
Asbestos removal (90-1-001)	Reappropriation	Appropriation
St Bldg Constr Acct		60,000
<u>Prior Biennia</u>	<u>Future Biennia</u>	Total
	443,000	503,000
<u>NEW SECTION, Sec. 805. FOR THE EVERGREEN STATE COLLEGE</u>		
Failed systems (90-2-001)	Reappropriation	Appropriation
St Bldg Constr Acct		544,070
<u>Prior Biennia</u>	<u>Future Biennia</u>	Total
		544,070
<u>NEW SECTION, Sec. 806. FOR THE EVERGREEN STATE COLLEGE</u>		

Minor works (90-2-003)			
St Bldg Constr Acct		Reappropriation	Appropriation
<u>Prior Biennia</u>	<u>Future Biennia</u>		178,720
			<u>Total</u>
			178,720
<u>NEW SECTION. Sec. 807. FOR THE EVERGREEN STATE COLLEGE</u>			
Emergency repairs (90-2-022)			
TESC Cap Proj Acct		Reappropriation	Appropriation
<u>Prior Biennia</u>	<u>Future Biennia</u>		81,000
			<u>Total</u>
			81,000
<u>NEW SECTION. Sec. 808. FOR THE EVERGREEN STATE COLLEGE</u>			
Small repairs and improvements (90-2-023)			
TESC Cap Proj Acct		Reappropriation	Appropriation
<u>Prior Biennia</u>	<u>Future Biennia</u>		162,000
			<u>Total</u>
			162,000
<u>NEW SECTION. Sec. 809. FOR WESTERN WASHINGTON UNIVERSITY</u>			
Const Tech Bldg/remodel Art Tech building phase 2 (84-3-001)			
St Bldg Constr Acct		Reappropriation	Appropriation
<u>Prior Biennia</u>	<u>Future Biennia</u>	100,000	
9,809,055			<u>Total</u>
			9,909,055
<u>NEW SECTION. Sec. 810. FOR WESTERN WASHINGTON UNIVERSITY</u>			
Construct/equip science facility phase 1 (90-1-001)			
St Bldg Constr Acct		Reappropriation	Appropriation
<u>Prior Biennia</u>	<u>Future Biennia</u>		20,730,700
168,000		1,082,000	<u>Total</u>
			21,980,700
<u>NEW SECTION. Sec. 811. FOR WESTERN WASHINGTON UNIVERSITY</u>			
Asbestos abatement—Multiple buildings (90-1-002)			
St Bldg Constr Acct		Reappropriation	Appropriation
<u>Prior Biennia</u>	<u>Future Biennia</u>		3,000,000
			<u>Total</u>
			3,000,000
<u>NEW SECTION. Sec. 812. FOR WESTERN WASHINGTON UNIVERSITY</u>			
Minor works request/small repairs and improvements (90-1-004)			
The appropriations in this section are subject to the following conditions and limitations:			
The appropriations are provided solely for minor repairs, fixtures, and improvements to state buildings and facilities and shall not be used for computer equipment or for other expenses that normally would be funded from the state operating budget.			
WWU Cap Proj Acct		Reappropriation	Appropriation
<u>Prior Biennia</u>	<u>Future Biennia</u>	2,503,000	3,900,000
8,948,481	12,000,000		<u>Total</u>
			27,351,481
<u>NEW SECTION. Sec. 813. FOR WESTERN WASHINGTON UNIVERSITY</u>			
Science facility, phase 2 (design) (90-1-005)			
St Bldg Constr Acct		Reappropriation	Appropriation
<u>Prior Biennia</u>	<u>Future Biennia</u>		887,300
	19,332,800		<u>Total</u>
			20,220,100
<u>NEW SECTION. Sec. 814. FOR WESTERN WASHINGTON UNIVERSITY</u>			
Institute of Wildlife Toxicology—Facility acquisition (90-2-003)			
WWU Cap Proj Acct		Reappropriation	Appropriation
<u>Prior Biennia</u>	<u>Future Biennia</u>		1,500,000
			<u>Total</u>
			1,500,000
<u>NEW SECTION. Sec. 815. FOR THE WASHINGTON STATE HISTORICAL SOCIETY</u>			
Addition to air conditioning (86-1-002)			
St Bldg Constr Acct		Reappropriation	Appropriation
<u>Prior Biennia</u>	<u>Future Biennia</u>	206,000	
125,000			<u>Total</u>
			331,000
<u>NEW SECTION. Sec. 816. FOR THE WASHINGTON STATE HISTORICAL SOCIETY</u>			
Museum interior remodeling (88-3-004)			
St Bldg Constr Acct		Reappropriation	Appropriation
		1,937,000	

	<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
	305,000		2,242,000
<u>NEW SECTION, Sec. 817. FOR THE WASHINGTON STATE HISTORICAL SOCIETY</u>			
Small improvement project to extend building's useful life (90-3-006)			
		Reappropriation	Appropriation
St Bldg Constr Acct			151,500
	<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
			151,500
<u>NEW SECTION, Sec. 818. FOR THE WASHINGTON STATE HISTORICAL SOCIETY</u>			
New exhibition center at Union Station: Phase I (90-5-005)			
The appropriation in this section is subject to the following conditions and limitations:			
(1) These funds shall be used for land acquisition, design and engineering, and final preplanning.			
(2) This appropriation is contingent on the expenditure for the same purpose of at least three dollars from nonstate sources for each seven dollars spent from this appropriation. It is the intent of the legislature that future appropriations for this project will require the same thirty percent nonstate matching ratio up to a maximum of \$18,000,000 from state moneys, including all costs for land, design, construction, and exhibits.			
		Reappropriation	Appropriation
St Bldg Constr Acct			3,080,000
	<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
			3,080,000
<u>NEW SECTION, Sec. 819. FOR THE EASTERN WASHINGTON STATE HISTORICAL SOCIETY</u>			
Campbell House—Restoration (86-1-002)			
		Reappropriation	Appropriation
St Bldg Constr Acct			100,000
	<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
	343,000		443,000
<u>NEW SECTION, Sec. 820. FOR THE EASTERN WASHINGTON STATE HISTORICAL SOCIETY</u>			
Cheney Cowles Museum—Repair roof and heating/cooling (89-2-001)			
		Reappropriation	Appropriation
St Bldg Constr Acct			80,100
	<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
			80,100
<u>NEW SECTION, Sec. 821. FOR THE STATE CAPITAL HISTORICAL ASSOCIATION</u>			
Minor works State Museum Olympia (90-1-002)			
		Reappropriation	Appropriation
St Bldg Constr Acct		9,000	27,100
	<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
	91,000	48,000	175,100
<u>NEW SECTION, Sec. 822. FOR THE STATE CAPITAL HISTORICAL ASSOCIATION</u>			
Energy efficiency agency headquarters—Olympia (91-1-004)			
		Reappropriation	Appropriation
St Bldg Constr Acct		15,000	
	<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
	1,000		16,000
<u>NEW SECTION, Sec. 823. FOR THE STATE CAPITAL HISTORICAL ASSOCIATION</u>			
Capital museum and parking facility preplanning (90-5-001)			
The appropriation in this section is subject to the following conditions and limitations: Preplanning for the capital museum shall be conducted in conjunction with the capitol campus master plan for which moneys are appropriated in section 134 of this act. No moneys from this appropriation may be spent until after a siting decision is made pursuant to section 134 of this act.			
		Reappropriation	Appropriation
St Bldg Constr Acct			230,000
	<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
			230,000
<u>NEW SECTION, Sec. 824. FOR THE COMMUNITY COLLEGE SYSTEM</u>			
Minor capital improvements (83-2-002)			
		Reappropriation	Appropriation
H Ed Constr Acct		4,745	
	<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
	17,969		22,714
<u>NEW SECTION, Sec. 825. FOR THE COMMUNITY COLLEGE SYSTEM</u>			
HVAC repairs (83-2-007)			
		Reappropriation	Appropriation
St H Ed Constr Acct		42,140	

	<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
	46,208		88,348
	<u>NEW SECTION, Sec. 826. FOR THE COMMUNITY COLLEGE SYSTEM</u>		
	<u>Minor works request (RMI) (86-1-001)</u>		
		Reappropriation	Appropriation
H Ed Reimb S/T Bonds Acct		97,857	
	<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
	742,708		840,565
	<u>NEW SECTION, Sec. 827. FOR THE COMMUNITY COLLEGE SYSTEM</u>		
	<u>Critical repair projects (86-1-003)</u>		
		Reappropriation	Appropriation
H Ed Reimb S/T Bonds Acct		473,630	
	<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
	613,391		1,087,021
	<u>NEW SECTION, Sec. 828. FOR THE COMMUNITY COLLEGE SYSTEM</u>		
	<u>General repair projects (86-1-004)</u>		
		Reappropriation	Appropriation
St Fac Renew—Acct		684,883	
	<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
	3,366,982		4,051,865
	<u>NEW SECTION, Sec. 829. FOR THE COMMUNITY COLLEGE SYSTEM</u>		
	<u>Energy conservation projects (86-1-005)</u>		
		Reappropriation	Appropriation
St Fac Renew Acct		337,208	
	<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
	1,042,729		1,379,937
	<u>NEW SECTION, Sec. 830. FOR THE COMMUNITY COLLEGE SYSTEM</u>		
	<u>Prior hall renovation (86-1-018)</u>		
		Reappropriation	Appropriation
H Ed Constr Acct		5,945	
	<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
	847,554		853,499
	<u>NEW SECTION, Sec. 831. FOR THE COMMUNITY COLLEGE SYSTEM</u>		
	<u>Food service building: Olympic (86-3-019)</u>		
		Reappropriation	Appropriation
St H Ed Constr Acct		159,581	
	<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
	2,161,290		2,320,871
	<u>NEW SECTION, Sec. 832. FOR THE COMMUNITY COLLEGE SYSTEM</u>		
	<u>Minor renovations (86-2-006)</u>		
		Reappropriation	Appropriation
St Fac Renew Acct		228,366	
	<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
	3,440,542		3,668,908
	<u>NEW SECTION, Sec. 833. FOR THE COMMUNITY COLLEGE SYSTEM</u>		
	<u>Minor remodel projects (86-2-007)</u>		
		Reappropriation	Appropriation
St Fac Renew Acct		96,717	
	<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
	802,701		899,418
	<u>NEW SECTION, Sec. 834. FOR THE COMMUNITY COLLEGE SYSTEM</u>		
	<u>Program/plan/construct: Library/student Center, Everett (86-2-031)</u>		
		Reappropriation	Appropriation
St Bldg Constr Acct		864,029	
	<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
	7,312,318		8,176,347
	<u>NEW SECTION, Sec. 835. FOR THE COMMUNITY COLLEGE SYSTEM</u>		
	<u>Construct main storage building—Clark (86-3-009)</u>		
		Reappropriation	Appropriation
St H Ed Constr Acct		1,626	
	<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
	175,971		177,597
	<u>NEW SECTION, Sec. 836. FOR THE COMMUNITY COLLEGE SYSTEM</u>		
	<u>Minor improvements (86-3-011)</u>		
		Reappropriation	Appropriation
St H Ed Constr Acct		26,092	
	<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
	877,028		903,120

<u>NEW SECTION</u> , Sec. 837. FOR THE COMMUNITY COLLEGE SYSTEM		
Edison North renovation II: Seattle central (86-3-013)		
	Reappropriation	Appropriation
St H Ed Constr Acct	32,663	
St Bldg Constr Acct	1,753,859	
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
6,129,790		7,916,312
<u>NEW SECTION</u> , Sec. 838. FOR THE COMMUNITY COLLEGE SYSTEM		
Construct core facility and instructional space: Whatcom (86-3-015)		
	Reappropriation	Appropriation
St H Ed Constr Acct	24,099	
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
1,195,868		1,219,967
<u>NEW SECTION</u> , Sec. 839. FOR THE COMMUNITY COLLEGE SYSTEM		
Replace relocatable buildings: Pierce (86-3-017)		
	Reappropriation	Appropriation
St H Ed Constr Acct	46,613	
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
880,787		927,400
<u>NEW SECTION</u> , Sec. 840. FOR THE COMMUNITY COLLEGE SYSTEM		
Vocational science facility: Wenatchee (86-3-020)		
	Reappropriation	Appropriation
St H Ed Constr Acct	159,342	
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
2,083,657		2,242,999
<u>NEW SECTION</u> , Sec. 841. FOR THE COMMUNITY COLLEGE SYSTEM		
Extension facility: Puyallup (86-3-021)		
	Reappropriation	Appropriation
St Bldg Constr Acct	5,263,973	
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
315,176		5,579,149
<u>NEW SECTION</u> , Sec. 842. FOR THE COMMUNITY COLLEGE SYSTEM		
Tech building and related remodeling: Skagit Valley (86-3-022)		
	Reappropriation	Appropriation
St Bldg Constr Acct	54,999	
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
3,545,001		3,600,000
<u>NEW SECTION</u> , Sec. 843. FOR THE COMMUNITY COLLEGE SYSTEM		
Heavy equipment building: Grays Harbor (86-3-023)		
	Reappropriation	Appropriation
St Bldg Constr Acct	32,851	
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
745,149		778,000
<u>NEW SECTION</u> , Sec. 844. FOR THE COMMUNITY COLLEGE SYSTEM		
Learning Resource Center: South Puget Sound CC (86-3-025)		
	Reappropriation	Appropriation
St Bldg Constr Acct	2,278,211	
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
4,955,789		7,234,000
<u>NEW SECTION</u> , Sec. 845. FOR THE COMMUNITY COLLEGE SYSTEM		
Heavy equipment building: South Seattle (86-3-026)		
	Reappropriation	Appropriation
St Bldg Constr Acct	594,006	
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
4,018,994		4,613,000
<u>NEW SECTION</u> , Sec. 846. FOR THE COMMUNITY COLLEGE SYSTEM		
Preplanning for 1987-89 major projects (86-4-999)		
	Reappropriation	Appropriation
St H Ed Constr Acct	12,921	
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
164,068		176,989
<u>NEW SECTION</u> , Sec. 847. FOR THE COMMUNITY COLLEGE SYSTEM		
Minor works (RMI) (88-2-001)		
	Reappropriation	Appropriation
St Bldg Constr Acct	1,331,193	
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
2,168,807		3,500,000
<u>NEW SECTION</u> , Sec. 848. FOR THE COMMUNITY COLLEGE SYSTEM		

Repairs—Exterior walls (88-3-003)		Reappropriation	Appropriation
St Bldg Constr Acct		1,273,171	
<u>Prior Biennia</u>	<u>Future Biennia</u>		<u>Total</u>
2,990,829			4,264,000
<u>NEW SECTION. Sec. 849. FOR THE COMMUNITY COLLEGE SYSTEM</u>			
Repairs—Mechanical/HVAC (88-3-004)		Reappropriation	Appropriation
St Bldg Constr Acct		2,149,189	
<u>Prior Biennia</u>	<u>Future Biennia</u>		<u>Total</u>
1,925,811			4,075,000
<u>NEW SECTION. Sec. 850. FOR THE COMMUNITY COLLEGE SYSTEM</u>			
Minor improvements (88-3-005)		Reappropriation	Appropriation
St Bldg Constr Acct		5,288,563	
<u>Prior Biennia</u>	<u>Future Biennia</u>		<u>Total</u>
8,475,437			13,764,000
<u>NEW SECTION. Sec. 851. FOR THE COMMUNITY COLLEGE SYSTEM</u>			
Repairs—Electrical (88-3-006)		Reappropriation	Appropriation
St Bldg Constr Acct		743,042	
<u>Prior Biennia</u>	<u>Future Biennia</u>		<u>Total</u>
648,958			1,392,000
<u>NEW SECTION. Sec. 852. FOR THE COMMUNITY COLLEGE SYSTEM</u>			
Repairs—Sites and interiors (88-3-007)		Reappropriation	Appropriation
St Bldg Constr Acct		402,427	
<u>Prior Biennia</u>	<u>Future Biennia</u>		<u>Total</u>
1,523,573			1,926,000
<u>NEW SECTION. Sec. 853. FOR THE COMMUNITY COLLEGE SYSTEM</u>			
Agricultural technology building (Walla Walla) (88-3-008)		Reappropriation	Appropriation
St Bldg Constr Acct		166,325	
<u>Prior Biennia</u>	<u>Future Biennia</u>		<u>Total</u>
50,478			3,162,803
<u>NEW SECTION. Sec. 854. FOR THE COMMUNITY COLLEGE SYSTEM</u>			
Vocational shop (Wenatchee Valley) (88-3-010)		Reappropriation	Appropriation
St Bldg Constr Acct		60,274	
<u>Prior Biennia</u>	<u>Future Biennia</u>		<u>Total</u>
21,726			962,000
<u>NEW SECTION. Sec. 855. FOR THE COMMUNITY COLLEGE SYSTEM</u>			
Computer facility (Edmonds) (88-3-011)		Reappropriation	Appropriation
St Bldg Constr Acct		123,480	
<u>Prior Biennia</u>	<u>Future Biennia</u>		<u>Total</u>
124,522			3,872,002
<u>NEW SECTION. Sec. 856. FOR THE COMMUNITY COLLEGE SYSTEM</u>			
Learning Resource Center (Clark) (88-3-012)		Reappropriation	Appropriation
St Bldg Constr Acct		113,758	
<u>Prior Biennia</u>	<u>Future Biennia</u>		<u>Total</u>
233,242			6,424,000
<u>NEW SECTION. Sec. 857. FOR THE COMMUNITY COLLEGE SYSTEM</u>			
Extension center (Yakima Valley) (88-3-013)		Reappropriation	Appropriation
St Bldg Constr Acct		62,699	
<u>Prior Biennia</u>	<u>Future Biennia</u>		<u>Total</u>
61,827			1,710,526
<u>NEW SECTION. Sec. 858. FOR THE COMMUNITY COLLEGE SYSTEM</u>			
Math/science building (Spokane Falls) (88-3-015)		Reappropriation	Appropriation
St Bldg Constr Acct		112,990	
<u>Prior Biennia</u>	<u>Future Biennia</u>		<u>Total</u>
203,648			5,826,638
<u>NEW SECTION. Sec. 859. FOR THE COMMUNITY COLLEGE SYSTEM</u>			
LRC (Spokane) (88-3-016)		Reappropriation	Appropriation

St Bldg Constr Acct	52,067	5,270,000
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
287,506		5,609,573
<u>NEW SECTION</u> , Sec. 860. FOR THE COMMUNITY COLLEGE SYSTEM		
Construct Clarkston Extension Center: (Walla Walla) (88-3-017)		
	Reappropriation	Appropriation
	83,172	
St Bldg Constr Acct		<u>Total</u>
<u>Prior Biennia</u>	<u>Future Biennia</u>	3,475,643
3,392,471		
<u>NEW SECTION</u> , Sec. 861. FOR THE COMMUNITY COLLEGE SYSTEM		
Tacoma Computer Center: TCC (88-3-018)		
	Reappropriation	Appropriation
	1,848,278	
St Bldg Constr Acct		<u>Total</u>
<u>Prior Biennia</u>	<u>Future Biennia</u>	2,558,000
709,722		
<u>NEW SECTION</u> , Sec. 862. FOR THE COMMUNITY COLLEGE SYSTEM		
Preplanning for 1989-93 major projects (88-4-014)		
	Reappropriation	Appropriation
	103,159	
St Bldg Constr Acct		<u>Total</u>
<u>Prior Biennia</u>	<u>Future Biennia</u>	497,000
393,841		
<u>NEW SECTION</u> , Sec. 863. FOR THE COMMUNITY COLLEGE SYSTEM		
Whidbey LRC/instruc. (Skagit Valley) (88-5-020)		
	Reappropriation	Appropriation
		108,000
St Bldg Constr Acct		<u>Total</u>
<u>Prior Biennia</u>	<u>Future Biennia</u>	2,072,000
37,000	1,927,000	
<u>NEW SECTION</u> , Sec. 864. FOR THE COMMUNITY COLLEGE SYSTEM		
Science/fine arts/PE (South Puget Sound) (88-5-021)		
	Reappropriation	Appropriation
		256,000
St Bldg Constr Acct		<u>Total</u>
<u>Prior Biennia</u>	<u>Future Biennia</u>	5,822,000
72,000	5,494,000	
<u>NEW SECTION</u> , Sec. 865. FOR THE COMMUNITY COLLEGE SYSTEM		
Early childhood education (Shoreline) (88-5-022)		
	Reappropriation	Appropriation
		78,000
St Bldg Constr Acct		<u>Total</u>
<u>Prior Biennia</u>	<u>Future Biennia</u>	1,377,000
41,000	1,258,000	
<u>NEW SECTION</u> , Sec. 866. FOR THE COMMUNITY COLLEGE SYSTEM		
Library remodel (Columbia Basin) (88-5-023)		
	Reappropriation	Appropriation
		113,000
St Bldg Constr Acct		<u>Total</u>
<u>Prior Biennia</u>	<u>Future Biennia</u>	2,054,000
48,000	1,893,000	
<u>NEW SECTION</u> , Sec. 867. FOR THE COMMUNITY COLLEGE SYSTEM		
Vocational shops (Centralia) (88-5-024)		
	Reappropriation	Appropriation
		95,000
St Bldg Constr Acct		<u>Total</u>
<u>Prior Biennia</u>	<u>Future Biennia</u>	2,227,000
43,000	2,089,000	
<u>NEW SECTION</u> , Sec. 868. FOR THE COMMUNITY COLLEGE SYSTEM		
LRC addition/remodel (Tacoma) (88-5-025)		
	Reappropriation	Appropriation
		90,000
St Bldg Constr Acct		<u>Total</u>
<u>Prior Biennia</u>	<u>Future Biennia</u>	1,844,000
34,000	1,720,000	
<u>NEW SECTION</u> , Sec. 869. FOR THE COMMUNITY COLLEGE SYSTEM		
Vocational food addition (Lower Columbia) (88-5-026)		
	Reappropriation	Appropriation
		140,000
St Bldg Constr Acct		<u>Total</u>
<u>Prior Biennia</u>	<u>Future Biennia</u>	3,116,000
42,000	2,934,000	
<u>NEW SECTION</u> , Sec. 870. FOR THE COMMUNITY COLLEGE SYSTEM		
Business education building (Spokane) (88-5-027)		
	Reappropriation	Appropriation
		245,000
St Bldg Constr Acct		

	<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
	76,000	6,398,000	6,719,000
	<u>NEW SECTION, Sec. 871. FOR THE COMMUNITY COLLEGE SYSTEM</u>		
	Student activity/PE (Seattle Central) (88-5-028)		
		Reappropriation	Appropriation
St Bldg Constr Acct			400,000
	<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
	107,000		507,000
	<u>NEW SECTION, Sec. 872. FOR THE COMMUNITY COLLEGE SYSTEM</u>		
	WSU Education Center: Clark (89-5-019)		
		Reappropriation	Appropriation
St Bldg Constr Acct		1,759,438	
	<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
	40,562		1,800,000
	<u>NEW SECTION, Sec. 873. FOR THE COMMUNITY COLLEGE SYSTEM</u>		
	Multipurpose Child Care Center: Everett (89-5-020)		
		Reappropriation	Appropriation
St Bldg Constr Acct		557,608	
	<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
	42,392		600,000
	<u>NEW SECTION, Sec. 874. FOR THE COMMUNITY COLLEGE SYSTEM</u>		
	Fire/security repairs (7) (90-1-004)		
		Reappropriation	Appropriation
St Bldg Constr Acct			947,610
	<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
			947,610
	<u>NEW SECTION, Sec. 875. FOR THE COMMUNITY COLLEGE SYSTEM</u>		
	Asbestos repairs (4) (90-1-008)		
		Reappropriation	Appropriation
St Bldg Constr Acct			1,217,200
	<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
			1,217,200
	<u>NEW SECTION, Sec. 876. FOR THE COMMUNITY COLLEGE SYSTEM</u>		
	Roof/structural repairs (20) (90-2-002)		
		Reappropriation	Appropriation
St Bldg Constr Acct			3,658,000
	<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
			3,658,000
	<u>NEW SECTION, Sec. 877. FOR THE COMMUNITY COLLEGE SYSTEM</u>		
	HVAC/mechanical repairs (15) (90-2-003)		
		Reappropriation	Appropriation
St Bldg Constr Acct			2,972,830
	<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
			2,972,830
	<u>NEW SECTION, Sec. 878. FOR THE COMMUNITY COLLEGE SYSTEM</u>		
	Electrical repairs (4) (90-2-005)		
		Reappropriation	Appropriation
St Bldg Constr Acct			371,240
	<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
			371,240
	<u>NEW SECTION, Sec. 879. FOR THE COMMUNITY COLLEGE SYSTEM</u>		
	Small repairs and improvements (90-3-001)		
		Reappropriation	Appropriation
St Bldg Constr Acct			4,200,000
	<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
			4,200,000
	<u>NEW SECTION, Sec. 880. FOR THE COMMUNITY COLLEGE SYSTEM</u>		
	LARC (Centralia) (90-3-006)		
		Reappropriation	Appropriation
St Bldg Constr Acct		61,239	4,012,000
	<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
	190,731		4,263,970
	<u>NEW SECTION, Sec. 881. FOR THE COMMUNITY COLLEGE SYSTEM</u>		
	Facility repairs (18) (90-3-007)		

The appropriation in this section is subject to the following conditions and limitations: The appropriation is provided solely for minor repairs, fixtures, and improvements to state buildings and facilities and shall not be used for computer equipment or for other expenses that normally would be funded from the state operating budget.

		Reappropriation	Appropriation
St Bldg Constr Acct			3,848,180
<u>Prior Biennia</u>	<u>Future Biennia</u>		<u>Total</u>
			3,848,180
NEW SECTION, Sec. 882. FOR THE COMMUNITY COLLEGE SYSTEM			
Technology labs (Highline) (90-3-023)			
		Reappropriation	Appropriation
St Bldg Constr Acct		140,196	2,595,000
<u>Prior Biennia</u>	<u>Future Biennia</u>		<u>Total</u>
62,942			2,798,138
NEW SECTION, Sec. 883. FOR THE COMMUNITY COLLEGE SYSTEM			
Minor improvements (50) (90-5-009)			
The appropriation in this section is subject to the following conditions and limitations: The appropriation is provided solely for minor repairs, fixtures, and improvements to state buildings and facilities and shall not be used for computer equipment or for other expenses that normally would be funded from the state operating budget.			
		Reappropriation	Appropriation
St Bldg Constr Acct			13,292,940
<u>Prior Biennia</u>	<u>Future Biennia</u>		<u>Total</u>
			13,292,940
NEW SECTION, Sec. 884. FOR THE COMMUNITY COLLEGE SYSTEM			
Technology center (Whatcom) (90-5-010)			
		Reappropriation	Appropriation
St Bldg Constr Acct			63,000
<u>Prior Biennia</u>	<u>Future Biennia</u>		<u>Total</u>
	185,000		248,000
NEW SECTION, Sec. 885. FOR THE COMMUNITY COLLEGE SYSTEM			
PE facility (North Seattle) (90-5-011)			
		Reappropriation	Appropriation
St Bldg Constr Acct			45,000
<u>Prior Biennia</u>	<u>Future Biennia</u>		<u>Total</u>
	165,000		210,000
NEW SECTION, Sec. 886. FOR THE COMMUNITY COLLEGE SYSTEM			
Applied arts building (Spokane Falls) (90-5-012)			
		Reappropriation	Appropriation
St Bldg Constr Acct			68,000
<u>Prior Biennia</u>	<u>Future Biennia</u>		<u>Total</u>
	190,000		258,000
NEW SECTION, Sec. 887. FOR THE COMMUNITY COLLEGE SYSTEM			
Industrial technology building (Spokane) (90-5-013)			
		Reappropriation	Appropriation
St Bldg Constr Acct			64,000
<u>Prior Biennia</u>	<u>Future Biennia</u>		<u>Total</u>
	204,000		268,000
NEW SECTION, Sec. 888. FOR THE COMMUNITY COLLEGE SYSTEM			
Vocational art facility (Shoreline) (90-5-014)			
		Reappropriation	Appropriation
St Bldg Constr Acct			51,000
<u>Prior Biennia</u>	<u>Future Biennia</u>		<u>Total</u>
	125,000		176,000
NEW SECTION, Sec. 889. FOR THE COMMUNITY COLLEGE SYSTEM			
Business education building (Clark) (90-5-015)			
		Reappropriation	Appropriation
St Bldg Constr Acct			73,000
<u>Prior Biennia</u>	<u>Future Biennia</u>		<u>Total</u>
	231,000		304,000
NEW SECTION, Sec. 890. FOR THE COMMUNITY COLLEGE SYSTEM			
Student center (South Seattle) (90-5-016)			
		Reappropriation	Appropriation
St Bldg Constr Acct			59,000
<u>Prior Biennia</u>	<u>Future Biennia</u>		<u>Total</u>
	185,000		244,000
NEW SECTION, Sec. 891. FOR THE COMMUNITY COLLEGE SYSTEM			
Library addition (Skagit Valley) (90-5-017)			
		Reappropriation	Appropriation
St Bldg Constr Acct			44,000
<u>Prior Biennia</u>	<u>Future Biennia</u>		<u>Total</u>
	1,879,000		1,923,000

PART 9
MISCELLANEOUS

NEW SECTION, Sec. 901. FOR SPECIAL APPROPRIATION TO THE GOVERNOR
Puyallup tribal settlement (90-5-001)

The appropriation in this section is subject to the following conditions and limitations: No portion of this appropriation may be spent, released, transferred, or placed into escrow until all of the following have occurred:

- (1) The United States Congress has passed (and the President of the United States has signed, if necessary) legislation providing approximately \$77,250,000 to the Puyallup Indian Tribe (the 'tribe') as described in the 'Agreement between the Puyallup Tribe of Indians, local Governments in Pierce County, the State of Washington, the United States of America, and certain private property owners,' dated August 27, 1988 (the 'agreement').
- (2) The local governments of Pierce county, the city of Tacoma, the city of Fife, the city of Puyallup, and the Port of Tacoma have among them agreed to pay approximately \$52,134,000 to the tribe according to the terms of the agreement.
- (3) A lease has been executed between the Port of Tacoma and the Washington state military department under conditions as required by the United States Army Corps of Engineers for property suitable for a watercraft training facility for the military department's use.
- (4) Either Engrossed Substitute House Bill No. 1165 or Substitute Senate Bill No. 5648 has been enacted into law without veto.
- (5) The chief clerk of the house of representatives and the secretary of the senate have certified that the Port of Tacoma, in consultation with the Port of Seattle, has reported to the legislature on a plan to cooperate with other port districts and other governments in the state in maintaining and increasing the state's share of international trade.

	Reappropriation	Appropriation
St Bldg Constr Acct		9,417,000
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
		9,417,000

NEW SECTION, Sec. 902. (1) The capitol campus design advisory committee is established as an advisory group to the capitol committee and the department of general administration to review plans, design, landscaping, and life-cycle costs of state capitol facilities and grounds and to make recommendations that will contribute to the attainment of appropriate and cost-effective architectural, aesthetic, and functional design and maintenance of capital facilities on campus and in neighboring communities.

(2) The advisory committee shall consist of the following persons who shall be appointed by and serve at the pleasure of the governor:

- (a) Two architects;
- (b) A landscape architect; and
- (c) An urban planner.

From among these members, the governor shall appoint the chair and vice-chair of the committee from among the members specified in this subsection. The department of general administration shall provide the staff and resources necessary for the operation of the committee. The committee shall meet at least quarterly or at the call of the chair.

(3) The advisory committee shall also include the secretary of state and two members of the house of representatives, one from each caucus, who shall be appointed by the speaker of the house of representatives, and two members of the senate, one from each caucus, who shall be appointed by the president of the senate.

(4) Members of the committee shall be reimbursed for travel expenses as provided in RCW 43.03.220 and 44.04.120.

NEW SECTION, Sec. 903. The following lease development projects are authorized for the period ending June 30, 1991:

- (1) State Board for Community Colleges:
- (a) Improvements to existing leased facility at Bellevue Community College
- (b) Daycare facility close to Clark Community College
- (c) Educational training center at Green River Community College
- (d) Education extension center at Peninsula Community College
- (e) Small business building at Highline Community College
- (f) Instructional Center at Highline Community College
- (g) Daycare facility close to Green River Community College
- (h) Parking space near Green River Community College
- (2) Department of General Administration: Central Stores warehouse
- (3) Department of Ecology: Agency headquarters building
- (4) Department of Social and Health Services: Office space at the state public health lab.

NEW SECTION, Sec. 904. FOR THE ARTS COMMISSION—ART WORK ALLOWANCE
POOLING

The appropriations in this act are subject to the following conditions and limitations: One-half of one percent of moneys appropriated in this act are provided solely for the purposes of RCW 28A.58.055, 28B.10.027, and 43.17.200.

NEW SECTION. Sec. 905. The amounts shown under the headings 'Prior Biennia,' 'Future Biennia,' and 'Total' in this act are for informational purposes only and do not constitute legislative approval of these amounts.

NEW SECTION. Sec. 906. 'Reappropriations' in this act are appropriations and are subject to the relevant conditions and limitations applicable to appropriations. Reappropriations shall be limited to the unexpended balances remaining June 30, 1989, in the current appropriation for each project.

NEW SECTION. Sec. 907. To carry out the provisions of this act, the governor may assign responsibility for planning, engineering, construction, and other related activities to any appropriate agency.

NEW SECTION. Sec. 908. In order to provide for consistent and comparable asbestos survey data, and to ensure that the chain-of-evidence requirements for asbestos samples and survey data are met in regard to pending asbestos manufacturer litigation:

(1) No state agency shall expend new funds appropriated in the 1989-91 biennium for asbestos surveys prior to approval by the department of general administration of the agency's asbestos survey policies and procedures. At the completion of each survey, state agencies shall submit the findings to the department in a format to be determined by the department.

(2) The department of general administration shall distribute to all state agencies chain-of-evidence requirements, as developed by the department and the office of the attorney general. State agencies expending appropriated funds for asbestos survey and abatement projects shall make every effort to conform with chain-of-evidence requirements.

NEW SECTION. Sec. 909. As part of the annual six-year update to the State Facilities and Capital Plan, agencies shall provide information on lease development projects to the office of financial management.

NEW SECTION. Sec. 910. If any federal moneys appropriated by this act for capital projects are not received by the state, the department or agency to which the moneys were appropriated may replace the federal moneys with any moneys available from private or local sources. No replacement may occur under this section without the prior approval of the director of financial management in consultation with the committees on ways and means of the senate and house of representatives.

NEW SECTION. Sec. 911. Any appropriation in this act that involves appropriated and non-appropriated funds shall comply with RCW 43.88.150. The office of financial management shall report to the legislature by January 1990 all instances where compliance with RCW 43.88.155 has delayed or precluded the completion of any capital project included in this act.

NEW SECTION. Sec. 912. Notwithstanding any other provisions of law, for the 1989-91 biennium, transfers of reimbursement by the state treasurer to the general fund from the community college capital projects account for debt service payments made under the provisions of Title 28B RCW shall occur only after such debt service payment has been made and only to the extent that funds are actually available in the account. Any unpaid reimbursements shall be a continuing obligation against the community college capital projects account until paid. The state board for community college education need not accumulate any specific balance in the community college capital projects account in anticipation of transfers to reimburse the general fund.

NEW SECTION. Sec. 913. Any capital improvements or capital project involving construction or major expansion of a state office facility, including district headquarters, detachment offices, and off-campus faculty offices, shall be reviewed by the department of general administration for possible consolidation and compliance with state office standards prior to allotment of funds. The intent of the requirement imposed by this section is to eliminate duplication and reduce total office space requirements where feasible, while ensuring proper service to the public.

NEW SECTION. Sec. 914. The governor, through the director of financial management, may authorize a transfer of appropriation authority provided for a capital project which is in excess of the amount required for the completion of such project to another capital project for which the appropriation is insufficient. No such transfer shall be used to expand the capacity of any facility beyond that intended by the legislature in making the appropriation. Such transfers may be effected only between capital appropriations to a specific department, commission, agency, or institution of higher education and only between capital projects which are funded from the same fund or account.

For the purposes of this section, the governor may find that an amount is in excess of the amount required for the completion of a project only if (1) the project as defined in the notes to the budget document is substantially complete and there are funds remaining or (2) bids have been let on a project and it appears to a substantial certainty that the project as defined in the notes to the budget document can be completed within the biennium for less than the amount appropriated herein.

For the purposes of this section, the legislature intends that each project be defined as proposed to the legislature in the governor's budget document, unless it clearly appears from the legislative history that the legislature intended to define the scope of a project in a different way.

A report of any transfer effected under this section shall be filed with the legislative fiscal committees of the senate and house of representatives by the director of financial management within thirty days of the date the transfer is effected.

NEW SECTION. Sec. 915. (1) The legislature finds:

(a) Estimates of capital project costs are prepared in a manner to ensure sufficient funds are available for the completion of projects.

(b) Actual project costs are influenced by variations in cost factors, changing unit price levels, available inventories, inflation rates, gross construction volume at the time of project bid, and other factors that cannot be predicted at the time of estimating capital project costs.

(c) Due to funding limitations, necessary capital projects are deferred to ensuing biennia.

(d) The deferral of capital projects results in increased project costs due to the effects of inflation and increased deterioration of facilities.

(e) No statutory authority currently exists to allow project cost savings to be used to implement necessary capital projects that were deferred to ensuing biennia due to lack of funds.

(2) There is hereby authorized a capital projects cost control incentive program for the 1989-91 biennium.

(3) Appropriations not required by an agency to complete capital projects authorized in this act, may be expended to implement, in priority sequence, those capital projects of the agency listed in the Governor's Six-Year Capital and Facility Plan for the 1991-93 Biennium, as that list exists in the Governor's final 1990 update of the six-year plan. Expenditures under this section are subject to the following conditions:

(a) No expenditure may be made without the prior allotment approval of the office of financial management.

(b) The office of financial management shall notify the senate and house ways and means committees prior to authorizing any project for implementation under this section.

(c) No project may be authorized under this section by the office of financial management unless sufficient funds are available to complete a project's design phase, construction phase, or both.

(d) Appropriations in this act for a capital project shall not be expended under this section unless:

(i) All contracts associated with the performance of the project have been completed and accepted by the state of Washington;

(ii) The statutory thirty-day lien period for each project has expired;

(iii) All claims of lien against project contracts have been satisfied;

(iv) There are no outstanding claims against the state of Washington by any contracted party to the project construction contract; and

(v) Any and all negotiated settlements or settlements arising from the findings of an arbitration board or court of jurisdiction have been satisfied.

NEW SECTION. Sec. 916. The department of information services will act as lead agency in coordinating video telecommunications services for state agencies. As lead agency, the department shall develop standards and common specifications for leased and purchased telecommunications equipment and assist state agencies in developing a video telecommunications expenditure plan. No agency may spend any portion of any appropriation in this act for new video telecommunication equipment, new video telecommunication transmission, or new video telecommunication programming, or for expanding current video telecommunication systems without first complying with chapter 43.105 RCW, including but not limited to RCW 43.105.041(2), and without first submitting a video telecommunications expenditure plan, in accordance with the policies of the department of information services, for review and assessment by the department of information services under RCW 43.105.052. Prior to any such expenditure by a public school, a video telecommunications expenditure plan shall be approved by the superintendent of public instruction. The office of the superintendent of public instruction shall coordinate the use of video telecommunications in public schools by providing educational information to local school districts and shall assist local school districts and educational service districts in telecommunications planning and curriculum development. Prior to any such expenditure by a public institution of postsecondary education, a telecommunications expenditure plan shall be approved by the higher education coordinating board. The higher education coordinating board shall coordinate the use of video telecommunications for instruction and instructional support in postsecondary education, including the review and approval of instructional telecommunications course offerings.

NEW SECTION. Sec. 917. To ensure that major construction projects are carried out in accordance with legislative and executive intent, capital projects for renovation or additional space contained in this act that exceed two million five hundred thousand dollars for which a program document is not completed prior to September 1, 1988, shall not expend funds for planning and construction until the office of financial management has reviewed the agency's programmatic document and approved continuation of the project. The program document shall include but not be limited to projected workload, site conditions, user requirements, current space available, and an overall budget and cost estimate breakdown.

NEW SECTION. Sec. 918. The appropriations contained in this act are maximum expenditure authorizations. Pursuant to RCW 43.88.037, moneys disbursed from the treasury on the basis of a formalized loan agreement with another governmental entity shall be treated as a loan and are to be recorded as loans receivable and not as expenditures for accounting purposes. To the extent that moneys are disbursed on a loan basis, the corresponding appropriation shall be reduced by the amount of loan moneys disbursed from the treasury during the 1989-91 biennium.

NEW SECTION. Sec. 919. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 920. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect immediately."

On page 1, line 1 of the title, after "capital budget;" strike the remainder of the title and insert "making appropriations and authorizing expenditures for capital improvements; authorizing certain projects; and declaring an emergency."

Signed by Representatives H. Sommers, Chair; Rasmussen, Vice Chair; Schoon, Ranking Republican Member; Beck, Betzozoff, Bowman, Braddock, Bristow, Fraser, Jacobsen, Peery, Wang and Winsley.

Absent: Representative Braddock.

MOTION

Mr. Heavey moved that the rules be suspended and Substitute Senate Bill No. 5521 be placed on the second reading calendar. The motion was carried.

There being no objection, the House advanced to the sixth order of business.

SECOND READING

SUBSTITUTE SENATE BILL NO. 5521, by Committee on Ways & Means (originally sponsored by Senators McDonald and Gaspard; by request of Governor)

Adopting the capital budget.

The bill was read the second time. Committee on Capital Facilities & Financing recommendation: Majority, do pass as amended. (For committee amendments, see today's Journal.)

Ms. H. Sommers moved adoption of the committee amendment.

Ms. Brough moved adoption of the following amendments to the committee amendment:

On page 57, line 24 of the amendment, under the Appropriations column, strike "500,000" and insert "1,000,000"

On page 57, line 28 of the amendment, strike "42,467,801" and insert "42,967,801"

Ms. Brough spoke in favor of adoption of the amendments to the committee amendment, and Ms. H. Sommers spoke against them.

The amendments to the committee amendment were not adopted.

Mr. Nelson moved adoption of the following amendment to the committee amendment:

On page 40, beginning on line 17 of the amendment, strike all material on lines 17 through 28 and insert:

"(1) On and after the effective day of this act, no moneys from this appropriation (a reappropriation) may be expended for grants that have received moneys from prior legislative appropriations and that are for solid waste incinerator projects with an expected value exceeding fifty million dollars."

POINT OF ORDER

Mr. Day: Thank you, Mr. Speaker. I would like a ruling on the scope and object of this amendment.

SPEAKER'S RULING

The Speaker: Representative Day, the Speaker has examined Substitute Senate Bill No. 5521 which is, as you all know, the capital budget and the amendment by Representative Nelson. The amendment simply limits where we can spend some of that money. It may or may not be a good idea to have this kind of proviso, but I

find that it is within the scope and object of the original bill. It perfects, rather than broadens, the scope. I find that your point is not well taken, Representative Day.

Representatives Nelson and Sprinkle spoke in favor of adoption of the amendment to the committee amendment, and Representatives D. Sommers and H. Sommers opposed it.

Ms. K. Wilson demanded an electric roll call vote, and the demand was not sustained.

The Speaker stated the question before the House to be the adoption of the amendment by Representative Nelson to the committee amendment.

A division was called. The Speaker called upon the House to divide. The result of the division was: Yeas - 12; Nays - 82. The amendment to the committee amendment was not adopted.

Mr. Padden moved adoption of the following amendment by Representatives Padden and Wolfe to the committee amendment:

On page 40, beginning on line 31 of the amendment, insert the following:

"(3) Any recipient of a grant from this appropriation valued over fifty million dollars for a solid waste incinerator project shall take all lawful steps to ensure that the county in which the grant project is located and the primary city served by the project each holds an advisory election at which its voters may approve or disapprove of the project."

POINT OF ORDER

Mr. Moyer: I ask for a ruling on the scope and object of this amendment.

SPEAKER'S RULING

The Speaker: Representative Moyer, the Speaker has looked at the capital budget, Substitute Senate Bill No. 5521, and the amendment. While this is a closer call than the previous ruling, the subject is basically the same. What this amendment does is condition the release of the money included in the capital budget appropriation. Again, I find that it perfects, rather than broadens, the scope of the original bill. It simply is another proviso or provision on how that money would be released, just as if we were conditioning it by offering that the local community must match the money. It is the same type of amendment, so I find that your point is not well taken, that the amendment is within the scope and object of the original bill.

Representatives Padden and Wolfe spoke in favor of adoption of the amendment to the committee amendment, and Representatives Dellwo, D. Sommers and Moyer opposed it. Mr. Padden again spoke in favor of the amendment to the committee amendment.

The Speaker stated the question before the House to be the adoption of the amendment by Representatives Padden and Wolfe to the committee amendment.

A division was called. The Speaker called upon the House to divide. The result of the division was: Yeas - 22; Nays - 71. The amendment to the committee amendment was not adopted.

Mr. May moved adoption of the following amendment by Representatives May, Crane, Wineberry, Miller, Horn, Holland, Van Luven, Ferguson, Wang, Nelson and Anderson to the committee amendment:

On page 22, after line 39 of the amendment, insert:

"NEW SECTION, Sec. 218. FOR THE DEPARTMENT OF COMMUNITY DEVELOPMENT
Seattle Asian Cultural Center (90-5-006)

The appropriation in this section is subject to the following conditions and limitations: Expenditure of moneys from this appropriation is contingent on the expenditure for the same purpose of at least one dollar from nonstate sources for each dollar spent from this appropriation.

St Bldg Constr Acct	Reappropriation	Appropriation
		759,000
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
		759,000*

Renumber remaining sections consecutively and correct internal references accordingly

Representatives May, Crane, Wineberry and Heavey spoke in favor of adoption of the amendment to the committee amendment, and Ms. H. Sommers opposed it.

The Speaker stated the question before the House to be the adoption of the amendment by Representative May and others to the committee amendment.

A division was called. The Speaker called upon the House to divide. The result of the division was: Yeas - 43; Nays - 48. The amendment to the committee amendment was not adopted.

Mr. Moyer moved adoption of the following amendment by Representatives Moyer, D. Sommers, Wolfe, Nealey and Dellwo to the committee amendment:

On page 31, after line 4 of the amendment, insert:

***NEW SECTION, Sec. 261. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES
Food bank facility: Spokane**

St Bldg Constr Acct	Reappropriation	Appropriation
<u>Prior Biennia</u>	<u>Future Biennia</u>	200,000
		<u>Total</u>
		200,000*

Renumber remaining sections consecutively and correct internal references accordingly

Representatives Moyer, Wolfe, Schoon, D. Sommers and Doty spoke in favor of adoption of the amendment to the committee amendment, and Ms. H. Sommers opposed it.

The Speaker stated the question before the House to be the adoption of the amendment by Representative Moyer and others to the committee amendment.

A division was called. The Speaker called upon the House to divide. The result of the division was: Yeas - 35; Nays - 52. The amendment to the committee amendment was not adopted.

Mr. Inslee moved adoption of the following amendment by Representatives Inslee and H. Sommers to the committee amendment:

On page 58, line 22 of the amendment, after "paving" strike "as required by order of a court or administrative law judge" and insert ", lighting and landscaping"

Representatives Inslee and H. Sommers spoke in favor of the amendment to the committee amendment, and it was adopted.

Ms. Haugen moved adoption of the following amendment by Representatives Haugen and Beck to the committee amendment:

On page 58, after line 25 of the amendment, strike all of section 396

Renumber remaining sections consecutively and correct internal references accordingly

Ms. Haugen spoke in favor of the amendment to the committee amendment, and Representatives H. Sommers, Fraser and Bowman spoke against it. The amendment to the committee amendment was not adopted.

Mr. Schoon moved adoption of the following amendments to the committee amendment:

On page 85, beginning on line 29 of the amendment, strike all of subsection (4)

Renumber remaining subsections consecutively and correct internal references accordingly

On page 85, line 60 of the amendment, strike "\$231,500,000" and insert "\$186,500,000"

On page 86, line 2 of the amendment, decrease the total appropriation by \$45,000,000

On page 86, line 6, after "limitations:" strike all material down through "\$231,890,000," on line 13 and insert:

"A maximum of \$231,890,000 from the total of these appropriations may be disbursed during the 1989-91 biennium."

Mr. Schoon spoke in favor of the amendments to the committee amendment, and Ms. H. Sommers spoke against them. The amendments to the committee amendment were not adopted.

Mr. Schoon moved adoption of the following amendments to the committee amendment:

On page 85, after line 58 of the amendment, insert:

"(6) \$100,000,000 of this appropriation is from a transfer of general funds to the common school construction account pursuant to section 709 of this act."

On page 85, line 60 of the amendment, strike "231,500,000" and insert "331,500,000"
 On page 86, line 2 of the amendment, strike "231,500,000" and insert "331,500,000"
 On page 86, after line 2 of the amendment, insert a new section as follows:
"NEW SECTION, Sec. 709. FOR THE STATE BOARD OF EDUCATION
 For transfer to the common school construction fund

General Fund	Reappropriation		Appropriation
	<u>Prior Biennia</u>	<u>Future Biennia</u>	100,000,000
			<u>Total</u>
			100,000,000"

ReNUMBER remaining sections consecutively and correct internal references accordingly

Mr. Schoon spoke in favor of adoption of the amendments to the committee amendment, and Ms. H. Sommers opposed them.

Mr. May demanded an electric roll call vote, and the demand was sustained.

Mr. Holland spoke in favor of the amendments to the committee amendment.

ROLL CALL

The Clerk called the roll on the adoption of the amendments by Representative Schoon to the committee amendment to Substitute Senate Bill No. 5521, and the amendments to the committee amendment were not adopted by the following vote: Yeas, 37; nays, 58; absent, 1; excused, 2.

Voting yea: Representatives Ballard, Beck, Bowman, Brooks, Brough, Brumsickle, Chandler, Cole, Doty, Ferguson, Fisher G, Fuhrman, Hankins, Holland, Horn, May, McLean, Miller, Moyer, Nealey, Padden, Patrick, Prince, Sayan, Schmidt, Schoon, Silver, Smith, Sommers D, Tate, Van Luven, Walker, Wilson S, Winsley, Wolfe, Wood, Youngsman - 37.

Voting nay: Representatives Anderson, Appelwick, Basich, Baugher, Belcher, Braddock, Brekke, Bristow, Cantwell, Cooper, Crane, Day, Dellwo, Dorn, Ebersole, Fisher R, Fraser, Grant, Hargrove, Haugen, Heavey, Hine, Inslee, Jacobsen, Jesernig, Jones, King P, King R, Kremen, Leonard, Locke, Morris, Myers H, Nelson, Nutley, O'Brien, Peery, Phillips, Prentice, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Scott, Sommers H, Spanel, Sprenkle, Todd, Valle, Vekich, Walk, Wang, Wilson K, Wineberry, Zellinsky, and Mr. Speaker - 58.

Absent: Representative Meyers R - 1.

Excused: Representatives Berozoff, Gallagher - 2.

Ms. Doty moved adoption of the following amendment by Representatives Doty, Chandler and Smith to the committee amendment:

On page 86, after line 41 of the amendment, insert:
"NEW SECTION, Sec. 711. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION
 Yakima Skill Center

St Bldg Const Account	Reappropriation		Appropriation
	<u>Prior Biennia</u>	<u>Future Biennia</u>	350,000
			<u>Total</u>
			350,000"

ReNUMBER remaining sections consecutively and correct internal references accordingly

Ms. Doty spoke in favor of adoption of the amendment to the committee amendment, and Ms. H. Sommers opposed it.

Mr. May demanded an electric roll call vote, and the demand was sustained.

Mr. Moyer spoke in favor of the amendment to the committee amendment.

ROLL CALL

The Clerk called the roll on the adoption of the amendment by Representative Doty and others to the committee amendment to Substitute Senate Bill No. 5521, and the amendment to the committee amendment was not adopted by the following vote: Yeas, 44; nays, 51; absent, 1; excused, 2.

Voting yea: Representatives Ballard, Baugher, Beck, Bowman, Brooks, Brough, Brumsickle, Chandler, Day, Dellwo, Doty, Ferguson, Fuhrman, Hankins, Hargrove, Holland, Horn, Inslee, Jesernig, May, McLean, Miller, Moyer, Nealey, Padden, Patrick, Prentice, Prince, Rayburn, Rector, Schmidt, Schoon, Silver, Smith, Sommers D, Tate, Walker, Wilson S, Wineberry, Winsley, Wolfe, Wood, Youngsman, Zellinsky - 44.

Voting nay: Representatives Anderson, Appelwick, Basich, Belcher, Braddock, Brekke, Bristow, Cantwell, Cole, Cooper, Crane, Dorn, Ebersole, Fisher G, Fisher R, Fraser, Grant, Haugen, Heavey, Hine, Jacobsen, Jones, King P, King R, Kremen, Leonard, Locke, Meyers R, Morris, Myers H, Nelson, Nutley, O'Brien, Peery, Phillips, Pruitt, Raiter, Rasmussen, Rust, Sayan, Scott, Sommers H, Spanel, Sprenkle, Valle, Van Luven, Vekich, Walk, Wang, Wilson K, and Mr. Speaker - 51.

Absent: Representative Todd - 1.
Excused: Representatives Betzoff, Gallagher - 2.

The Speaker called on Representative Wang to preside.

Mr. D. Sommers moved adoption of the following amendment by Representatives D. Sommers and Moyer to the committee amendment:

On page 98, following line 20, insert:
*NEW SECTION, Sec. 779. FOR EASTERN WASHINGTON UNIVERSITY
Deferred maintenance (90-3-009)

EWU Cap Proj Acct	Reappropriation	Appropriation
	<u>Future Biennia</u>	<u>Total</u>
<u>Prior Biennia</u>		516,000
		516,000*

Renumber remaining sections consecutively and correct internal references accordingly

Representatives D. Sommers and Moyer spoke in favor of adoption of the amendment to the committee amendment, and Ms. H. Sommers opposed it.

The amendment to the committee amendment was not adopted.

Mr. D. Sommers moved adoption of the following amendment by Representatives D. Sommers and Moyer to the committee amendment:

On page 98, following line 20, insert:
*NEW SECTION, Sec. 779. FOR EASTERN WASHINGTON UNIVERSITY
Computer replacement (90-2-005)

EWU Cap Proj Acct	Reappropriation	Appropriation
	<u>Future Biennia</u>	<u>Total</u>
<u>Prior Biennia</u>		1,611,000
		1,611,000*

Renumber remaining sections consecutively and correct internal references accordingly

Mr. D. Sommers spoke in favor of adoption of the amendment to the committee amendment, and Ms. H. Sommers opposed it.

The amendment to the committee amendment was not adopted.

Mr. Moyer moved adoption of the following amendments by Representatives Moyer, Wolfe, D. Sommers, Dellwo, Rector, Day and Padden to the committee amendment:

On page 104, line 25, increase the appropriation by \$650,000
On page 104, line 27, increase the total by \$650,000

Mr. Moyer spoke in favor of adoption of the amendments to the committee amendment, and Ms. H. Sommers opposed them.

The amendments to the committee amendment were not adopted.

Mr. R. Meyers moved adoption of the following amendment by Representatives R. Meyers and Brough to the committee amendment:

On page 117, beginning on line 27, strike all of subsection (5)

Representatives R. Meyers and Brough spoke in favor of adoption of the amendment to the committee amendment, and Representatives H. Sommers, Cantwell, Ferguson and R. Fisher opposed it. Ms. Brough again spoke in favor of the amendment to the committee amendment.

The Speaker (Mr. Wang presiding) stated the question before the House to be the adoption of the amendment by Representatives R. Meyers and Brough to the committee amendment.

A division was called. The Speaker (Mr. Wang presiding) called upon the House to divide. The result of the division was: Yeas - 34; Nays - 62. The amendment to the committee amendment was not adopted.

The committee amendment as amended was adopted.

With consent of the House, the committee amendment to the title was adopted.

With consent of the House, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Representatives H. Sommers, Schoon and Rasmussen spoke in favor of passage of the bill, and Mr. Holland spoke against it.

POINT OF INQUIRY

Ms. H. Sommers yielded to question by Mr. Jacobsen.

Mr. Jacobsen: Representative Sommers, referring to Section 105 of Substitute Senate Bill No. 5521, the question I have is: Is the expenditure of any moneys for site acquisition and/or construction of facilities, with the prior approval of the Higher Education Coordinating Board and the Office of Financial Management as required in subsections (2) and (3), in any way contingent upon the completion of the long-range plan required by subsection (1)?

Ms. H. Sommers: No, I do not believe it is. The answer is "no."

Mr. Jacobsen spoke in favor of passage of the bill, and Representatives Miller and Heavey opposed it.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5521 as amended by the House, and the bill passed the House by the following vote: Yeas, 73; nays, 23; excused, 2.

Voting yea: Representatives Anderson, Appelwick, Basich, Belcher, Braddock, Bristow, Brooks, Cantwell, Chandler, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Fisher G, Fisher R, Fraser, Grant, Hankins, Hargrove, Haugen, Hine, Inslee, Jacobsen, Jesernig, Jones, King P, King R, Kremen, Leonard, Locke, Meyers R, Morris, Moyer, Myers H, Nelson, Nutley, O'Brien, Peery, Phillips, Prentice, Pruitt, Raiter, Rasmussen, Rector, Rust, Sayan, Schmidt, Schoon, Scott, Smith, Sommers D, Sommers H, Spanel, Sprenkle, Tate, Todd, Valle, Van Luven, Vekich, Walk, Walker, Wang, Wilson K, Wilson S, Wineberry, Winsley, Wood, Youngsman, Zellinsky, and Mr. Speaker - 73.

Voting nay: Representatives Ballard, Baugher, Beck, Bowman, Brekke, Brough, Brumsickle, Cole, Ferguson, Fuhrman, Heavey, Holland, Horn, May, McLean, Miller, Nealey, Padden, Patrick, Prince, Rayburn, Silver, Wolfe - 23.

Excused: Representatives Betrozoff, Gallagher - 2.

Substitute Senate Bill No. 5521 as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

Mr. Heavey moved that the House immediately consider House Bill No. 1484 on the second reading calendar. The motion was carried.

HOUSE BILL NO. 1484, by Representatives H. Sommers, Schoon, Sayan and Rasmussen; by request of Governor Gardner

Authorizing the issuance of state general obligation bonds to finance projects in capital and operating budgets for the 1989-91 biennium.

The bill was read the second time. On motion of Ms. H. Sommers, Substitute House Bill No. 1484 was substituted for House Bill No. 1484, and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 1484 was read the second time.

With consent of the House, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Representatives H. Sommers and Schoon spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1484, and the bill passed the House by the following vote: Yeas, 74; nays, 22; excused, 2.

Voting yea: Representatives Anderson, Appelwick, Basich, Belcher, Braddock, Brekke, Bristow, Brooks, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Fisher G, Fisher R, Fraser, Grant, Hankins, Hargrove, Haugen, Hine, Holland, Inslee, Jacobsen, Jesernig, Jones, King P, King R, Kremen, Leonard, Locke, Meyers R, Morris, Moyer, Myers H, Nutley, O'Brien, Peery, Phillips, Prentice, Pruitt, Raiter, Rasmussen, Rector, Rust, Sayan, Schmidt, Schoon, Scott, Smith, Sommers D, Sommers H, Spanel, Sprenkle, Tate, Todd, Valle, Van Luven,

Vekich, Walk, Walker, Wang, Wilson K, Wineberry, Winsley, Wood, Youngsman, Zellinsky, and Mr. Speaker - 74.

Voting nay: Representatives Ballard, Baugher, Beck, Bowman, Brough, Brumsickle, Ferguson, Fuhrman, Heavey, Horn, May, McLean, Miller, Nealey, Nelson, Padden, Patrick, Prince, Rayburn, Silver, Wilson S, Wolfe - 22.

Excused: Representatives Betrozoff, Gallagher - 2.

Substitute House Bill No. 1484, having received the constitutional three-fifths majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

STATEMENT FOR THE JOURNAL

Regarding the final passage of Substitute House Bill No. 1484, I inadvertently voted "No" when I intended to vote "Yes."

SIMEON R. "SIM" WILSON, 10th District.

There being no objection, the House advanced to the eleventh order of business.

MOTION

On motion of Mr. Heavey, the House adjourned until 10:00 a.m., Wednesday, May 3, 1989.

JOSEPH E. KING, Speaker

ALAN THOMPSON, Chief Clerk

FIRST SPECIAL SESSION

TENTH DAY

MORNING SESSION

House Chamber, Olympia, Wednesday, May 3, 1989

The House was called to order at 10:00 a.m. by the Speaker (Mr. O'Brien presiding). The Clerk called the roll and all members were present except Representatives Beck, Cole, Cooper, Day, Dorn, Gallagher, Hankins, P. King, Nutley, Sayan, Schoon, Todd, Walk and Youngsman. On motion of Ms. Fraser, Representatives Cole, Cooper, Dorn, Gallagher, P. King, Nutley, Sayan and Walk were excused. On motion of Ms. Miller, Representatives Beck, Hankins, Schoon and Youngsman were excused.

The flag was escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Michelle Connell and Callie Peterson. Prayer was offered by The Reverend Richard Hart of Olympia.

Reading of the Journal of the previous day was dispensed with and it was ordered to stand approved.

CENTENNIAL MESSAGE
FROM THE WASHINGTON STATE HISTORICAL SOCIETY

May 3, 1989

On this day in 1889, hundreds of railroad construction workers battled near Seattle, injuring many and damaging supplies and equipment. Two companies, the Puget Sound Shore Railroad and the Columbia & Puget Sound Railroad, each tried to possess the same mud flats and their workers took to their fists.

And, people described as "Eastern capitalists," including twenty-five men from Nebraska, were accused of "a conspiracy to rob the Oregon and Washington public of the finest timber land in the Northwest," by buying forests.

On May 3, 1903 Harry Lillis "Bing" Crosby was born in Tacoma. He starred in films for thirty-five years, won an Oscar, and recorded music for fifty-one years. Later he was made a member of the Washington State Historical Society's Centennial Hall of Honor.

On May 3, 1917 the United States Board of Geographic Names denied a petition to rename Mt. Rainier "Mount Tacoma."

And, on this day in 1919, William E. Boeing and Eddie Hubbard carried the first sack of international air mail from Vancouver to Seattle.

Representative Day appeared at the bar of the House.

There being no objection, the House advanced to the eighth order of business.

MOTION

Mr. Heavey moved that Committee on Rules be relieved of House Concurrent Resolution No. 4418 and Engrossed House Bill No. 1648 and that the resolution and bill be placed on the third reading calendar.

Mr. Heavey spoke in favor of the motion, and it was carried.

There being no objection, the House reverted to the seventh order of business.

THIRD READING

MOTION

Mr. Heavey moved that the House immediately consider House Concurrent Resolution No. 4418 on the third reading calendar. The motion was carried.

HOUSE CONCURRENT RESOLUTION NO. 4418, by Representatives Hine, Miller, R. Fisher and Anderson

Resolving to appoint a joint select committee to develop legislation on campaign financing.

The resolution was read the third time and placed on final passage.

Representatives Hine and Miller spoke in favor of the resolution.

House Concurrent Resolution No. 4418 was adopted.

ENGROSSED HOUSE BILL NO. 1648, by Representatives R. King, Basich, S. Wilson, Cole, Haugen and Spanel

Regulating commercial crab fishing in coastal waters.

MOTION

Mr. Heavey moved that the rules be suspended and Engrossed House Bill No. 1648 be returned to second reading for purpose of amendment. The motion was carried.

Ms. Spanel moved adoption of the following amendment by Representatives Spanel, R. King and Kremen:

On page 1, line 20, after "area," insert "the need for limiting gear per vessel."

Representatives Spanel and Bowman spoke in favor of adoption of the amendment, and it was adopted.

Mr. R. King moved adoption of the following amendment:

On page 2, line 28, after "consistent with RCW" strike "75.30.030" and insert "75.30.050"

Mr. R. King spoke in favor of adoption of the amendment, and it was adopted.

The bill was ordered reengrossed. With consent of the House, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Representatives R. King and Basich spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Reengrossed House Bill No. 1648, and the bill passed the House by the following vote: Yeas, 85; absent, 1; excused, 12.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Baugher, Belcher, Betrozoff, Bowman, Braddock, Brekke, Bristow, Brooks, Brough, Brumsickle, Cantwell, Chandler, Crane, Day, Dellwo, Doty, Ebersole, Ferguson, Fisher G. Fisher R. Fraser, Fuhrman, Grant, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Insole, Jacobsen, Jesernig, Jones, King R. Kremen, Leonard, Locke, May, McLean, Meyers R. Miller, Morris, Moyer, Myers H. Nealey, Nelson, O'Brien, Padden, Patrick, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Schmidt, Scott, Silver, Smith, Sommers D. Sommers H, Spanel, Sprenkle, Tate, Valle, Van Luven, Vekich, Walker, Wang, Wilson K, Wilson S, Wineberry, Winsley, Wolfe, Wood, Zellinsky, and Mr. Speaker - 85.

Absent: Representative Todd - 1.

Excused: Representatives Beck, Cole, Cooper, Dorn, Gallagher, Hankins, King P, Nutley, Sayan, Schoon, Walk, Youngsman - 12.

Reengrossed House Bill No. 1648, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

The Speaker (Mr. O'Brien presiding) declared the House to be at ease.

The Speaker called the House to order.

MESSAGE FROM THE SENATE

May 3, 1989

Mr. Speaker:

The Senate refuses to concur in the House amendments to SUBSTITUTE SENATE BILL NO. 5521, and asks the House to recede therefrom, and the same is herewith transmitted.

W. D. Naismith, Assistant Secretary.

MOTION

Ms. H. Sommers moved that the House refuse to recede from its amendments to Substitute Senate Bill No. 5521 and ask the Senate for a conference thereon. The motion was carried.

APPOINTMENT OF CONFEREES

The Speaker appointed Representatives H. Sommers, Braddock and Prince as conferees on Substitute Senate Bill No. 5521.

The Speaker declared the House to be at ease until 1:30 p.m.

AFTERNOON SESSION

The Speaker (Mr. O'Brien presiding) called the House to order at 1:30 p.m.

Representatives Hankins, Sayan and Todd appeared at the bar of the House.

The Speaker (Mr. O'Brien presiding) declared the House to be at ease.

The Speaker called the House to order.

MESSAGES FROM THE SENATE

May 3, 1989

Mr. Speaker:

The Senate grants the request of the House for a conference on SUBSTITUTE SENATE BILL NO. 5521. The President has appointed the following members as conferees: Senators Cantu, Vognild and Sellar, and the same is herewith transmitted.

W. D. Naismith, Assistant Secretary.

May 3, 1989

Mr. Speaker:

The Senate has passed:

ENGROSSED SUBSTITUTE SENATE BILL NO. 5352,

and the same is herewith transmitted.

W. D. Naismith, Assistant Secretary.

There being no objection, the House reverted to the fourth order of business.

INTRODUCTION AND FIRST READING

ESSB 5352 by Committee on Ways & Means (originally sponsored by Senators McDonald, Gaspard and Rasmussen; by request of Governor)

Making appropriation for the 1989-91 biennium.

MOTION

Mr. Heavey moved that the rules be suspended and the bill be placed on the second reading calendar. The motion was carried.

There being no objection, the House advanced to the sixth order of business.

SECOND READING

ENGROSSED SUBSTITUTE SENATE BILL NO. 5352, by Committee on Ways & Means (originally sponsored by Senators McDonald, Gaspard and Rasmussen; by request of Governor)

Making appropriation for the 1989-91 biennium.

The bill was read the second time.

On motion of Mr. Heavey, the committee amendments by Committee on Appropriations as amended were adopted. (See Journal, Regular Session, 96th Day, April 14, 1989.)

With consent of the House, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute Senate Bill No. 5352 as amended by the House, and the bill passed the House by the following vote: Yeas, 60; nays, 28; excused, 10.

Voting yea: Representatives Anderson, Appelwick, Basich, Baugher, Belcher, Braddock, Brekke, Bristow, Cantwell, Crane, Day, Dellwo, Ebersole, Ferguson, Fisher G, Fisher R, Fraser, Grant, Hargrove, Haugen, Heavey, Hine, Inslee, Jacobsen, Jesernig, Jones, King R, Kremen, Leonard, Locke, Meyers R, Morris, Myers H, Nelson, O'Brien, Peery, Phillips, Prentice, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Scott, Sommers H, Spanel, Sprengle, Todd, Valle, Van Luven, Vekich, Wang, Wilson K, Wineberry, Winsley, Wood, Zellinsky, and Mr. Speaker - 60.

Voting nay: Representatives Ballard, Betrozoff, Bowman, Brooks, Brough, Brumsickle, Chandler, Doty, Fuhrman, Hankins, Holland, Horn, May, McLean, Miller, Moyer, Nealey, Padden, Patrick, Prince, Schmidt, Silver, Smith, Sommers D, Tate, Walker, Wilson S, Wolfe - 28.

Excused: Representatives Beck, Cole, Cooper, Dorn, Gallagher, King P, Nutley, Schoon, Walk, Youngsman - 10.

Engrossed Substitute Senate Bill No. 5352 as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

There being no objection, the House advanced to the eleventh order of business.

MOTION

On motion of Mr. Heavey, the House adjourned until 10:00 a.m., Thursday, May 4, 1989.

JOSEPH E. KING, Speaker

ALAN THOMPSON, Chief Clerk

FIRST SPECIAL SESSION

ELEVENTH DAY

MORNING SESSION

House Chamber, Olympia, Thursday, May 4, 1989

The House was called to order at 10:00 a.m. by the Speaker (Mr. O'Brien presiding). The Clerk called the roll and all members were present except Representatives Beck, Belcher, Cole, Gallagher, Haugen, P. King, Schoon, Todd and Youngsman. With consent of the House, Representatives Beck, Cole, Gallagher, Haugen, P. King, Schoon, Todd and Youngsman were excused.

The flag was escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Jennifer Miller and Sarah Schoenfeldt. Prayer was offered by The Reverend Richard Hart of Olympia.

Reading of the Journal of the previous day was dispensed with and it was ordered to stand approved.

CENTENNIAL MESSAGE
FROM THE WASHINGTON STATE HISTORICAL SOCIETY

May 4, 1989

On this day in 1889, when the steamer "Idaho" arrived at Port Angeles at midnight, bringing fifty tons of freight, machinery and groceries, it was greeted by a brass band and most of the townspeople.

And, surveyors for the Pasco, Goldendale & Columbia Valley Railroad arrived in Pasco. The townspeople celebrated by firing a cannon and showing intense enthusiasm. Railroads so often made the difference between a town's prosperity and its demise.

On May 4, 1907 the road from Aberdeen to Montesano was open to automobile traffic.

On May 4, 1915 Kennewick celebrated the completion in April of the Celilo Canal, letting ships bypass the Dalles and reach Kennewick. The celebration included a "marriage ceremony of the Upper and Lower Rivers," joining the "bridge and groom into the indissoluble ban of union."

MESSAGE FROM THE GOVERNOR

May 3, 1989

To the Honorable, the House
of Representatives of the
State of Washington
Ladies and Gentlemen:

I have the honor to advise you that on May 3, 1989, Governor Gardner approved the following House Bills entitled:

HOUSE BILL NO. 1042: Relating to front wheel brakes and air brakes on commercial motor vehicles;

HOUSE BILL NO. 1043: Relating to unclaimed property in hands of the Washington state patrol;

HOUSE BILL NO. 1060: Relating to bond information;

HOUSE BILL NO. 1072: Relating to carrying air guns onto school premises;

HOUSE BILL NO. 1241: Relating to staggering the terms of the examining board of psychology;

HOUSE BILL NO. 1342: Relating to post sentence petitions;

SUBSTITUTE HOUSE BILL NO. 1370: Relating to the date when taxing district boundaries are established for purposes of imposing property taxes;

SUBSTITUTE HOUSE BILL NO. 1388: Relating to persons rendering emergency care or transport;

SUBSTITUTE HOUSE BILL NO. 1455: Relating to the election of district court judges;

SUBSTITUTE HOUSE BILL NO. 1572: Relating to nominations by minor parties and independent candidates;

HOUSE BILL NO. 1664: Relating to the tinting or coloring of windows and windshields of motor vehicles;

HOUSE BILL NO. 1729: Relating to internal consistency of Title 30 RCW;

HOUSE BILL NO. 1772: Relating to renaming and defining certain species of fish;

HOUSE BILL NO. 1844: Relating to employment in house-to-house sales;

SUBSTITUTE HOUSE BILL NO. 1857: Relating to public water systems;

SUBSTITUTE HOUSE BILL NO. 1858: Relating to the use of federal loan funds;

SUBSTITUTE HOUSE BILL NO. 1952: Relating to durable power of attorney;

HOUSE BILL NO. 1980: Relating to job sharing in school and educational service districts;

HOUSE BILL NO. 2037: Relating to Mt. St. Helens recovery operations;

SUBSTITUTE HOUSE BILL NO. 2088: Relating to acceptance of fees by persons in a domestic insurer's holding company system;

HOUSE BILL NO. 2135: Relating to farm labor liens.

Sincerely,
Terry Sebring, Counsel.

The Speaker assumed the Chair.

MESSAGE FROM THE SENATE

May 3, 1989

Mr. Speaker:

The Senate refuses to concur in the House amendments to ENGROSSED SUBSTITUTE SENATE BILL NO. 5352, and asks the House for a conference thereon. The President has appointed the following members as conferees: Senators McDonald, Gaspard and Hayner, and the same is herewith transmitted.

W. D. Naismith, Assistant Secretary.

MOTION

Mr. Padden moved that the House grant the request of the Senate for a conference on Engrossed Substitute Senate Bill No. 5352. The motion was carried.

APPOINTMENT OF CONFEREES

The Speaker appointed Representatives Ebersole, Locke and Silver as conferees on Engrossed Substitute Senate bill No. 5352.

MESSAGE FROM THE SENATE

May 3, 1989

Mr. Speaker:

The Senate has passed:

HOUSE BILL NO. 2242,

and the same is herewith transmitted.

W. D. Naismith, Assistant Secretary.

SIGNED BY THE SPEAKER

The Speaker announced he was signing:

HOUSE BILL NO. 2242.

The Speaker declared the House to be at ease.

The Speaker (Mr. Crane presiding) called the House to order.

There being no objection, the House advanced to the eleventh order of business.

MOTION

On motion of Mr. Heavey, the House adjourned until 10:00 a.m., Friday, May 5, 1989.

JOSEPH E. KING, Speaker

ALAN THOMPSON, Chief Clerk

FIRST SPECIAL SESSION

TWELFTH DAY

MORNING SESSION

House Chamber, Olympia, Friday, May 5, 1989

The House was called to order at 10:00 a.m. by the Speaker (Mr. O'Brien presiding). The Clerk called the roll and all members were present except Representatives Beck, Gallagher, Leonard, Padden, Phillips, Prentice, Schoon, Todd and Wolfe. On motion of Ms. Cole, Representatives Gallagher, Leonard, Prentice and Todd were excused. On motion of Ms. Miller, Representatives Beck, Padden, Schoon and Wolfe were excused.

The flag was escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Joy Hubbard and Heather Fowler. Prayer was offered by The Reverend Richard Hart of Olympia.

Reading of the Journal of the previous day was dispensed with and it was ordered to stand approved.

CENTENNIAL MESSAGE
FROM THE WASHINGTON STATE HISTORICAL SOCIETY

May 5, 1989

On this day in 1889, a destructive hail storm buried the Pullman area in six inches of hail, broke windows, destroyed crops and killed chickens and pigs.

And, the Democratic District Convention in Ellensburg nominated two slates of delegates to the Constitutional Convention. One group drew most of its support from regular Democrats, the other from supporters of temperance and women's suffrage from both parties.

On May 5, 1891 the Sunset Telephone Company began installing the first telephones in Centralia.

And, on May 5, 1915, the canal around Celilo Falls on the Columbia opened to traffic. A flotilla from Lewiston-Clarkston helped open the canal.

MESSAGES FROM THE SENATE

May 4, 1989

Mr. Speaker:

The President has signed:

HOUSE BILL NO. 2242,

and the same is herewith transmitted.

W. D. Naismith, Assistant Secretary.

May 4, 1989

Mr. Speaker:

The Senate has passed:

SENATE BILL NO. 6150,

and the same is herewith transmitted.

W. D. Naismith, Assistant Secretary.

The Speaker (Mr. O'Brien presiding) declared the House to be at ease.

The Speaker called the House to order.

Representative Todd appeared at the bar of the House.

There being no objection, the House advanced to the fourth order of business.

INTRODUCTIONS AND FIRST READING

HB 2243 by Representatives H. Sommers and Ferguson

AN ACT Relating to the term of appointment for the director of the department of personnel; and amending RCW 41.06.130.

SB 6150 by Senator Johnson

Changing dates for initial application of supplemental rates for pension systems.

MOTION

Mr. Heavey moved that the rules be suspended and that Senate Bill No. 6150 be placed on the second reading calendar. The motion was carried.

There being no objection, the House advanced to the sixth order of business.

SECOND READING

SENATE BILL NO. 6150, by Senator Johnson

Changing dates for initial application of supplemental rates for pension systems.

The bill was read the second time. With consent of the House, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Representatives Hine and Silver spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 6150, and the bill passed the House by the following vote: Yeas, 89; absent, 2; excused, 7.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Baugher, Belcher, Betzoff, Bowman, Braddock, Brekke, Bristow, Brooks, Brough, Brumsickle, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Fraser, Fuhrman, Grant, Hankins, Hargrove, Hargen, Heavey, Hine, Holland, Horn, Insee, Jacobsen, Jesernig, Jones, King P, King R, Kremen, Locke, May, McLean, Meyers R, Miller, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Patrick, Peery, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Scott, Silver, Smith, Sommers D, Sommers H, Spaniel, Sprenkle, Tate, Todd, Valle, Van Luven, Walk, Walker, Wang, Wilson K, Wilson S, Wineberry, Winsley, Wood, Youngsman, Zellinsky, and Mr. Speaker - 89.

Absent: Representatives Phillips, Vekich - 2.

Excused: Representatives Beck, Gallagher, Leonard, Padden, Prentice, Schoon, Wolfe - 7.

Senate Bill No. 6150, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

There being no objection, the House advanced to the eighth order of business.

MOTION

Mr. Heavey moved that Committee on Rules be relieved of House Bill No. 1182 and that the bill be placed on the third reading calendar. The motion was carried.

There being no objection, the House reverted to the seventh order of business.

THIRD READING

HOUSE BILL NO. 1182, by Representatives Rust, D. Sommers, G. Fisher, Fraser and Phillips; by request of Director of Ecology

Revising local government roles in hazardous waste siting.

MOTION

Mr. Heavey moved that the rules be suspended and that House Bill No. 1182 be returned to second reading for the purpose of amendment. The motion was carried.

Ms. Rust moved adoption of the following amendment:
On page 2, after line 35, insert the following:

*Sec. 2, Section 5, chapter 448, Laws of 1985 and RCW 70.105.210 are each amended to read as follows:

By ~~(December 31, 1986)~~ May 31, 1990, the department shall develop and adopt criteria for the siting of hazardous waste management facilities. These criteria will be part of the state hazardous waste management plan as described in RCW 70.105.200. To the extent practical, these criteria shall be designed to minimize the short-term and long-term risks and costs that may result from hazardous waste management facilities. These criteria may vary by type of facilities and may consider natural site characteristics and engineered protection. Criteria may be established for:

- (1) Geology;
- (2) Surface and groundwater hydrology;
- (3) Soils;
- (4) Flooding;
- (5) Climatic factors;
- (6) Unique or endangered flora and fauna;
- (7) Transportation routes;
- (8) Site access;
- (9) Buffer zones;
- (10) Availability of utilities and public services;
- (11) Compatibility with existing uses of land;
- (12) Shorelines and wetlands;
- (13) Sole-source aquifers;
- (14) Natural hazards; and
- (15) Other factors as determined by the department.*

Ms. Rust spoke in favor of adoption of the amendment, and it was adopted.

With consent of the House, the following amendment to the title was adopted:
On page 1, line 2 of the title, after "70.105.225" insert "and 70.105.210"

The bill was ordered engrossed. With consent of the House, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Representatives Rust and D. Sommers spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 1182, and the bill passed the House by the following vote: Yeas, 90; absent, 1; excused, 7.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Baugher, Belcher, Betrozoff, Bowman, Braddock, Brekke, Bristow, Brooks, Brough, Brumsickle, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Fraser, Fuhrman, Grant, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Inslée, Jacobsen, Jesernig, Jones, King P, King R, Kremen, Locke, May, McLean, Meyers R, Miller, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Patrick, Peery, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Scott, Silver, Smith, Sommers D, Sommers H, Spanel, Sprenkle, Tate, Todd, Valle, Van Luven, Vekich, Walk, Walker, Wang, Wilson K, Wilson S, Wineberry, Winsley, Wood, Youngsman, Zellinsky, and Mr. Speaker - 90.

Absent: Representative Phillips - 1.

Excused: Representatives Beck, Gallagher, Leonard, Padden, Prentice, Schoon, Wolfe - 7.

Engrossed House Bill No. 1182, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

Representative Phillips appeared at the bar of the House.

There being no objection, the House advanced to the eleventh order of business.

MOTION

On motion of Mr. Heavey, the House adjourned until 10:00 a.m., Saturday, May 6, 1989.

JOSEPH E. KING, Speaker

ALAN THOMPSON, Chief Clerk

FIRST SPECIAL SESSION

THIRTEENTH DAY

MORNING SESSION

House Chamber, Olympia, Saturday, May 6, 1989

The House was called to order at 10:00 a.m. by the Speaker (Mr. O'Brien presiding). The Clerk called the roll and all members were present except Representatives Appelwick, Beck, Gallagher, Schoon, Sprengle, Todd and Wolfe, who were excused.

The flag was escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Pam White and Derek Layes. Prayer was offered by Representative Doug Sayan.

Reading of the Journal of the previous day was dispensed with and it was ordered to stand approved.

CENTENNIAL MESSAGE
FROM THE WASHINGTON STATE HISTORICAL SOCIETY

May 6, 1989

On this day in 1889, the Merchants Bank of Port Townsend was incorporated, replacing the Clapp & Fuerbach private bank, which dissolved the same day. C. F. Clapp became president of the new bank, which had a capital of seventy-five thousand dollars. In the 1880s, corporations generally replaced private banks.

And, citizens of Aberdeen were described as fully understanding how factories could bring prosperity and were "ready to make the most liberal concessions" to prospective factory owners who would build in the city.

And, at Port Townsend, tugboat crews struck for higher pay. Engineers wanted a raise from one hundred and twenty-five dollars to one hundred and fifty dollars a month; firemen wanted a raise from forty-five dollars to fifty dollars. Some tugboat owners agreed to the new scale.

On May 6, 1928 people in the Grays Harbor area turned out to raise an aircraft hangar, a modern adaptation of the traditional barn raising.

MESSAGES FROM THE SENATE

May 5, 1989

Mr. Speaker:

The President has signed:

and the same is herewith transmitted.

SENATE BILL NO. 6150,

W. D. Naismith, Assistant Secretary.

May 5, 1989

Mr. Speaker:

The Senate has passed:

and the same is herewith transmitted.

HOUSE BILL NO. 1512,

W. D. Naismith, Assistant Secretary.

MESSAGE FROM THE GOVERNOR

May 5, 1989

To the Honorable, the House
of Representatives of the
State of Washington
Ladies and Gentlemen:

I have the honor to advise you that on May 5, 1989, Governor Gardner approved the following House Bills entitled:

SUBSTITUTE HOUSE BILL NO. 1007: Relating to safety in water skiing;

HOUSE BILL NO. 1047: Relating to secured transactions under the uniform commercial code;

SUBSTITUTE HOUSE BILL NO. 1104: Relating to the motor vehicle inspection and maintenance program;

SUBSTITUTE HOUSE BILL NO. 1115: Relating to legend drugs;

HOUSE BILL NO. 1189: Relating to a veterans' memorial;

HOUSE BILL NO. 1198: Relating to cities of the first class that own and operate an electrical utility;

SUBSTITUTE HOUSE BILL NO. 1337: Relating to imprinting over-the-counter medications;

HOUSE BILL NO. 1354: Relating to the interagency committee for outdoor recreation;

SUBSTITUTE HOUSE BILL NO. 1386: Relating to the creation of small works rosters by counties;

HOUSE BILL NO. 1395: Relating to the state investment board;

SUBSTITUTE HOUSE BILL NO. 1415: Relating to tuition fees;

HOUSE BILL NO. 1445: Relating to the state needs grant program;

SUBSTITUTE HOUSE BILL NO. 1457: Relating to the indeterminate sentence review board;

SUBSTITUTE HOUSE BILL NO. 1542: Relating to offenders' legal financial obligations;

SUBSTITUTE HOUSE BILL NO. 1560: Relating to medical assistance;

HOUSE BILL NO. 1757: Relating to employing contracts in second class school districts;

HOUSE BILL NO. 1768: Relating to state fees imposed on building permits;

HOUSE BILL NO. 1777: Relating to child welfare services;

SUBSTITUTE HOUSE BILL NO. 1956: Relating to adoption;

HOUSE BILL NO. 1993: Relating to the labeling of poultry products;

HOUSE BILL NO. 1996: Relating to voter registration cancellation;

HOUSE BILL NO. 2129: Relating to diverse cultures and languages.

Sincerely,
Terry Sebring, Counsel.

There being no objection, the House advanced to the eighth order of business.

RESOLUTION

HOUSE FLOOR RESOLUTION NO. 89-4704, by Representatives Fraser, Belcher, Sayan, O'Brien, Prince, Hankins, Ballard, Walker, Brunsickle, Hine, Bowman, Anderson, Appelwick, Basich, Baugher, Beck, Berozoff, Braddock, Brekke, Bristow, Brooks, Brough, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Ferguson, G. Fisher, R. Fisher, Fuhrman, Gallagher, Grant, Hargrove, Haugen, Heavey, Holland, Horn, Insee, Jacobsen, Jesernig, Jones, J. King, P. King, R. King, Kremen, Leonard, Locke, May, McLean, R. Meyers, Miller, Morris, Moyer, H. Myers, Nealey, Nelson, Nutley, Padden, Patrick, Peery, Phillips, Prentice, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Schmidt, Schoon, Scott, Silver, Smith, D. Sommers, H. Sommers, Spanel, Sprenkle, Tate, Todd, Valle, Van Luven, Vekich, Waik, Wang, K. Wilson, S. Wilson, Wineberry, Winsley, Wolfe, Wood, Youngsman and Zellinsky

WHEREAS, Associated Ministries of Thurston County has been in existence for sixteen years, providing interfaith and community leadership; and

WHEREAS, Associated Ministries has diligently organized the Legislative Chaplain Program during the last six legislative sessions, providing inspiration to the opening of the daily sessions of the House of Representatives; and

WHEREAS, Associated Ministries has been instrumental in the creation and/or survival of numerous crucial local human service agencies directly benefiting thousands of people which include the Food Bank, Refugee Resource Center, Thurston County Housing Task Force, Special Olympics, Community Care Clinic, and other volunteer programs to assist the divorced, separated, widowed, sick, indigent and the lonely; and

WHEREAS, Associated Ministries has played a key role in developing and disseminating quality information about interfaith and community needs-awareness to churches, the news media and community members; and

WHEREAS, The manifold achievements of Associated Ministries have been due in great part to the dedicated, sensitive and tireless leadership of Nancy Hoff, who has been its Executive Director for the sixteen years and who recently retired from this position;

NOW, THEREFORE, BE IT RESOLVED, That the House of Representatives express its deep appreciation to Nancy Hoff and to the Associated Ministries of Thurston County for so faithfully organizing the Chaplain Program for so many years; and

BE IT FURTHER RESOLVED, That we join the citizens of Thurston County in expressing our deep appreciation for Nancy Hoff's outstanding leadership, which has led to an improved quality of life in Thurston County, and in wishing her a fulfilling and active retirement.

Ms. Fraser moved adoption of the resolution.

On motion of Ms. Fraser, the rules were suspended and the names of all members of the House of Representatives were added as sponsors of the resolution.

Representatives Fraser, Sayan, Belcher and Brumsickle spoke in favor of adoption of the resolution.

House Floor Resolution No. 89-4704 was adopted.

POINT OF PERSONAL PRIVILEGE

Ms. Fraser: Mr. Speaker, as the session winds down, I would like to say that I have heard from many members of the House, staff and others, who come to this area for the legislative session, that they have enjoyed being here in such a friendly and lovely community. I have also received comments from people in the capital area that they take a great deal of pride in being the host community for the State Legislature. We have copies on our desks this morning of an expression of friendship and appreciation from citizens of our local community and community leaders of our local government. I hope you will take some time to read it. It was prepared by four local governments and six community organizations. I think anybody here, who has organized anything like this, knows the complexity and perseverance it takes to put together a resolution of this type, and I think that it shows the true spirit of friendship and the strong sentiment that comes from the local area to the Legislature. I would appreciate it very much, if this message from the local community could be read.

The Speaker (Mr. O'Brien presiding) requested that the Clerk read the following resolution:

RESOLUTION

WHEREAS, The Washington State Legislature's annual session is this community's most important meeting of lawmakers, staff and thousands of citizens from across the state, who visit our beautiful area to participate in and experience the process of government; and

WHEREAS, The members of the Washington State Legislature represent the most significant visitor group of the State Capital communities during these sessions, work weekends and other special occasions requiring their attendance throughout the year in our communities; and

WHEREAS, The legislators, staff, state workers and citizen visitors have a positive impact on our local economy; and

WHEREAS, We, who represent the State Capital communities, appreciate the recognition and benefits the Legislature brings to our communities;

NOW, THEREFORE, BE IT RESOLVED, That the leaders and representatives of these State Capital communities shall continue to welcome the Legislature and citizen visitors; and

BE IT FURTHER RESOLVED, That the leaders and representatives of the State Capital communities will do whatever is possible to ensure a comfortable, productive, enjoyable and rewarding stay in these communities, so that legislators will be proud to adopt these State Capital communities as their "home away from home;" and

BE IT FURTHER RESOLVED, That these State Capital communities and citizens look forward to the return of the Washington State Legislature in order to work together toward the prosperity and well-being of the citizens of our state and local communities.

Signed this sixth day of May, 1989, in Thurston County, State of Washington.

Debbie Gjerde, President, Greater Olympia Visitor & Convention Bureau
 Glen Brincken, Chairman, Thurston County Economic Development Council
 Steve Masini, President, Olympia Downtown Development Association
 Ward Tappero, President, Lacey Area Chamber of Commerce
 Linda Buckner, President, Olympia/Thurston County Chamber of Commerce
 Tom Williamson, President, Tumwater Area Chamber of Commerce
 The Honorable Les Eldridge, Chairman, Thurston County Commission
 The Honorable Kay Boyd, Mayor, City of Lacey
 The Honorable Holly Gadbow, Mayor, City of Olympia
 The Honorable P. H. "Skip" Schmidt, Mayor, City of Tumwater

SPEAKER'S PRIVILEGE

The Speaker (Mr. O'Brien presiding) introduced Mr. George Barner, Vice Chair, Thurston County Board of Commissioners. Mr. Barner addressed the members of the House of Representatives and introduced The Honorable Holly Gadbow, Mayor of Olympia; The Honorable Kay Boyd, Mayor of Lacey; Mr. Norm Falcone, Councilman, City of Tumwater; Ms. Cora Pinson, Council Member, City of Olympia; Mr. John Morris, Tumwater Area Chamber of Commerce; Ms. Debbie Gjerde, President, Greater Olympia Visitor and Convention Bureau; Mr. Steve Masini, President, Olympia Downtown Development Association; Mr. Glen Brincken, Chairman, Thurston County Economic Development Council; and Mr. Ward Tappero, President, Lacey Area Chamber of Commerce.

RESOLUTION

HOUSE FLOOR RESOLUTION NO. 89-4705, by Representatives Hine and G. Fisher

WHEREAS, The area now known as the City of Des Moines was first settled in 1867 by John Moore and others; and

WHEREAS, The Town of Des Moines was established in 1889, the year of Washington's statehood, by the Des Moines Improvement Company, led by John Kleeb, Orin Watts Barlow, F.A. Blasher and Charles N. Johnson; and

WHEREAS, The new city was named in honor of Des Moines, Iowa, after influential members of that midwestern city agreed to finance the new town; and

WHEREAS, The industry of Des Moines was driven by the lifeblood of our region and our state -- timber and water; and

WHEREAS, Des Moines was the destination of the first automobile ferry across Puget Sound in 1916; and

WHEREAS, The city was formally incorporated on June 17, 1959; and

WHEREAS, Des Moines is known for its beautiful retirement facilities; its excellent schools, including Highline Community College; for the civic pride and service of all its citizens and for its wonderful view of Puget Sound and the Olympic Mountains; and

WHEREAS, Des Moines celebrates each summer with its truly splendid "Waterland Festival," highlighting its citizens' community spirit and its natural

beauty and assets, such as the Des Moines Municipal Marina and Pier and the Des Moines Beach Park; and

WHEREAS, The Greater Des Moines Chamber of Commerce has highlighted the Des Moines Centennial in its plans for the Waterland Festival on July 26 through July 30; and

WHEREAS, Mayor Pat DeBlasio and Council Members Richard Kennedy, Scott Thomasson, Ron Davis, Carmen Scott, Bill Whisler and Tom Mannard have demonstrated the talented leadership and long-range vision that have been a hallmark of the City of Des Moines since its existence;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State House of Representatives recognize the City of Des Moines as an outstanding city with a high regard for quality of life and exemplary civic values; and

BE IT FURTHER RESOLVED, That the House of Representatives join the City of Des Moines in celebrating its centennial anniversary; and

BE IT FURTHER RESOLVED, That a copy of this Resolution be transmitted to the City of Des Moines and to the Des Moines Chamber of Commerce by the Chief Clerk of the House of Representatives.

Ms. Hine moved adoption of the resolution. Representatives Hine and G. Fisher spoke in favor of the resolution.

House Floor Resolution No. 89-4705 was adopted.

The Speaker (Mr. O'Brien presiding) declared the House to be at ease until 2:00 p.m.

The Speaker (Ms. Hine presiding) called the House to order at 2:00 p.m.

The Speaker (Ms. Hine presiding) declared the House to be at ease.

The Speaker called the House to order.

There being no objection, the House advanced to the eleventh order of business.

MOTION

On motion of Ms. Hine, the House adjourned until 1:00 p.m., Sunday, May 7, 1989.

JOSEPH E. KING, Speaker

ALAN THOMPSON, Chief Clerk

FIRST SPECIAL SESSION

FOURTEENTH DAY

AFTERNOON SESSION

House Chamber, Olympia, Sunday, May 7, 1989

The House was called to order at 1:00 p.m. by the Speaker (Mr. O'Brien presiding). The Clerk called the roll and all members were present except Representatives Gallagher, Haugen and Schoon. On motion of Ms. Miller, Representative Schoon was excused. On motion of Ms. Cole, Representatives Haugen and Gallagher were excused.

The flag was escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Chris Panush and Brian Dillon. Prayer was offered by The Reverend Richard Hart of Olympia.

Reading of the Journal of the previous day was dispensed with and it was ordered to stand approved.

CENTENNIAL MESSAGE
FROM THE WASHINGTON STATE HISTORICAL SOCIETY

May 7, 1989

On this day in 1889, John McGilvra, a prominent Republican, encountered sharp dissent in a Republican meeting to choose delegates to the Constitutional Convention when he maintained that, "Corporations are artificial creations of the law, soulless and conscienceless, aggressive and unscrupulous, continually creating and maintaining monopolies and trusts, to the general damage of the country, and more particularly to the labor interests thereof." Elisha Ferry, soon to be Governor, replied angrily.

And, a bare-knuckle boxing match between "young Jack Dempsey, the light-weight champ of California," and Billy Lynn of Idaho netted the winner, Dempsey, five hundred dollars and sixty percent of the gate.

On May 7, 1892 the one-hundredth anniversary of Robert Gray's discovery of Grays Harbor was celebrated at Ocosta. Two thousand people were present. Speeches were followed by a clambake.

On May 7, 1911 the Northern Pacific Railway opened Union Station in Tacoma. Built with one million four hundred thousand bricks, it had a domed rotunda in which diners could eat surrounded with potted palms.

MESSAGE FROM THE SENATE

May 6, 1989

Mr. Speaker:

The Senate has passed:

REENGROSSED SUBSTITUTE SENATE BILL NO. 6074,

and the same is herewith transmitted.

W. D. Naismith, Assistant Secretary.

The Speaker (Mr. O'Brien presiding) declared the House to be at ease.

The Speaker called the House to order.

There being no objection, the House advanced to the fourth order of business.

INTRODUCTIONS AND FIRST READING

HB 2243 by Representatives H. Sommers and Ferguson

AN ACT Relating to the term of appointment for the director of the department of personnel; and amending RCW 41.06.130.

HB 2244 by Representatives Vekich, Anderson, Braddock, Hine, Dellwo, Jones, Fraser, K. Wilson, Nelson, Jacobsen, Sayan, R. King, Rust, Prentice, Wang, Cole, P. King, Zellinsky, R. Fisher, Appelwick, Pruitt, Cooper, H. Myers, Valle, Leonard, Nutley, Spanel, Raiter, G. Fisher, Sprenkle, Morris and Rector

AN ACT Relating to maternity care; amending RCW 74.09.510; adding new sections to chapter 74.09 RCW; creating a new section; and making appropriations.

HB 2245 by Representative Locke

AN ACT Relating to the basic education salary allocation; and amending RCW 28A.41.112.

HJM 4024 by Representatives Basich, Vekich, Sayan, Hargrove, Jones, Jacobsen, Peery, Heavey and Rust

Promoting a Pacific Coast Highway Corridor.

HCR 4420 by Representatives Valle, Cole, Nelson, Wineberry, Todd, G. Fisher, Pruitt, K. Wilson, Anderson, Phillips and Morris

Creating a joint subcommittee to review all tax exemptions.

ReESSB 6074 by Committee on Ways & Means (originally sponsored by Senators West, Stratton, McCaslin and Saling)

Revising provisions on public facilities districts.

MOTION

Mr. Heavey moved that the rules be suspended and House Bill No. 2244 listed on today's introduction sheet under the fourth order of business be placed on the second reading calendar. The motion was carried.

SECOND READING

HOUSE BILL NO. 2244, by Representatives Vekich, Anderson, Braddock, Hine, Dellwo, Jones, Fraser, K. Wilson, Nelson, Jacobsen, Sayan, R. King, Rust, Prentice, Wang, Cole, P. King, Zellinsky, R. Fisher, Appelwick, Pruitt, Cooper, H. Myers, Valle, Leonard, Nutley, Spanel, Raiter, G. Fisher, Sprenkle, Morris and Rector

Providing for maternity care for low-income families.

The bill was read the second time. With consent of the House, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Mr. Vekich spoke in favor of passage of the bill.

Mr. Padden asked Mr. Vekich to yield to a question, and Mr. Vekich would not yield.

Representatives Padden and Wolfe spoke against passage of the bill, and Representatives Braddock and Prentice spoke in favor of it.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 2244, and the bill passed the House by the following vote: Yeas, 77; nays, 18; excused, 3.

Voting yea: Representatives Anderson, Appelwick, Basich, Baugher, Belcher, Betzoff, Braddock, Brekke, Bristow, Brooks, Brough, Cantwell, Cole, Cooper, Crane, Dellwo, Dorn, Doty, Ebersole, Fisher G., Fisher R., Fraser, Grant, Hankins, Hargrove, Heavey, Hine, Holland, Horn, Insee, Jacobsen, Jesernig, Jones, King P., King R., Kremen, Leonard, Locke, May, McLean, Meyers R., Miller, Morris, Myers H., Nealey, Nelson, Nutley, O'Brien, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Scott, Silver, Smith, Sommers H., Spanel, Sprenkle, Todd, Valle, Vekich, Walk, Wang, Wilson K., Wilson S., Wineberry, Winsley, Zellinsky, and Mr. Speaker - 77.

Voting nay: Representatives Ballard, Beck, Bowman, Brumsickle, Chandler, Day, Ferguson, Fuhrman, Moyer, Padden, Patrick, Sommers D., Tate, Van Luven, Walker, Wolfe, Wood, Youngsman - 18.

Excused: Representatives Gallagher, Haugen, Schoon - 3.

House Bill No. 2244, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

There being no objection, the House advanced to the eighth order of business.

MOTION

Mr. Ebersole moved that the rules be suspended and Reengrossed Substitute Senate Bill No. 6074 listed on today's introduction sheet under the fourth order of business be placed on the second reading calendar. The motion was carried.

There being no objection, the House reverted to the sixth order of business.

SECOND READING

REENGROSSED SUBSTITUTE SENATE BILL NO. 6074, by Committee on Ways & Means (originally sponsored by Senators West, Stratton, McCaslin and Saling)

Revising provisions on public facilities districts.

The bill was read the second time.

Mr. Day moved adoption of the following amendment by Representatives Day, Padden and Silver:

On page 3, line 17, strike "(~~except that no such tax may be levied on any premises having fewer than forty lodging units~~)" and insert ", except that no such tax may be levied on any premises having fewer than forty lodging units"

Mr. Day spoke in favor of adoption of the amendment, and it was adopted.

Mr. Braddock moved adoption of the following amendment:

On page 4, after line 13 insert:

***NEW SECTION. Sec 5.** A new section is added to chapter 67.28 RCW to read as follows:

(1) The city council of any city with a population of 40,000 or more located in a second class county on the Canadian border is authorized to levy and collect a special excise tax of up to two percent on the sale of or charge made for the furnishing of lodging by a hotel, rooming house, tourist court, motel, trailer camp and the granting of any similar license to use real property, as distinguished from the renting or leasing of real property. For the purposes of this tax, it shall be presumed that the occupancy of real property for a continuous period of one month or more constitutes a rental or lease of real property and not a mere license to use or to enjoy the same.

(2) Any seller, as defined in RCW 82.08.010, who is required to collect any tax under this section shall pay over such tax to the city as provided in RCW 67.28.200. The deduction from state taxes under RCW 67.28.190 does not apply to taxes imposed under this section.

(3) The tax authorized in subsection (1) of this section is in addition to any other tax authorized by law.

(4) All taxes levied and collected under this section shall be credited to a special fund in the treasury of the city. Such taxes shall be levied only for fine arts activities including the operation, maintenance, construction, repair or renovation of facilities.

(5) No more than ten percent of the monies received from the taxes imposed under this section may be used for construction, repair, or renovation of facilities.

(6) The city council of any city authorized to impose a tax under this section may establish reasonable exemptions and may adopt such reasonable rules and regulations as may be necessary for the levy and collection of the tax authorized under this section. The department of revenue shall perform the collection of such taxes on behalf of such city at no cost to the city."

Renumber remaining sections consecutively.

POINT OF ORDER

Mr. Padden: Thank you, Mr. Speaker. I would ask for a ruling on scope and object of this amendment.

SPEAKER'S RULING

The Speaker: Representative Padden, the Speaker has examined Reengrossed Substitute Senate Bill No. 6074 and the amendment offered by Representative Braddock. Reengrossed Substitute Senate Bill No. 6074 deals with the formation of public facilities districts and the taxing authority of these districts. The amendment offered by Representative Braddock pertains to cities and counties and expanding the local hotel/motel tax. I find that the amendment does not perfect, but expands

the original scope of the bill. I find that your point is well taken, that the amendment is outside the scope and object of the bill.

Ms. H. Sommers moved adoption of the following amendment:
On page 5, beginning on line 4, strike sections 6 and 7.

Ms. H. Sommers spoke in favor of adoption of the amendment, and it was adopted.

With consent of the House, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Ms. H. Sommers spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Reengrossed Substitute Senate Bill No. 6074 as amended by the House, and the bill passed the House by the following vote: Yeas, 91; nays, 3; absent, 1; excused, 3.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Baugher, Beck, Belcher, Betzoff, Bowman, Braddock, Bristow, Brooks, Brough, Brumsickle, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Fraser, Fuhrman, Grant, Hankins, Hargrove, Heavey, Hine, Holland, Horn, Insee, Jesernig, Jones, King P, King R, Kremen, Leonard, May, McLean, Meyers R, Miller, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Padden, Patrick, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Sayan, Schmidt, Scott, Silver, Smith, Sommers D, Sommers H, Spanel, Sprenkle, Tate, Todd, Valle, Van Luven, Vekich, Walk, Walker, Wang, Wilson K, Wilson S, Wineberry, Winsley, Wolfe, Wood, Youngsman, Zellinsky, and Mr. Speaker - 91.

Voting nay: Representatives Brekke, Locke, Rust - 3.

Absent: Representative Jacobsen - 1.

Excused: Representatives Gallagher, Haugen, Schoon - 3.

Reengrossed Substitute Senate Bill No. 6074 as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

The Speaker declared the House to be at ease.

The Speaker called the House to order.

Representative Haugen appeared at the bar of the House.

SENATE AMENDMENTS TO HOUSE BILL

May 5, 1989

Mr. Speaker:

The Senate has passed ENGROSSED SUBSTITUTE HOUSE BILL NO. 1479 with the following amendments:

Strike everything after the enacting clause and insert the following:

*NEW SECTION. Sec. 1. (1) A budget is hereby adopted and, subject to the provisions set forth in the following sections, the several amounts specified in the following sections, or so much thereof as shall be sufficient to accomplish the purposes designated, are hereby appropriated and authorized to be incurred for salaries, wages, and other expenses of the agencies and offices of the state and for other specified purposes for the fiscal biennium beginning July 1, 1987, and ending June 30, 1989, except as otherwise provided, out of the several funds of the state hereinafter named.

(2) Unless the context clearly requires otherwise, the definitions in this section apply throughout this act.

(a) 'Fiscal year 1988' or 'FY 1988' means the fiscal year ending June 30, 1988.

(b) 'Fiscal year 1989' or 'FY 1989' means the fiscal year ending June 30, 1989.

(c) 'FTE' means full time equivalent.

(d) 'Provided solely' means the specified amount may be spent only for the specified purpose. Unless otherwise specifically authorized in this act, any portion of an amount provided solely for a specified purpose which is unnecessary to fulfill the specified purpose shall revert.

(e) 'Revert' or 'lapse' means the amount shall return to an unappropriated status.

PART I

GENERAL GOVERNMENT

Sec. 101, Section 107, chapter 7, Laws of 1987 1st ex. sess. as amended by section 102, chapter 289, Laws of 1988 (uncodified) is amended to read as follows:

FOR THE SUPREME COURT

General Fund Appropriation \$ ~~(16,924,000)~~
11,524,000

The appropriation in this section is subject to the following conditions and limitations:
~~(\$3,337,000)~~ \$3,937,000 is provided solely for the indigent appeals program.

Sec. 102. Section 108, chapter 7, Laws of 1987 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE LAW LIBRARY

General Fund Appropriation	\$	((2,574,000))
		<u>2,617,000</u>

Sec. 103. Section 111, chapter 7, Laws of 1987 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE ~~((JUDICIAL QUALIFICATIONS))~~ COMMISSION ON JUDICIAL CONDUCT

General Fund Appropriation	\$	((477,000))
		<u>572,000</u>

Sec. 104. Section 113, chapter 7, Laws of 1987 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE LIEUTENANT GOVERNOR

General Fund Appropriation	\$	((363,000))
		<u>391,000</u>

Sec. 105. Section 114, chapter 7, Laws of 1987 1st ex. sess. as amended by section 105, chapter 289, Laws of 1988 (uncodified) is amended to read as follows:

FOR THE SECRETARY OF STATE

General Fund Appropriation	\$	((6,457,000))
		<u>7,428,000</u>
Archives and Records Management Account Appropriation	\$	<u>2,116,000</u>
Total Appropriation	\$	((8,573,000))
		<u>9,544,000</u>

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

(1) ~~\$(1,021,000))~~ 967,000 of the general fund appropriation is provided solely to reimburse counties for the state's share of primary and general election costs and the costs of conducting mandatory recounts on state measures.

(2) ~~\$(1,661,000))~~ \$2,627,000 of the general fund appropriation is provided solely for the verification of initiative and referendum petitions and the maintenance of related voter registration records, legal advertising of state measures, and the publication and distribution of the voters and candidates pamphlet.

(3) \$60,000 of the archives and records management account appropriation is provided solely for a project that will evaluate the need for, and potential archival requirements of, storage of data contained in magnetic media (tapes and disks). Implementation of an archival program for magnetic media shall not begin prior to approval of the findings and recommendations of the project by the office of financial management.

(4) ~~\$(63,000))~~ 59,000 of the general fund appropriation is provided solely for advertising Washington state's March 8, 1988, precinct caucuses.

(5) \$19,000 of the general fund appropriation is provided solely for census maps and activities related to the census redistricting data program.

(6) \$20,000 of the general fund appropriation is provided solely for the payment of productivity board awards under chapter 41.60 RCW.

Sec. 106. Section 130, chapter 7, Laws of 1987 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE BOARD OF TAX APPEALS

General Fund Appropriation	\$	((1,214,000))
		<u>1,253,000</u>

The appropriation in this section is subject to the following conditions and limitations: \$72,070 is provided solely to conduct appeals in eastern Washington and other locations to handle increased appeals from audits and King county board of equalization assessments.

NEW SECTION. Sec. 107. A new section is added to chapter 7, Laws of 1987 1st ex. sess. to read as follows:

FOR THE DEPARTMENT OF REVENUE

State Toxics Control Account Appropriation	\$	106,000
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The appropriation in this section shall be reduced by any amounts expended under the appropriations in section 53, chapter 2, Laws of 1987 3rd ex. sess. and section 53, chapter 112, Laws of 1988.

PART II HUMAN SERVICES

Sec. 201. Section 201, chapter 7, Laws of 1987 1st ex. sess. as amended by section 201, chapter 289, Laws of 1988 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF CORRECTIONS

(1) COMMUNITY SERVICES

General Fund Appropriation	\$	62,559,000
Public Safety and Education Account Appropriation	\$	100,000
Total Appropriation	\$	62,659,000

The appropriations in this subsection are subject to the following conditions and limitations:
 (a) \$2,071,000 of the general fund appropriation is provided solely for the support of the office of the director of community services.

(b) \$200,000 of the general fund appropriation is provided solely for the notification of victims and witnesses of any parole, work release placement, furlough, or unescorted leave of absence from a state correctional facility of any inmate convicted of a violent offense.

(c) A maximum of \$285,000 of the general fund appropriation may be spent for the replacement of used equipment within the community services division.

(d) \$100,000 of the public safety and education account appropriation is provided solely for training community corrections officers in the identification and prevention of child abuse by offenders under their supervision.

(2) INSTITUTIONAL SERVICES

General Fund Appropriation \$ 273,329,000

The appropriation in this subsection is subject to the following conditions and limitations:

(a) \$1,725,000 is provided solely for the implementation of the sex offender treatment program within the division of prisons.

(b) \$1,049,000 is provided solely for the operation of the new in-patient floor at the Monroe reformatory hospital.

(c) \$5,369,000 is provided solely for the support of the office of the director of the division of prisons.

(d) A maximum of \$1,898,000 may be spent for the replacement of used equipment within the institutional services division.

(e) \$200,000 is provided solely for alleviation of parking problems experienced by McNeil Island corrections personnel.

(3) ADMINISTRATION AND PROGRAM SUPPORT

General Fund Appropriation \$ 17,331,000

Institutional Impact Account Appropriation \$ 317,000

Total Appropriation \$ 17,648,000

The appropriations in this subsection are subject to the following conditions and limitations:

(a) The department shall report to the ways and means committees of the senate and house of representatives on January 1, 1988, and January 1, 1989, regarding its progress toward employing more minorities and women in top-level management positions.

(b) A maximum of \$1,258,000 of the general fund appropriation may be transferred to the tort claims revolving fund for tort claims against the department. The department shall develop a report, including brief descriptions and estimated amounts of all outstanding tort claims. The report is due to the ways and means committees of the senate and house of representatives on January 1, 1988. During the 1987-89 biennium, the department shall report on a quarterly basis the tort claim payments resulting from settlements and court judgments. New claims against the state shall be included in the quarterly updates.

(c) A maximum of \$150,000 may be spent for the replacement of used equipment within the administration division.

(4) INSTITUTIONAL INDUSTRIES

General Fund Appropriation \$ 2,218,000

The appropriation in this subsection is subject to the following conditions and limitations: A maximum of \$500,000 may be spent for the replacement of used equipment within the institutional industries division.

(5) The appropriations in this section are subject to the following conditions and limitations: The department may spend money appropriated in a manner other than as provided in this section only after approval by the director of financial management. The director of financial management shall notify the appropriate fiscal committees of the senate and house of representatives in writing prior to approving any deviation from the appropriation levels set forth in this section and any deviation from the conditions and limitations enacted in subsections (1) through (4) of this section.

NEW SECTION. Sec. 202. A new section is added to chapter 7, Laws of 1987 1st ex. sess. to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

General Fund Appropriation—State \$ 2,415,917,000

General Fund Appropriation—Federal \$ 1,970,020,000

General Fund Appropriation—Local \$ 12,052,000

Institutional Impact Account Appropriation \$ 78,000

Public Safety and Education Account Appropriation \$ 600,000

Total Appropriation \$ 4,398,667,000

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

(1) The appropriations in this section shall be expended for the programs and in the amounts listed in this subsection. However, except as provided in subsection (2) of this section, the department may transfer funds among programs listed in this subsection after approval by the director of financial management. The director of financial management shall notify the appropriate fiscal committees of the senate and house of representatives in writing prior to

approving any deviation from the appropriation levels listed below and any deviation from the conditions and limitations enacted in chapter 7, Laws of 1987 1st ex. sess. as amended by chapter 289, Laws of 1988.

GENERAL FUND—

	<u>STATE</u>	<u>TOTAL</u>
CHILDREN AND FAMILY SERVICES	193,319,000	255,608,000
JUVENILE REHABILITATION	74,170,000	75,116,000
MENTAL HEALTH	271,586,000	339,887,000
DEVELOPMENTAL DISABILITIES	173,789,000	348,225,000
LONG-TERM CARE SERVICES	347,005,000	699,882,000
INCOME ASSISTANCE PROGRAM	468,058,000	876,369,000
MEDICAL ASSISTANCE PROGRAM	556,146,000	1,070,259,000
PUBLIC HEALTH PROGRAM	63,160,000	149,690,000
VOCATIONAL REHABILITATION PROGRAM	12,529,000	48,319,000
ADMINISTRATION AND SUPPORT PROGRAM	42,827,000	74,415,000
COMMUNITY SERVICES ADMINISTRATION	160,758,000	344,468,000
REVENUE COLLECTIONS PROGRAM	24,980,000	74,689,000
PAYMENTS TO OTHER AGENCIES	27,590,000	41,740,000
SECTION TOTALS	2,415,917,000	4,398,667,000

(2) A maximum of \$78,100,000 of the general fund—state appropriation in this section may be spent for the general assistance—unemployable program. In addition, a maximum of \$1,200,000 may be spent for the general assistance—unemployable program, if such amount or any portion thereof is transferred pursuant to section 203(3) of this act. No other moneys may be transferred into or out of the general assistance—unemployable program.

(3) The department of social and health services shall not initiate any services that will require expenditure of state general fund moneys except as expressly authorized in this act, unless the services were previously provided. The department may seek, receive, and spend, under RCW 43.79.260 through 43.79.282, federal moneys not anticipated in this act as long as the federal funding does not require expenditure of state moneys for the program in excess of amounts anticipated in this act. If the department receives unanticipated unrestricted federal moneys, those moneys shall be spent for services authorized in this act, and an equal amount of appropriated state general fund moneys shall lapse. As used in this subsection, 'unrestricted federal moneys' includes block grants and other funds that federal law does not require to be spent on explicitly defined projects or matched on a formula basis by state funds.

(4) This act is not intended to affect any vendor rate increases that were implemented prior to the effective date of this act.

(5) \$1,117,000 of the general fund—state appropriation and \$778,000 of the general fund—federal appropriation is provided solely to increase community residential services to developmentally disabled and mentally ill persons most in need of assistance as determined by the department.

(6) \$346,000 of the general fund—state appropriation and \$782,000 of the general fund—federal appropriation are provided solely to comply with the mandatory provisions of P.L. 100-203 as it relates to developmentally disabled and mentally ill persons.

(7) Department staff shall assist general assistance clients in establishing eligibility for social security or supplemental security income benefits. The assistance shall include providing to the client or the appropriate social security office any documentation of the client's disability and, if appropriate, referral to legal counsel with expertise in social security law.

(8) It is the continuing intention of the legislature that payment levels in the aid to families with dependent children, general assistance, and refugee assistance programs contain an energy allowance to offset the high and rising costs of energy and that such allowance be excluded from consideration as income for the purpose of determining eligibility and benefit levels of the food stamp program to the maximum extent such exclusion is authorized under federal law and RCW 74.08.046. To this end, up to \$150,000,000 is so designated for exemptions of the following amounts:

Family Size:	1	2	3	4	5	6	7	8 or more
Exemption:	\$30	\$39	\$46	\$56	\$63	\$72	\$84	\$92

(9) \$550,000 of the general fund—state appropriation is provided solely to expand the home builders program to provide assistance to families.

(10) \$30,000 of the general fund—state appropriation is provided solely for training services to providers of therapeutic day care.

(11)(a) \$100,000, of which \$55,000 is from the general fund—state appropriation, is provided solely for increased staff to investigate backlogged complaints of fraud in public assistance and food stamp programs and to establish and recover overpayments. The department shall increase the April 1988 level of staff in the verification and overpayment control system by 20 FTE positions. The department shall assign the additional staff with the goals of (i) reducing and ultimately eliminating the complaint backlog and (ii) maximizing overpayment recoveries during the biennium ending June 30, 1991.

(b) Expenditures for the purposes of this subsection shall be charged to a unique identifier in the department's accounting system. The department shall collect necessary data on the backlogged complaints and report to the legislative budget committee on December 1, 1989, and December 1, 1990, regarding the utilization, performance, and cost-effectiveness of the additional funding provided for complaint backlog work by this section and by the 1989-91 appropriations act.

(12) \$172,000 of the general fund—state appropriation is provided solely to expand the supplemental security income referral pilot program established by chapter 177, Laws of 1987 (uncodified).

(13) The amounts appropriated by this section reflect the amounts previously appropriated to the department for the 1987-89 biennium by the sections repealed by this act.

Sec. 203. Section 209, chapter 7, Laws of 1987 1st ex. sess. as amended by section 209, chapter 289, Laws of 1988 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—COMMUNITY SOCIAL SERVICES PROGRAM

General Fund Appropriation—State	\$	(61,188,888)
		<u>60,923,000</u>
General Fund Appropriation—Federal	\$	(16,866,888)
		<u>20,838,000</u>
General Fund Appropriation—Local	\$	166,000
Total Appropriation	\$	((78,212,888))
		<u>81,927,000</u>

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

(1) Vendor rate increases shall average 2.0 percent on September 1, 1987, and 4.0 percent on September 1, 1988.

(2) \$195,000 of the general fund—state appropriation is provided solely to increase the annual base level of grants for county alcohol and drug abuse treatment services to \$40,000 per county.

(3) \$23,165,000 of the general fund—state appropriation is provided solely for implementation of the alcohol and drug addiction treatment and support act, except that a maximum of \$1,200,000 of this amount may be transferred to and spent for the general assistance—unemployable program.

NEW SECTION. Sec. 204. A new section is added to chapter 7, Laws of 1987 1st ex. sess. to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

State Toxics Control Account Appropriation	\$	710,000
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The appropriation in this section is subject to the following conditions and limitations:

(1) \$124,000, or as much thereof as may be necessary, shall be used to test public drinking water supplies for organic chemicals.

(2) \$313,000, or as much thereof as may be necessary, shall be used to monitor drinking water supplies potentially affected by hazardous waste releases.

(3) \$273,000, or as much thereof as may be necessary, shall be used for health risk assessments, health monitoring activities, and health information services for communities near a hazardous waste site.

(4) This appropriation shall be reduced by any amounts expended under the appropriations in section 54, chapter 2, Laws of 1987 3rd ex. sess. and section 54, chapter 112, Laws of 1988.

Sec. 205. Section 217, chapter 7, Laws of 1987 1st ex. sess. as amended by section 215, chapter 289, Laws of 1988 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF COMMUNITY DEVELOPMENT

General Fund Appropriation—State	\$	((34,357,888))
		<u>34,869,000</u>
General Fund Appropriation—Federal	\$	((143,389,888))
		<u>142,312,000</u>
Building Code Council Account Appropriation	\$	407,000
Fire Service Training Account Appropriation	\$	500,000
Low Income Weatherization Account Appropriation	\$	6,000,000
Total Appropriation	\$	((184,653,888))
		<u>184,088,000</u>

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

(1) \$3,576,000 of the general fund—state appropriation is provided solely for grants to public and private nonprofit organizations to operate food banks, food distribution centers, and emergency shelters.

(2) \$100,000 of the general fund—state appropriation may be used for increased department administrative staff if the department receives federal grants in excess of \$1,000,000 under U.S. House of Representatives Resolution 558. If the department does not receive grants of at least \$1,000,000, the amount provided in this subsection shall lapse.

(3) \$12,136,000 of the general fund—state appropriation is provided solely for early childhood education and assistance programs under Substitute Senate Bill No. 5476 or Engrossed Second Substitute House Bill No. 456. These moneys shall be used to provide services to at least 2,000 children. If neither bill is enacted by June 30, 1987, the amount provided in this subsection shall lapse.

(4) The department shall conduct a state-wide housing needs study. The study, with preliminary recommendations, shall be submitted to the housing committee of the house of representatives and the commerce and labor committee of the senate no later than December 31, 1987, and a final report shall be submitted by December 31, 1988.

(5) \$325,000 of the general fund—state appropriation is provided solely for pilot demonstrations and development of model vocational programs, including a study of a technology demonstration skills center, in Lewis county.

(6) \$708,000 of the general fund—state appropriation is provided solely for grants to public broadcast stations under section 3 of Engrossed Substitute Senate Bill No. 5285. \$42,000 of the general fund—state appropriation is provided solely for grants to public broadcast stations under section 4 of Engrossed Substitute Senate Bill No. 5285. If the bill is not enacted by June 30, 1987, the amounts provided in this subsection shall lapse.

(7) The department shall review the needs of low-income migrant and seasonal workers. To the extent that funds are available, the legislature encourages the department to give special attention to low-income migrant and seasonal workers.

(8) \$360,000 of the general fund—state appropriation is provided solely for grants to three nonprofit agencies and local government agencies for local reemployment centers. In order to provide a breadth of experience and geographic dispersion, one center shall be located in King county, one center shall be located in a southwest Washington county in which the unemployment rate was at least 20 percent above the state average during the preceding calendar year, and one center shall be located in an eastern Washington standard metropolitan statistical area in which the unemployment rate was at least 20 percent above the state average during the preceding calendar year. Each center shall provide direct and referral services to the unemployed. These services may include reemployment assistance, medical services, social services including marital counseling, psychotherapy, mortgage foreclosure and utility problem counseling, drug and alcohol abuse counseling, credit counseling, and other services deemed appropriate. These services are designed to supplement and not supplant the on-going efforts of local job centers administered by the employment security department. Each grant recipient must match state dollars on a one-for-one basis with non-state dollars.

(9) \$118,000 of the general fund—state appropriation is provided solely for a study to determine the economic contribution of sport and commercial salmon and sturgeon fishing.

(10) \$100,000 of the general fund—state appropriation is provided solely to implement Substitute House Bill No. 430. If the bill is not enacted by June 30, 1987, the amount provided in this subsection shall lapse.

(11) \$173,000 of the general fund—state appropriation is provided solely for a study of the uses, structure, and operation of a state-wide video telecommunications network. The department shall submit a report to the house of representatives and senate by January 1, 1989, recommending a plan for using video telecommunications in state government and assessing the potential of a state-wide public affairs satellite/cable television network broadcasting programs on state government to Washington state citizens. The department shall consult with the telecommunications division of the department of general administration for technical assistance in preparing this report.

(12) \$250,000 of the general fund—state appropriation is provided solely for the border town impact mitigation program.

(13) \$25,000 is provided solely for the purpose of implementing Engrossed Second Substitute Senate Bill No. 5252. If Engrossed Second Substitute Senate Bill No. 5252 is not enacted by June 30, 1987, the amount provided in this subsection shall lapse.

(14) In addition to the fee imposed under RCW 19.27.085, there is imposed through June 30, 1989, a fee of two dollars on each building permit issued by a county or a city. Quarterly, each county and city shall remit moneys collected under this subsection to the state treasury for deposit in the building code council account. However, no remittance is required until at least fifty dollars has accumulated pursuant to this subsection.

(15) \$212,000 of the general fund—state appropriation is provided solely for technical assistance to Okanogan county for the preparation of plans and permits, including enforcement, relating to winter sports facilities development.

(16) \$58,000 of the general fund—state appropriation is provided solely for the state's share of the cost of the acquisition, installation, and maintenance of a Mt. St. Helen's flood warning system in Cowlitz county.

(17) \$125,000 of the general fund—state appropriation is provided solely for grants to the city of Omak and Okanogan county for enhanced surveillance and investigation needed because of school-related arson incidents. The department shall make grants based on demonstration of impact by the city and county.

(18) \$45,000 of the general fund—state appropriation is provided solely for a study assessing the positive and negative economic impacts of state correctional institutions on communities in which they are located. A report on the findings of the study shall be made to the legislature no later than December 31, 1988.

(19) \$250,000 of the general fund—state appropriation is provided solely for continuing Lewis county pilot demonstrations and model vocational programs under subsection (5) of this section, including such projects as career education and assessment, technology partnership on-site programs, centers for teaching the principles of technology, and a business partnership in medical technology program.

(20) \$30,000 of the general fund—state appropriation is provided solely for gathering, developing, and disseminating informational materials on the impacts of seismic occurrences and ways to protect people and property from them, and for other work to increase the public's awareness of the potential for a seismic event, including but not limited to, audio, visual, and written information, meetings, workshops, and seminars.

(21) \$1,000,000 of the general fund appropriation is provided solely for deposit in the housing trust fund under chapter 43.185 RCW for eligible housing activities to benefit the homeless. This may include the funding of shelters and transitional and permanent housing for homeless families and individuals.

(22) The department shall develop an analysis and report on homelessness and self-sufficiency in the manner specified in Substitute House Bill No. 1564 as passed by the house of representatives.

(23) \$512,000 of the general fund—state appropriation is provided solely to offset the loss of federal funds for local emergency management programs.

NEW SECTION, Sec. 206. A new section is added to chapter 7, Laws of 1987 1st ex. sess. to read as follows:

FOR THE DEPARTMENT OF COMMUNITY DEVELOPMENT

State Toxics Control Account Appropriation \$ 384,000

This appropriation shall be reduced by any amounts expended under the appropriations in section 52, chapter 2, Laws of 1987 3rd ex. sess. and section 52, chapter 112, Laws of 1988.

Sec. 207, Section 219, chapter 7, Laws of 1987 1st ex. sess. as amended by section 217, chapter 289, Laws of 1988 (uncodified) is amended to read as follows:

FOR THE HUMAN RIGHTS COMMISSION

General Fund Appropriation—State	\$	(3,258,000)
		3,398,000
General Fund Appropriation—Federal	\$	964,000
Total Appropriation	\$	(4,222,000)
		4,362,000

Sec. 208, Section 223, chapter 7, Laws of 1987 1st ex. sess. as amended by section 218, chapter 289, Laws of 1988 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF LABOR AND INDUSTRIES

General Fund Appropriation	\$	8,227,000
Public Safety and Education Account Appropriation	\$	10,866,000
Accident Fund Appropriation	\$	85,159,000
Electrical License Fund Appropriation	\$	(9,967,000)
		9,994,000
Farm Labor Revolving Account Appropriation	\$	58,000
Medical Aid Fund Appropriation	\$	82,105,000
Plumbing Certificate Fund Appropriation	\$	660,000
Pressure Systems Safety Fund Appropriation	\$	1,148,000
Worker and Community Right to Know Fund Appropriation	\$	2,059,000
Total Appropriation	\$	(200,190,000)
		200,276,000

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

(1) The department shall study the feasibility of establishing an independent ombudsman office to aid employers and employees, including self-insured employees, in dealing with the workers' compensation system. The study shall include an evaluation of the need for the office, the recommended functions of the office, and the mechanisms for oversight and funding. The department shall submit its findings and recommendations to the commerce and labor committees of the senate and house of representatives by January 11, 1988.

(2) The department shall evaluate the effectiveness of the workers' compensation vocational rehabilitation program, including the effectiveness of a worker resource center to provide injured worker adjustment services. The study shall be conducted in consultation with the workers' compensation advisory committee and interested groups representing injured workers, labor, and employers. The department shall submit its findings and recommendations to the commerce and labor committees of the senate and house of representatives by January 11, 1988.

(3) The department shall study, in cooperation with the employment security department and the department of social and health services, the potential impact in the state of a state

minimum wage based on ninety percent of the federal poverty level. The results of the study shall be submitted to the commerce and labor committees of the senate and house of representatives by January 11, 1988.

(4) The department shall prepare a report on workers' compensation caseload information including, but not limited to, the average number of claims by type by adjudicator compared to optimal caseloads used in the private sector and any recommendations concerning improvement of caseloads. The report shall be submitted to the commerce and labor committees of the senate and house of representatives by January 11, 1988.

(5) All funds appropriated under this section for lease or lease development office space may be used to lease new office space only if the lease is for a period not exceeding three years and does not extend beyond June 30, 1991.

(6) The department shall establish an office of information and assistance to aid workers, employers, health care providers, and other department clients. The department shall report on the activities of the office to the appropriate committees of the legislature by January 1, 1989.

PART III
NATURAL RESOURCES

Sec. 301, Section 303, chapter 7, Laws of 1987 1st ex. sess. as amended by section 303, chapter 289, Laws of 1988 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF ECOLOGY

General Fund Appropriation—State	\$ 51,886,000
General Fund Appropriation—Federal	\$ 40,846,000
General Fund Appropriation—Private/Local	\$ 398,000
Hazardous Waste Control and Elimination Account Appropriation	\$ 2,616,000
Flood Control Account Appropriation	\$ 3,999,000
Wood Stove Public Education Account Appropriation	\$ (366,000)
	<u>276,000</u>
Special Grass Seed Burning Research Account Appropriation	\$ 40,000
State Toxics Control Account	\$ 620,000
Reclamation Revolving Account Appropriation	\$ 836,000
Emergency Water Project Revolving Account Appropriation: Appropriated pursuant to chapter 1, Laws of 1977 ex. sess.	\$ 907,000
Litter Control Account Appropriation	\$ 6,395,000
State and Local Improvements Revolving Account—Waste Disposal Facilities: Appropriated pursuant to chapter 127, Laws of 1972 ex. sess. (Referendum 26)	\$ 761,000
State and Local Improvements Revolving Account—Waste Disposal Facilities 1980: Appropriated pursuant to chapter 159, Laws of 1980 (Referendum 39)	\$ 2,575,000
State and Local Improvements Revolving Account—Water Supply Facilities: Appropriated pursuant to chapter 234, Laws of 1979 ex. sess. (Referendum 38)	\$ 1,111,000
Stream Gaging Basic Data Fund Appropriation	\$ 139,000
Tire Recycling Account Appropriation	\$ 548,000
Water Quality Account Appropriation	\$ 2,398,000
Workers and Community Right to Know Fund Appropriation	\$ 229,000
Total Appropriation	\$ (116,670,000)
	<u>116,580,000</u>

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

(1) The department shall implement the Nisqually river task force recommendations. \$150,000 of the general fund—state appropriation is provided solely for this purpose.

(2) \$985,000 of the general fund—state appropriation is provided solely for allocation to local air pollution control authorities.

(3) The appropriation from the wood stove public education account is contingent upon the enactment of House Bill No. 16. If the bill is not enacted by June 30, 1987, this appropriation shall lapse.

(4) \$9,250,000 of the general fund—state appropriation is provided solely to carry out the department's responsibilities contained in the Puget Sound water quality plan and perform corresponding state-wide water quality activities.

(5) \$715,000 of the general fund—state appropriation is provided for the purposes of solid waste management.

(6) \$553,000 of the general fund—state appropriation is provided solely for implementing the timber, fish, and wildlife agreement. If Senate Bill No. 5845 is not enacted by June 30, 1987, the amount provided in this subsection shall lapse.

(7) \$225,000 of the general fund—state appropriation and \$50,000 of the hazardous waste control and elimination account appropriation are provided solely to: (a) Contract with the

University of Washington college of ocean and fisheries sciences to develop a damage assessment methodology for determining damages as a result of oil spills, and (b) contract with the department of community development to design a model oil spill contingency plan.

(8) Within the general fund appropriation, the department shall prepare penalty regulations for waste disposal permit violations, including minimum penalties, based upon severity and frequency of violation.

(9) \$302,000 of the general fund—state appropriation is provided solely for operating the Padilla Bay estuarine sanctuary interpretive center.

(10) \$288,000 of the general fund—state appropriation is provided solely to implement Senate Bill No. 5570. If the bill is not enacted by June 30, 1987, the amount provided in this subsection shall lapse.

(11) \$392,000 of the emergency water project revolving account appropriation (emergency water supply) is provided solely for the purpose of planning and administering drought relief activities as required by Second Substitute Senate Bill No. 6513. If the bill is not enacted by June 30, 1988, the amount provided in this subsection shall lapse.

(12) \$200,000 of the emergency water project revolving account appropriation (emergency water supply) is provided solely for staff support and contract services as required by Engrossed Second Substitute Senate Bill No. 6724. If the bill is not enacted by June 30, 1988, the amount provided in this subsection shall lapse.

(13) \$140,000 of the emergency water project revolving account appropriation (emergency water supply) is provided solely for a comprehensive state water use efficiency study as required by Engrossed Substitute House Bill No. 1594. If the bill is not enacted by June 30, 1988, the amount provided in this subsection shall lapse.

(14) \$20,000 of the general fund—state appropriation and \$100,000 of the general fund—federal appropriation are provided solely for a grant to Pend Oreille county for the purpose of controlling milloil in the Pend Oreille river. In addition to the funds provided in this subsection, the department shall provide up to \$75,000 from other appropriate state fund sources. These amounts, when combined with local matching funds, shall equal a total project cost of at least \$200,000.

(15) \$200,000 of the general fund—state appropriation is provided solely for the completion of phase two of the site closure and perpetual care report required by RCW 43.200.190.

Sec. 302. Section 312, chapter 7, Laws of 1987 1st ex. sess. as amended by section 308, chapter 289, Laws of 1988 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF NATURAL RESOURCES

General Fund Appropriation—State	\$	((42,574,000)) 57,760,000
General Fund Appropriation—Federal	\$	((78,000)) 752,000
General Fund Appropriation—Private/Local	\$	((20,000)) 50,000
ORV (Off-Road Vehicle) Account Appropriation—Federal	\$	3,086,000
Geothermal Account Appropriation—Federal	\$	16,000
Forest Development Account Appropriation	\$	((21,294,000)) 21,315,000
Survey and Maps Account Appropriation	\$	838,000
Aquatic Land Dredged Material Disposal Site Account Appropriation	\$	106,000
Landowner Contingency Forest Fire Suppression Account Appropriation	\$	((1,636,000)) 3,207,000
Resource Management Cost Account Appropriation	\$	((55,279,000)) 55,328,000
Total Appropriation	\$	((124,927,000)) 142,458,000

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

(1) ~~S((8,721,000))~~ 23,877,000 of the general fund—state appropriation is provided solely for the emergency fire suppression subprogram.

(2) \$2,649,000 of the general fund—state appropriation is provided solely for implementing the provisions of the timber fish wildlife agreement. This amount is contingent on: (a) The department reorganizing existing staff in the forest practices subprogram so that the majority of the staff positions are dedicated to regulating forest practices and are not responsible for state land management; and (b) the enactment of Senate Bill No. 5845. If the bill is not enacted by June 30, 1987, this amount shall lapse.

(3) \$270,000 of the general fund—state appropriation is provided solely for the department's responsibilities in implementing the recommendations contained in the Puget Sound water quality plan.

(4) From the resource management cost account and general fund—state appropriations in this section, the department shall create an additional one hundred full time equivalent jobs, providing employment opportunities for a total of 200 people, 50 each for a period not to

exceed six months, under the provisions of the employment security department's counter-cyclical employment program in section 226 of this act. These jobs shall pay at least eight dollars per hour, excluding benefits. Work performed under this subsection must provide economic benefits to state trust lands.

(5) \$193,000 of the general fund—state and the aquatic land dredged material disposal site account appropriations are provided solely for the purposes of Senate Bill No. 5501. If the bill is not enacted by June 30, 1987, this appropriation shall lapse.

(6) \$439,000 of the general fund—state appropriation is provided solely for spraying to control spruce budworm infestations.

(7) \$75,000 of the resource management cost account appropriation is provided solely for a feasibility study, under the guidance of the office of financial management and the department of information systems, directed at the development of a cost allocation system.

(8) Based on schedules submitted by the director of financial management, the state treasurer shall transfer from the general fund—state or such other funds as the state treasurer deems appropriate to the Clarke McNary fund such amounts as are necessary to meet unbudgeted forest fire fighting expenses. All amounts borrowed under the authority of this section shall be repaid to the appropriate fund, together with interest at a rate determined by the state treasurer to be equivalent to the return on investments of the state treasury during the period the amounts are borrowed.

(9) \$30,000 of the general fund—state appropriation, \$49,000 of the resource management cost account appropriation, and \$21,000 of the forest development account appropriation are provided solely for the purpose of conducting a study of costs and options connected with slash disposal. The general fund—state amount identified in this subsection may be spent only in an amount equal to private matching funds received and applied by the department of natural resources for the same purpose.

Sec. 303. Section 313, chapter 7, Laws of 1987 1st ex. sess. as amended by section 309, chapter 289, Laws of 1988 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF AGRICULTURE

General Fund Appropriation—State	\$	(16,073,000)
		16,408,000
General Fund Appropriation—Federal	\$	601,000
Feed and Fertilizer Account Appropriation	\$	22,000
Fertilizer, Agricultural, Mineral and Lime Fund Appropriation	\$	455,000
Commercial Feed Fund Appropriation	\$	409,000
Seed Fund Appropriation	\$	979,000
Nursery Inspection Fund Appropriation	\$	1,011,000
Livestock Security Interest Account Appropriation	\$	34,000
Total Appropriation	\$	(19,584,000)
		19,919,000

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

(1) \$48,000 of the general fund—state appropriation is provided solely for carrying out the water quality plan.

(2) \$53,000 of the general fund—state appropriation is provided solely for the control of starlings as a part of the predatory animal control program.

(3) \$20,000 of the general fund—state appropriation is provided solely to purchase poultry disease diagnostic laboratory equipment through a cooperative agreement with Washington State University.

(4) \$120,000 of the general fund—state appropriation is provided solely for the continuation of the brucellosis vaccination program.

(5) \$200,000 of the general fund—state appropriation is provided solely for enhancement of the noxious weed control program.

(6) \$200,000 of the general fund—state appropriation is provided solely to initiate a marketing program for Washington-bred horses.

(7) \$120,000 of the general fund—state appropriation is provided solely for the aquaculture program.

(8) \$12,000 of the general fund—state appropriation is provided solely for the implementation of Substitute Senate Bill No. 6240. If the bill is not enacted by June 30, 1988, the amount provided in this subsection shall lapse.

Sec. 304. Section 316, chapter 7, Laws of 1987 1st ex. sess. as amended by section 313, chapter 289, Laws of 1988 (uncodified) is amended to read as follows:

FOR THE WASHINGTON CENTENNIAL COMMISSION

General Fund Appropriation	\$	7,377,000
State Centennial Commission Account Appropriation	\$	(2,540,000)
		2,420,000
Total Appropriation	\$	(9,917,000)
		9,797,000

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

(1) State agencies, at the request of the centennial commission, may develop programs or activities related to the Washington state centennial. Agencies that develop programs or activities in conjunction with the centennial commission shall not charge the commission for overhead or administrative costs.

(2) The commission may contract with Pacific Celebration '89 for promotion of Washington state's future trade and economic ties with nations in the Pacific rim. Any contract with Pacific Celebration '89 shall include, but is not limited to, the following conditions:

(a) Pacific Celebration '89 activities shall create increased opportunities for marketing Washington state products and services, include a series of leadership conferences on emerging issues of the Pacific economy, promote Washington state as the focus of trade activity within the Pacific basin, recognize the contributions to the development of Washington state by people of Pacific heritage, and increase knowledge and understanding of Pacific cultures by Washington citizens. Activities shall be staged in communities throughout the state during the centennial year.

(b) Each \$1.00 in state funds provided to Pacific Celebration shall be matched over the course of the biennium by at least \$1.60 in private contributions and event sponsorships. If, at any point during the biennium, the centennial commission determines that private contributions and event sponsorships will, by the end of the biennium, amount to less than \$1.60 for each \$1.00 of state money provided, it shall reduce disbursements proportionally.

(c) Any state money used for contracts with Pacific Celebration shall be repaid, to the greatest extent possible, from net revenue of Pacific Celebration activities. Net revenues from these activities shall be maximized and returned to the general fund according to a financial plan approved by the commission.

(3) The general fund appropriation is intended to be the final state contribution to the funding of centennial commission projects.

(4) If the commission terminates the contracts authorized under subsection (2) of this section prior to the effective date of this 1988 section, the commission shall use all money that had been committed to but will not be expended for these contracts on the following activities: (a) Efforts to increase opportunities for marketing Washington state products and services; (b) a series of leadership conferences on emerging issues of the Pacific economy; (c) promotion of Washington state as the focus of trade activity within the Pacific basin; (d) recognition of the contributions to the development of Washington state by people of Pacific heritage; and (e) efforts to increase knowledge and understanding of Pacific cultures by Washington citizens.

~~((5) \$50,000 of the general fund appropriation is provided solely for staff and administrative services by the department of community development for a 20:20 commission. The 20:20 commission shall develop a plan to prepare the state to respond positively to the economic, social, and environmental changes which will face its citizens as they enter the next century.))~~

Sec. 305, Section 12, chapter 8, Laws of 1987 1st ex. sess. as amended by section 312, chapter 289, Laws of 1988 (uncodified) is amended to read as follows:

~~\$(11,956,000))~~ 13,784,000 or so much thereof as may be necessary, is appropriated from the state convention and trade center operations account to the state convention and trade center corporation, for the fiscal biennium ending June 30, 1989, for the purposes of operation and promotion of the center. The appropriation in this section is subject to the following conditions and limitations:

(1) \$1,540,000 is provided solely for marketing the facilities and services of the convention center, for promoting the locale as a convention and visitor destination, and for related activities. ~~((Unless a bill increasing the special excise tax under RCW 67.40.090 to six percent in the city of Seattle and two and four-tenths percent in King county outside the city of Seattle is enacted by June 30, 1988, the amount provided in the previous sentence shall lapse.))~~

(2) Not more than \$9,500,000 of the moneys appropriated in this section may be expended from moneys transferred from the state general fund to the state convention and trade center operations account pursuant to RCW 67.40.055.

(3) \$50,000 is provided solely for installation of a donated bronze Japanese temple bell.

NEW SECTION. Sec. 306. A new section is added to chapter 7, Laws of 1987 1st ex. sess. to read as follows:

FOR THE DEPARTMENT OF ECOLOGY

State Toxics Control Account Appropriation \$ 13,761,000

The appropriation in this section is subject to the following conditions and limitations:

(1) \$9,080,000, or as much thereof as may be necessary, shall be expended for the purposes of administering and conducting remedial action.

(2) \$4,030,000, or as much thereof as may be necessary, shall be expended for the ongoing implementation of the hazardous waste regulatory program authorized by chapter 70.105 RCW including, but not limited to, activities to permit and inspect hazardous waste facilities.

(3) \$340,000, or as much thereof as may be necessary, shall be used to provide technical assistance to local governments in accordance with RCW 70.105.170 and 70.105.255, and for local planning grants as provided in RCW 70.105.220 and 70.105.235(1)(a), (b), and (c).

(4) \$311,000, or as much thereof as may be necessary, shall be used for solid waste management activities including, but not limited to: (a) State and local solid waste enforcement; (b)

development and dissemination of technical assistance information for local governments regarding proper management and disposal of solid waste in accordance with RCW 70.95.100 and 70.95.263(2); and (c) local planning grants as provided in RCW 70.95.130.

(5) The appropriation in this section shall be reduced by any amounts expended under the appropriations in section 50, chapter 2, Laws of 1987 3rd ex. sess. and section 50, chapter 112, Laws of 1988.

NEW SECTION. Sec. 307. A new section is added to chapter 7, Laws of 1987 1st ex. sess. to read as follows:

FOR THE DEPARTMENT OF ECOLOGY

State Toxics Control Account Appropriation \$ 150,000

The appropriation in this section is subject to the following conditions and limitations: The entire appropriation shall be used for the business assistance program. The appropriation in this section shall be reduced by any amounts expended under the appropriations in section 57, chapter 2, Laws of 1987 3rd ex. sess. and section 57, chapter 112, Laws of 1988.

NEW SECTION. Sec. 308. A new section is added to chapter 7, Laws of 1987 1st ex. sess. to read as follows:

FOR THE DEPARTMENT OF ECOLOGY

Local Toxics Control Account Appropriation \$ 16,185,000

The appropriation in this section is subject to the following conditions and limitations:

(1) \$936,000, or as much thereof as may be necessary, shall be expended for local solid waste enforcement grants.

(2) \$15,249,000, or as much thereof as may be necessary, shall be used for grants pursuant to section 7(3), chapter 2, Laws of 1989.

(3) This appropriation shall be reduced by any amounts expended under the appropriations in Initiative 97, section 55, chapter 2, Laws of 1987 3rd ex. sess. and section 55, chapter 112, Laws of 1988.

NEW SECTION. Sec. 309. A new section is added to chapter 7, Laws of 1987 1st ex. sess. to read as follows:

FOR THE DEPARTMENT OF ECOLOGY

Water Quality Permit Account Appropriation \$ 3,600,000

The appropriation in this section shall be reduced by any amount expended under the appropriation in section 58, chapter 2, Laws of 1987 3rd ex. sess. and section 58, chapter 112, Laws of 1988.

NEW SECTION. Sec. 310. A new section is added to chapter 7, Laws of 1987 1st ex. sess. to read as follows:

FOR THE DEPARTMENT OF AGRICULTURE

State Toxics Control Account Appropriation \$ 234,000

The appropriation in this section shall be reduced by any amounts expended under the appropriations in section 51, chapter 2, Laws of 1987 3rd ex. sess. and section 51, chapter 112, Laws of 1988.

PART IV
TRANSPORTATION

Sec. 401. Section 402, chapter 7, Laws of 1987 1st ex. sess. as amended by section 402, chapter 289, Laws of 1988 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF LICENSING

General Fund Appropriation \$ ~~((15,704,666))~~

15,846,000

Architects' License Account Appropriation \$ 765,000

Health Professions Account Appropriation \$ 9,709,000

Medical Disciplinary Account Appropriation \$ 1,195,000

Professional Engineers' Account Appropriation \$ 1,207,000

Real Estate Commission Account Appropriation \$ 4,936,000

Total Appropriation \$ ~~((33,516,666))~~

33,658,000

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

(1) A maximum of \$426,000 from the health professions account appropriation may be used to contract with the board of pharmacy for drug-related investigations regarding licensed health care professionals.

(2) \$750,000 of the general fund appropriation is provided solely for expansion of the master license system.

(3) \$42,000 of the general fund appropriation is provided solely for implementation of Engrossed House Bill No. 713. If the bill is not enacted by June 30, 1987, the amount provided in this subsection shall lapse.

(4) \$64,000 of the general fund appropriation is provided solely for enhanced regulation and scrutiny of debenture companies under the provisions of Substitute House Bill No. 1525. If the bill is not enacted by June 30, 1988, the amount provided in this subsection shall lapse.

(5) \$28,000 of the general fund appropriation is provided solely for recording federal liens under Engrossed Senate Bill No. 6563. If the bill is not enacted by June 30, 1988, the amount

provided in this subsection shall lapse. The amount spent under this subsection shall not exceed the amount of additional fee revenue generated under the bill.

(6) \$83,000 of the health professions account appropriation is provided solely for certifying and registering nursing assistants under Engrossed Substitute House Bill No. 1530. If the bill is not enacted by June 30, 1988, the amount provided in this subsection shall lapse.

(7) \$25,000 of the health professions account appropriation is provided solely for adopting rules governing the use of sedation and anesthesia for dental practice under Engrossed House Bill No. 668. If the bill is not enacted by June 30, 1988, the amount provided in this subsection shall lapse.

(8) \$104,000 of the general fund appropriation is provided solely for regulation of camping clubs under Substitute House Bill No. 791. If the bill is not enacted by June 30, 1988, the amount provided in this subsection shall lapse.

(9) \$142,000 of the general fund appropriation is provided solely for costs associated with AIDS training of licensed health care professionals mandated by chapter 206, Laws of 1988. Amounts expended under this subsection shall be repaid by the licensed professions receiving training.

PART V
EDUCATION

Sec. 501. Section 502, chapter 7, Laws of 1987 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR EDUCATIONAL SERVICE DISTRICTS

General Fund Appropriation	\$	(9,966,000)
		9,967,000

The appropriation in this section is subject to the following conditions and limitations: The educational service districts shall continue to furnish financial services required by the superintendent of public instruction and RCW 28A.21.088 (3) and (4).

Sec. 502. Section 503, chapter 7, Laws of 1987 1st ex. sess. as last amended by section 502, chapter 289, Laws of 1988 (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR GENERAL APPORTIONMENT (BASIC EDUCATION)

General Fund Appropriation	\$	(3,834,946,000)
		3,837,883,000
Revenue Accrual Account Appropriation	\$	55,100,000
Total Appropriation	\$	(3,896,046,000)
		3,892,983,000

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

(1) \$367,323,000 is provided solely for the remaining months of the 1986-87 school year.

(2) Allocations for certificated staff salaries for the 1987-88 and 1988-89 school years shall be determined by multiplying each district's average basic education certificated instructional and administrative salaries as determined under section 504, chapter 7, Laws of 1987 1st ex. sess., as amended, by the districts' formula-generated staff units as follows:

(a) On the basis of average annual full time equivalent enrollments, excluding handicapped full time equivalent enrollment as recognized for funding purposes under section 507, chapter 7, Laws of 1987 1st ex. sess., and excluding full time equivalent enrollment otherwise recognized for certificated staff unit allocations under (d) through (i) of this subsection:

(i) Forty-six certificated instructional staff units for each one thousand full time equivalent kindergarten through twelfth grade students.

(ii) Four certificated administrative staff units for each one thousand full time equivalent kindergarten through twelfth grade students.

(b)(i) For the 1987-88 school year, an additional two certificated instructional staff units for each one thousand average annual full time equivalent students in kindergarten through third grade.

(ii) For the 1988-89 school year, an additional three certificated instructional staff units for each one thousand average annual full time equivalent students in kindergarten through third grade.

(c)(i) For school districts with a minimum enrollment of 250 full time equivalent students, whose full time equivalent student enrollment count in a given month exceeds the first of the month full time equivalent enrollment count by 5 percent, an additional state allocation of 110 percent of the share that such increased enrollment would have generated had such additional full time equivalent students been included in the normal enrollment count for that particular month.

(ii) For school districts that are located in a special economic distress impact area as defined in this subsection, and that experienced a decline in average annual full time equivalent enrollment between the 1987-88 and 1988-89 school years of at least two hundred full time equivalent students or four percent, whichever is less, additional staff unit allocations for the

1988-89 school year equivalent to the number of staff units generated under (a) of this subsection by half of the enrollment difference between the two school years. 'Special economic distress impact area' shall mean a county that had an average unemployment rate for fiscal year 1988 which exceeded the average state unemployment rate for the same period by fifteen percent, and which is located in whole or in part within a fifty mile radius of a nuclear reactor scheduled to be placed in inoperative standby status.

(d) 0.92 certificated instructional staff units and 0.08 certificated administrative staff units for each seventeen and one-half full time equivalent students enrolled in a vocational education program approved by the superintendent of public instruction. However, for skill center programs, the ratio shall be 0.92 certificated instructional staff units and 0.08 certificated administrative staff units for each annual average 16.67 full time equivalent students enrolled in an approved vocational education program.

(e) For districts enrolling not more than twenty-five average annual full time equivalent students in kindergarten through grade eight, and for small school plants within any school district which enroll not more than twenty-five average annual full time equivalent kindergarten through eighth grade students and have been judged to be remote and necessary by the state board of education:

(i) For those enrolling no students in grades seven or eight, 1.76 certificated instructional staff units and 0.24 certificated administrative staff units for enrollment of not more than five students, plus one-twentieth of a certificated instructional staff unit for each additional student enrolled; and

(ii) For those enrolling students in either grades seven or eight, 1.68 certificated instructional staff units and 0.32 certificated administrative staff units for enrollment of not more than five students, plus one-tenth of a certificated instructional staff unit for each additional student enrolled.

(f) For districts enrolling more than twenty-five but not more than one hundred average annual full time equivalent students in kindergarten through grade eight, and for small school plants within any school district which enroll more than twenty-five average annual full time equivalent kindergarten through eighth grade students and have been judged to be remote and necessary by the state board of education, in the following cases:

(i) For districts and small school plants with enrollments of up to sixty annual average full time equivalent students in kindergarten through grade six, 2.76 certificated instructional staff units and 0.24 certificated administrative staff units;

(ii) For districts and small school plants with enrollments of up to twenty annual average full time equivalent students in grades seven and eight, 0.92 certificated instructional staff units and 0.08 certificated administrative staff units.

(g) For each nonhigh school district having an enrollment of more than seventy annual average full time equivalent students and less than one hundred eighty students, operating a grades K-8 program or a grades 1-8 program, an additional one-half of a certificated instructional staff unit.

(h) For each nonhigh school district having an enrollment of more than fifty annual average full time equivalent students and less than one hundred eighty students, operating a grades K-6 program or a grades 1-6 program, an additional one-half of a certificated instructional staff unit.

(i) For districts that operate no more than two high schools with enrollments of not more than three hundred average annual full time equivalent students, for enrollments in each such high school, excluding handicapped and vocational full time equivalent enrollments for the 1987-88 school year only:

(i) Nine certificated instructional staff units and one-half of a certificated administrative staff unit for the first sixty annual average full time equivalent students;

(ii) Additional certificated staff units based upon a ratio of 0.8732 certificated instructional staff units and 0.1268 certificated administrative staff units per forty-three and one-half average annual full time equivalent students; and

(iii) For the 1988-89 school year, excluding certificated staff units at the rate of 46 certificated instructional staff units and 4 certificated administrative staff units per 1,000 vocational and handicapped full time equivalent students.

(3) Allocations for classified salaries for the 1987-88 and 1988-89 school years shall be calculated by multiplying each district's average basic education classified salary allocation as determined under section 504(2), chapter 7, Laws of 1987 1st ex. sess., as amended, by the district's formula-generated classified staff units determined as follows:

(a) For enrollments generating certificated staff unit allocations under subsections (2) (e) through (i) of this section, one classified staff unit per each three certificated staff units allocated under such subsections.

(b) For all other enrollment in grades kindergarten through twelve, including vocational but excluding handicapped full time equivalent enrollments, one classified staff unit for each sixty average annual full time equivalent students.

(c) For each nonhigh school district with an enrollment of more than fifty annual average full time equivalent students and less than one hundred eighty students, an additional one-half of a classified staff unit.

(4) Fringe benefit allocations shall be calculated at a rate of 19.41 percent in the 1987-88 school year and ~~((19.53))~~ 19.59 percent in the 1988-89 school year of certificated salary allocations provided under subsection (2) of this section, and a rate of 17.00 percent in the 1987-88 school year and ~~((17.12))~~ 17.18 percent in the 1988-89 school year of classified salary allocations provided under subsection (3) of this section.

(5) Insurance benefit allocations for the 1987-88 and 1988-89 school years shall be calculated at a rate of \$167 per month for the number of certificated staff units determined in subsection (2) of this section and for the number of classified staff units determined in subsection (3) of this section multiplied by 1.152.

(6)(a) For nonemployee related costs with each certificated staff unit allocated under subsections (2) (a), (b), (c), and (e) through (l) of this section, there shall be provided a maximum of \$5,973 per certificated staff unit in the 1987-88 school year and a maximum of \$6,188 per certificated staff unit in the 1988-89 school year.

(b) For nonemployee related costs with each certificated staff unit allocated under subsection (2)(d) of this section, there shall be provided a maximum of \$11,382 per certificated staff unit in the 1987-88 school year and a maximum of \$11,792 per certificated staff unit in the 1988-89 school year.

(7) Allocations for costs of substitutes for classroom teachers shall be distributed at a maximum rate of \$275 per full time equivalent basic education classroom teacher during the 1987-88 and 1988-89 school years.

(8) The superintendent may distribute a maximum of ~~((53,209,000))~~ \$3,191,000 outside the basic education formula during fiscal years 1988 and 1989 as follows:

(a) For fire protection for school districts located in a fire protection district as now or hereafter established pursuant to chapter 52.04 RCW, a maximum of ~~((3342,000))~~ \$324,000 may be expended in fiscal year 1988 and a maximum of \$342,000 in fiscal year 1989.

(b) For summer vocational programs at skills centers, a maximum of \$1,099,000 may be expended in fiscal year 1988 and a maximum of \$1,135,000 may be expended in fiscal year 1989.

(c) A maximum of \$472,000 may be expended for school district emergencies.

(9) Formula enhancements are provided under this section which are not attributable to enrollment or workload changes, compensation increases, or inflationary adjustments. For the purposes of RCW 84.52.0531, the following allocations shall be recognized as levy reduction funds:

(a) For the 1987-88 school year, for certificated instructional staff units generated under subsection (2)(b)(i) of this section, all allocations for nonemployee-related costs and one-half of all allocations for certificated salaries and benefits.

(b) For the 1988-89 school year, for certificated instructional staff units generated under subsection (2)(b)(ii) of this section, one-third of all allocations including nonemployee-related costs and certificated staff salaries and benefits.

(10) For the purposes of section 101, chapter 2, Laws of 1987 1st ex. sess., the increase per full time equivalent student in the state basic education appropriation provided under this section and section 514 of this 1988 act is 2.75 percent between the 1986-87 and 1987-88 school years, and 4.93 percent between the 1987-88 and 1988-89 school years.

(11) The revenue accrual account appropriation is provided solely for allocations for employer contributions to the teachers' retirement system included under subsection (4) of this section.

(12) A maximum of \$372,000 may be distributed to enhance funding provided in subsections (1) through (8) of this section for remote and necessary school plants on islands without scheduled public transportation which are the sole school plants serving students in elementary grades on these islands. To be eligible in any school year for an allocation under this subsection, a school district must demonstrate that, either on an aggregate or per pupil basis, the percentage growth from the prior year in the district's expenditures for programs for students enrolled in the remote school plant is not less than the percentage growth from the prior school year in the district's operating expenditures district-wide. The superintendent of public instruction shall ensure compliance with this subsection, including appropriate distribution of school district overhead costs. The superintendent shall study and, in a report submitted to the legislature prior to December 1, 1988, make recommendations on adequate but not excessive funding formulas for remote and necessary school plants serving less than twenty-five students.

(13) The appropriations in this section include \$119,343,000 allocated for compensation increases for basic education staff, as provided pursuant to section 504, chapter 7, Laws of 1987 1st ex. sess., as amended.

Sec. 503, Section 504, chapter 7, Laws of 1987 1st ex. sess. as last amended by section 503, chapter 289, Laws of 1988 (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—BASIC EDUCATION EMPLOYEE COMPENSATION

For the purposes of section 503, chapter 7, Laws of 1987 1st ex. sess., as amended, and this section, the following conditions and limitations apply:

(1) (a) Districts shall certify to the superintendent of public instruction such information as may be necessary regarding the years of service and educational experience of basic education certificated instructional employees for the purposes of calculating certificated instructional staff salary allocations pursuant to this section. Any change in information previously certified, on the basis of additional years of experience or educational credits, shall be reported and certified to the superintendent of public instruction at the time such change takes place.

(b) For the purposes of this section, 'basic education certificated instructional staff' is defined as provided in RCW 28A.41.110.

(c) 'LEAP Document 1' means the computerized tabulation establishing staff mix factors for basic education certificated instructional staff according to education and years of experience, as developed by the legislative evaluation and accountability program committee on August 18, 1987, at 13:26 hours.

(d) 'LEAP Document 10' means the computerized tabulation of 1986-87 average salary allocations for basic education certificated administrative staff and basic education classified staff, as developed by the legislative evaluation and accountability program committee on May 11, 1987, at 11:06 hours.

(e) 'LEAP Document 11' means the computerized tabulation of 1986-87 derived base salaries for basic education certificated instructional staff, as developed by the legislative evaluation and accountability program committee on August 19, 1987, at 10:29 hours.

(f) 'Derived base salary' means a school district's average salary for basic education certificated instructional staff, divided by the district's average staff mix factor for such staff computed using LEAP Document 1.

(2)(a)(i) For the 1987-88 school year, average salary allocations for basic education certificated administrative staff under section 503, chapter 7, Laws of 1987 1st ex. sess., as amended, shall be the district's 1986-87 certificated administrative average salary shown on LEAP Document 10, increased by 2.1 percent of the 1986-87 LEAP Document 10 state-wide average salary for certificated administrative staff.

(ii) For the 1988-89 school year, average salary allocations for basic education certificated administrative staff under section 503, chapter 7, Laws of 1987 1st ex. sess., as amended, shall be the district's certificated administrative average salary allocation for the 1987-88 school year provided under this section, further increased by 2.14 percent of the 1986-87 LEAP Document 10 state-wide average salary.

(b)(i) For the 1987-88 school year, average salary allocations for basic education classified staff under section 503, chapter 7, Laws of 1987 1st ex. sess., as amended, shall be the district's 1986-87 classified average salary shown on LEAP Document 10, increased by 2.7 percent of the 1986-87 LEAP Document 10 state-wide average salary for classified staff.

(ii) For the 1988-89 school year, average salary allocations for basic education classified staff under section 503, chapter 7, Laws of 1987 1st ex. sess., as amended, shall be the district's classified average salary allocation for the 1987-88 school year provided under this section, further increased by 2.77 percent of the 1986-87 LEAP Document 10 state-wide average classified salary.

(c) Allocations for certificated instructional salaries in the 1987-88 school year under section 503(2), chapter 7, Laws of 1987 1st ex. sess., as amended, shall be the greater of:

(i) The district's average salary as determined by placing the district's actual full time equivalent basic education certificated instructional staff for that school year on the 1987-88 state-wide salary allocation schedule established in subsection (3)(a) of this section; or

(ii) The district's actual average annual basic education certificated instructional staff salary for the 1986-87 school year, as reported to the superintendent of public instruction prior to June 1, 1987, improved by 2.1 percent; or

(iii) The district's 1986-87 derived base salary for basic education certificated instructional staff as shown on LEAP Document 11, multiplied by the district's average staff mix factor determined using LEAP Document 1 for 1987-88 basic education certificated instructional staff, and further increased by 2.1 percent.

(d) Allocations for certificated instructional salaries in the 1988-89 school year under section 503(2), chapter 7, Laws of 1987 1st ex. sess., as amended, shall be the greater of:

(i) The district's average salary as determined by placing the district's actual full time equivalent basic education certificated instructional staff for that school year on the 1988-89 state-wide salary allocation schedule established in subsection (3)(b) of this section; or

(ii) For districts which received salary allocations for the 1987-88 school year under subsection (2)(c)(ii) or (iii) of this section, the district's actual 1987-88 derived base salary for basic education certificated instructional staff computed as of January 9, 1989, by the superintendent of public instruction using LEAP Document 1, multiplied by the district's average staff mix factor determined using LEAP Document 1 for 1988-89 basic education certificated instructional staff, and further increased by 2.1 percent. In no case shall the actual 1987-88 derived base salary recognized in this subsection exceed the average salary used for state allocations in the 1987-

88 school year for basic education certificated instructional staff under section 502 of this 1988 act, including the increases provided under this section and section 504(4) of this 1988 act, divided by the district's average staff mix factor for 1987-88 basic education certificated instructional staff.

(3) Pursuant to RCW 28A.41.112, the following state-wide salary allocation schedules for certificated instructional staff, for allocation purposes only, are established:

(a) 1987-88 STATE-WIDE SALARY ALLOCATION SCHEDULE
FOR INSTRUCTIONAL STAFF

Years of Service	BA	BA+15	BA+30	BA+45
0	17.050	17,510	17,988	18,465
1	17.681	18,158	18,653	19,164
2	18,329	18,823	19,335	19,897
3	19.011	19,522	20,051	20,648
4	19,710	20,255	20,801	21,432
5	20,443	21,006	21,568	22,250
6	21,210	21,773	22,370	23,103
7	21,995	22,574	23,188	23,972
8	22,796	23,410	24,041	24,893
9		24,279	24,944	25,831
10			25,865	26,820
11				27,843
12				
13				
14 or more				

1987-88 STATE-WIDE SALARY ALLOCATION SCHEDULE
FOR INSTRUCTIONAL STAFF

Years of Service	BA+90	BA+135	MA	MA+45	MA+90 or PHD
0	20.000	20,989	20,000	21,210	22,250
1	20,750	21,756	20,750	21,995	23,069
2	21,517	22,557	21,517	22,813	23,921
3	22,301	23,393	22,301	23,648	24,808
4	23,137	24,262	23,137	24,518	25,728
5	23,989	25,166	23,989	25,439	26,666
6	24,876	26,087	24,876	26,376	27,655
7	25,797	27,058	25,797	27,348	28,678
8	26,751	28,064	26,751	28,354	29,752
9	27,740	29,104	27,740	29,411	30,843
10	28,763	30,179	28,763	30,502	31,986
11	29,838	31,287	29,838	31,628	33,162
12	30,946	32,446	30,946	32,804	34,390
13	32,088	33,640	32,088	34,015	35,669
14 or more		34,884	33,265	35,276	36,981

(b) 1988-89 STATE-WIDE SALARY ALLOCATION SCHEDULE
FOR INSTRUCTIONAL STAFF

Years of Service	BA	BA+15	BA+30	BA+45
0	17.600	18,075	18,568	19,061
1	18,251	18,744	19,254	19,782
2	18,920	19,430	19,958	20,539
3	19,624	20,152	20,698	21,314
4	20,346	20,909	21,472	22,123
5	21,102	21,683	22,264	22,968
6	21,894	22,475	23,091	23,848
7	22,704	23,302	23,936	24,746
8	23,531	24,165	24,816	25,696
9		25,062	25,749	26,664
10			26,699	27,685
11				28,741
12				

(b) 1988-89 STATE-WIDE SALARY ALLOCATION SCHEDULE
FOR INSTRUCTIONAL STAFF

Years of Service	BA	BA+15	BA+30	BA+45
13				
14 or more				

1988-89 STATE-WIDE SALARY ALLOCATION SCHEDULE
FOR INSTRUCTIONAL STAFF

Years of Service	BA+90	BA+135	MA	MA+45	MA+90 or PHD
0	20,645	21,666	20,645	21,894	22,968
1	21,419	22,458	21,419	22,704	23,813
2	22,211	23,285	22,211	23,549	24,693
3	23,021	24,147	23,021	24,411	25,608
4	23,883	25,045	23,883	25,309	26,558
5	24,763	25,978	24,763	26,259	27,526
6	25,678	26,928	25,678	27,227	28,547
7	26,629	27,931	26,629	28,230	29,603
8	27,614	28,970	27,614	29,269	30,712
9	28,635	30,043	28,635	30,360	31,838
10	29,691	31,152	29,691	31,486	33,018
11	30,800	32,296	30,800	32,648	34,232
12	31,944	33,493	31,944	33,862	35,499
13	33,123	34,725	33,123	35,112	36,819
14 or more		36,010	34,338	36,414	38,174

(c) As used in this subsection:

(i) 'BA' means a baccalaureate degree;

(ii) 'MA' means a masters degree;

(iii) 'PHD' means a doctorate degree;

(iv) '+ (N)' means the number of college quarter hour credits and inservice credits earned since the highest degree. Inservice hours shall be converted to equivalent college quarter hour credits in accordance with RCW 28A.71.110.

(4) (a) Prior to August 31st of each school year, each school district shall report to the superintendent of public instruction the following information for each certificated instructional employee employed by the district as of October 1st of that school year:

(i) The full time equivalency of the employee by duty code and program assignment;

(ii) The number of days in the employee's base contract;

(iii) The finalized salary amount provided for the employee's base contract;

(iv) The amount contributed by the school district for the employee's fringe benefits as defined in RCW 28A.58.0951(3)(b); and

(v) The finalized amount paid to the employee for any supplemental contracts under RCW 28A.58.0951(4).

Districts shall also confirm this data and submit any necessary revisions prior to December 1st of the subsequent school year.

(b) Prior to August 31st of each school year, each school district shall submit to the superintendent of public instruction copies of the district's finalized salary schedules used for compensation of certificated instructional employees.

(c) The superintendent of public instruction shall make available to school districts, the legislature, and the governor the information submitted by the school districts under this subsection (4), including calculation of average amounts provided by each school district for base salary contracts, supplemental contracts, and fringe benefits of basic education certificated instructional staff and of other certificated instructional staff.

Sec. 504. Section 505, chapter 7, Laws of 1987 1st ex. sess. as last amended by section 504, chapter 289, Laws of 1988 (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR MINIMUM SALARIES AND CATEGORICAL PROGRAM SALARY INCREASES

General Fund Appropriation	\$	((23,264,000)) 23,684,000
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The appropriation in this section is subject to the following conditions and limitations:

(1) 'Incremental fringe benefits' means 18.77 percent in the 1987-88 school year and ((18.89)) 18.95 percent in the 1988-89 school year for certificated staff, and 13.47 percent in the 1987-88 school year and ((13.59)) 13.65 percent in the 1988-89 school year for classified staff, which percentages shall be the fringe benefit rates applied to the respective salary adjustments provided in subsections (3) and (4) of this section.

(2) A maximum of (~~(\$6,165,000)~~) \$8,252,000 is provided to implement salary increases for each school year for state-supported school employees in the following categorical programs: Transitional bilingual instruction, learning assistance, education of highly capable students, vocational technical institutes, and pupil transportation. Moneys provided by this subsection include costs of incremental fringe benefits and shall be distributed by increasing allocation rates for each school year by the amounts specified:

(a) Transitional bilingual instruction: The rates specified in section 509, chapter 7, Laws of 1987 1st ex. sess. shall be increased by \$10.51 per pupil for the 1987-88 school year and by (~~(\$21.69)~~) \$21.69 per pupil for the 1988-89 school year.

(b) Learning assistance: The rates specified in section 510, chapter 7, Laws of 1987 1st ex. sess. shall be increased by \$9.15 per pupil for the 1987-88 school year and by \$16.72 per pupil for the 1988-89 school year.

(c) Education of highly capable students: The rates specified in section 511, chapter 7, Laws of 1987 1st ex. sess. shall be increased by \$6.23 per pupil for the 1987-88 school year and by \$12.84 per pupil for the 1988-89 school year.

(d) Vocational technical institutes: The rates for vocational programs specified in section 513, chapter 7, Laws of 1987 1st ex. sess. shall be increased by \$57.15 per full time equivalent student for the 1987-88 school year, and by (~~(\$114.97)~~) \$114.97 per full time equivalent student for the 1988-89 school year.

(e) Pupil transportation: The rates provided under section 516, chapter 7, Laws of 1987 1st ex. sess. shall be increased by \$0.47 per weighted pupil-mile for the 1987-88 school year, and by \$0.86 per weighted pupil-mile for the 1988-89 school year.

(3) A maximum of (~~(\$14,979,000)~~) \$15,332,000 is provided for salary increases and incremental fringe benefits for state-supported staff unit allocations in the handicapped program, section 507, and for state-supported staff in institutional education programs, section 508, and in educational service districts, section 502. The superintendent of public instruction shall distribute salary increases for these programs not to exceed the percentage salary increases provided for basic education staff under section 504, chapter 7, Laws of 1987 1st ex. sess.

(4) A maximum of \$100,000 is provided solely to implement minimum salaries, distributed as follows:

(a) For any certificated instructional employee in the 1987-88 school year, the superintendent of public instruction may allocate additional salary moneys equal to:

(i) The minimum salary required for the employee under RCW 28A.58.0951(2); minus

(ii) The salary that the school district would have paid to such an employee in the 1986-87 school year at the employee's 1987-88 level of experience and education, increased by the average percentage increase provided in the district's derived base salary for basic education certificated instructional staff under section 2 of this 1987 act between the 1986-87 and 1987-88 school years. For the purposes of this section, no salary which an employee would have been paid in the 1986-87 school year shall be considered to be less than \$16,500 on a full time equivalent basis if the district had received funds under section 502(3)(f) of chapter 7, Laws of 1987, to establish a minimum certificated salary of \$16,500.

(b) For any certificated instructional employee in the 1988-89 school year, the superintendent of public instruction may allocate additional salary moneys equal to:

(i) The minimum salary required for the employee under RCW 28A.58.0951(2); minus

(ii) The salary that the school district would have paid to such an employee during the 1987-88 school year at the employee's 1988-89 level of experience and education, increased by the average percentage increase provided in the district's derived base salary for basic education certificated instructional staff under section 2 of this 1987 act between the 1987-88 and 1988-89 school years.

(c) The superintendent of public instruction shall allocate incremental fringe benefits as defined in subsection (1) of this section for additional salary moneys allocated under (a) and (b) of this subsection.

Sec. 505. Section 507, chapter 7, Laws of 1987 1st ex. sess. as amended by section 506, chapter 289, Laws of 1988 (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR HANDICAPPED EDUCATION PROGRAMS

General Fund Appropriation—State	\$	((423,035,000))
		<u>431,188,000</u>
General Fund Appropriation—Federal	\$	45,318,000
Total Appropriation	\$	((468,353,000))
		<u>476,506,000</u>

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

(1) (~~(\$41,570,000)~~) \$41,568,000 of the general fund—state appropriation is provided solely for the remaining months of the 1986-87 school year.

(2) The superintendent of public instruction shall distribute state funds for the 1987-88 and 1988-89 school years in accordance with districts' actual handicapped enrollments and the allocation model established in LEAP Document 9 as developed by the legislative evaluation and accountability program committee on April 27, 1987, at 14:43 hours.

(3) A maximum of \$411,000 may be expended from the general fund—state appropriation to fund 4.66 full time equivalent teachers and one aide at Children's Orthopedic Hospital and Medical Center. This amount is in lieu of money provided through the home and hospital allocation and the handicapped program.

(4) From state or federal funds appropriated under this section, the superintendent of public instruction shall allocate a total of \$130,000 for the early childhood home instruction program for hearing impaired infants and their families.

Sec. 506. Section 508, chapter 7, Laws of 1987 1st ex. sess. as amended by section 507, chapter 289, Laws of 1988 (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR INSTITUTIONAL EDUCATION PROGRAMS

General Fund Appropriation—State	\$	(21,445,000)
		<u>21,449,000</u>
General Fund Appropriation—Federal	\$	7,034,000
Total Appropriation	\$	(28,479,000)
		<u>28,483,000</u>

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

(1) \$3,462,000 of the general fund—state appropriation is provided solely for the remaining months of the 1986-87 school year.

(2) \$10,908,000 of the general fund—state appropriation is provided solely for the 1987-88 school year, distributed as follows:

(a) \$4,128,000 is provided solely for programs in state institutions for the handicapped or emotionally disturbed. These moneys may be distributed for that school year at a maximum rate averaged over all of these programs of \$10,294 per full time equivalent student.

(b) \$3,368,000 is provided solely for programs in state institutions for delinquent youth. These moneys may be distributed for that school year at a maximum rate averaged over all of these programs of \$6,112 per full time equivalent student.

(c) \$390,000 is provided solely for programs in state group homes for delinquent youth. These moneys may be distributed for that school year at a maximum rate averaged over all of these programs of \$3,678 per full time equivalent student.

(d) \$733,000 is provided solely for juvenile parole learning center programs. These moneys may be distributed for that school year at a maximum rate averaged over all of these programs of \$1,815 per full time equivalent student, and are in addition to moneys allocated for these students through the basic education formula established in section 503 of this act.

(e) \$2,289,000 is provided solely for programs in county detention centers. These moneys may be distributed for that school year at a maximum rate averaged over all of these programs of \$4,471 per full time equivalent student.

(3) Distribution of state funding for the 1988-89 school year shall be based upon the following overall limitations for that school year including expenditures anticipated for July and August of 1989:

(a) State funding for programs in state institutions for the handicapped or emotionally disturbed may be distributed at a maximum rate averaged over all of these programs of \$10,296 per full time equivalent student and a total allocation of no more than ~~((3,735,000))~~ \$3,736,000 for that school year.

(b) State funding for programs in state institutions for delinquent youth may be distributed at a maximum rate averaged over all of these programs of ~~((6,116))~~ \$6,119 per full time equivalent student and a total allocation of no more than ~~((3,272,000))~~ \$3,274,000 for that school year.

(c) State funding for programs in state group homes for delinquent youth may be distributed in that school year at a maximum rate averaged over all of these programs of ~~((3,600))~~ \$3,690 per full time equivalent student and a total allocation of no more than \$391,000 for that school year.

(d) State funding for juvenile parole learning center programs may be distributed at a maximum rate averaged over all of these programs of ~~((1,800))~~ \$1,810 per full time equivalent student and a total allocation of no more than ~~((730,000))~~ \$731,000 for that school year, excluding funds provided through the basic education formula established in section 503 of this act.

(e) State funding for programs in county detention centers may be distributed at a maximum rate averaged over all of these programs of ~~((4,402))~~ \$4,484 per full time equivalent student and a total allocation of no more than ~~((2,295,000))~~ \$2,296,000 for that school year.

(4) The superintendent of public instruction may distribute a maximum of \$33,000 from the general fund—state appropriation to supplement moneys provided under subsections (1) through (3) of this section, for the purpose of addressing enrollment variations or other program needs, including increases in summer school programs.

(5) \$100,000 of the general fund—state appropriation is provided solely for grants for the establishment of job search skills, preemployment training, and job placement programs at state institutions for delinquent youth. Grants provided under this subsection shall not exceed twenty-five thousand dollars for any individual institution.

(6) \$120,000 of the general fund—state appropriation is provided solely to increase the teacher/student ratio for programs at mentally ill offender units within the state institutions for delinquent youth.

(7) Notwithstanding any other provision of this section, the superintendent of public instruction may transfer funds between the categories of institutions identified in subsections (2) and (3) of this section, so long as the maximum expenditures per full time equivalent student for each category of institution are not thereby exceeded.

Sec. 507. Section 509, chapter 7, Laws of 1987 1st ex. sess. as amended by section 508, chapter 289, Laws of 1988 (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR TRANSITIONAL BILINGUAL PROGRAMS

General Fund Appropriation \$ ~~((12,175,000))~~
12,791,000

The appropriation in this section is subject to the following conditions and limitations:

(1) \$1,111,000 is provided solely for the remaining months of the 1986-87 school year.

(2) The superintendent shall distribute funds for the 1987-88 and 1988-89 school years at a rate for each year of \$420 per eligible student.

Sec. 508. Section 510, chapter 7, Laws of 1987 1st ex. sess. as amended by section 509, chapter 289, Laws of 1988 (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR THE LEARNING ASSISTANCE PROGRAM

General Fund Appropriation \$ ~~((40,000,000))~~
48,640,000

The appropriation in this section is subject to the following conditions and limitations:

(1) \$3,929,000 is provided solely for the remaining months of the 1986-87 school year.

(2) Funding for school district learning assistance programs serving kindergarten through grade nine shall be distributed during the 1987-88 ~~((and 1988-89 school years))~~ school year at a maximum rate of \$356 per unit, and during the 1988-89 school year at a maximum rate of \$357 per unit, as calculated pursuant to this subsection. The number of units for each school district in each school year shall be the sum of: (a) The number of full time equivalent students enrolled in kindergarten through grade six in the district multiplied by the percentage of the district's students taking the fourth grade basic skills test who scored in the lowest quartile as compared to national norms, and then reduced by the number of students ages eleven and below in the district who are identified as specific learning disabled and are served through programs established pursuant to chapter 28A.13 RCW; and (b) the number of full time equivalent students enrolled in grades seven through nine in the district multiplied by the percentage of the district's students taking the eighth grade basic skills test who scored in the lowest quartile as compared to national norms, and then reduced by the number of students ages twelve through fourteen in the district who are identified as specific learning disabled and are served through programs established pursuant to chapter 28A.13 RCW. For the purposes of allocating funds for the 1987-88 school year, the superintendent shall use the most recent prior five-year average scores on the fourth grade test and the most recent prior three-year average scores on the eighth grade test. For the purposes of allocating funds for the 1988-89 school year, the superintendent shall use the most recent prior five-year average scores on the fourth grade test and the most recent prior four-year average scores on the eighth grade test.

Sec. 509. Section 511, chapter 7, Laws of 1987 1st ex. sess. as amended by section 510, chapter 289, Laws of 1988 (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR PROGRAMS FOR HIGHLY CAPABLE STUDENTS

General Fund Appropriation \$ ~~((5,275,000))~~
5,287,000

The appropriation in this section is subject to the following conditions and limitations:

(1) \$458,000 is provided solely for distribution to school districts for the remaining months of the 1986-87 school year.

(2) ~~((2,456,000))~~ \$2,464,000 is provided solely for allocations for school district programs for highly capable students during the 1987-88 school year, distributed at a maximum rate of \$338 per student for up to one percent of each district's 1987-88 full time equivalent enrollment.

(3) Allocations for school district programs for highly capable students in the 1988-89 school year are to be calculated at a maximum rate for that school year of \$341 per student for up to one percent of each district's 1988-89 full time equivalent enrollment.

(4) A maximum of \$340,000 is provided to contract for gifted programs to be conducted at Fort Worden state park.

Sec. 510. Section 513, chapter 7, Laws of 1987 1st ex. sess. as amended by section 511, chapter 289, Laws of 1988 (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR VOCATIONAL-TECHNICAL INSTITUTES AND ADULT EDUCATION AT VOCATIONAL-TECHNICAL INSTITUTES

General Fund Appropriation \$ ~~((75,023,000))~~
75,031,000

The appropriation in this section is subject to the following conditions and limitations:

- (1) Funding for vocational programs during the 1987-88 school year shall be distributed at a rate of \$2,888 per student for a maximum of 12,050 full time equivalent students.
- (2) Funding for vocational programs during the 1988-89 school year shall be distributed at a rate of ~~(\$2,930)~~ \$2,931 per student for a maximum of 12,050 full time equivalent students.
- (3) Funding for adult basic education programs during the 1987-88 school year shall be distributed at a rate of \$1.40 per hour of student service for a maximum of 288,690 hours.
- (4) Funding for adult basic education programs during the 1988-89 school year shall be distributed at a rate of \$1.41 per hour of student service for a maximum of 288,690 hours.
- (5) \$2,000,000 is provided solely for purchase and replacement of equipment to be used in vocational courses.
- (6) \$2,700,000 is provided solely for the establishment and operation of the Washington institute of applied technology within the Seattle area. This program shall be administered under a cooperative agreement between the Seattle school district, Seattle community college district No. 6, and the Seattle private business community. If Engrossed Senate Bill No. 5996 is not enacted by June 30, 1987, the amount provided in this subsection shall lapse.
- (7) \$185,000 is provided solely to increase the funding rate for vocational programs, effective May 1, 1989, by \$147 per full time equivalent student. The increase is provided to assist vocational-technical institutes in replacing out-of-date or worn-out equipment used for vocational training.

Sec. 511. Section 514, chapter 7, Laws of 1987 1st ex. sess. as amended by section 512, chapter 289, Laws of 1988 (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR SPECIAL AND PILOT PROGRAMS

General Fund Appropriation—State	\$	(13,668,000)
		<u>14,468,000</u>
General Fund Appropriation—Federal	\$	4,000,000
Total Appropriation	\$	(17,668,000)
		<u>18,468,000</u>

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

- (1) \$855,000 of the general fund—state appropriation is provided solely for a contract with the Pacific Science Center for travelling van programs and other educational services for public schools. The Pacific Science Center shall work towards an equitable distribution of program activities state-wide. The center shall also determine the extent to which the state-wide need for science enrichment for K-12 students and teachers is being met by the outreach programs partially funded by this appropriation. The Pacific Science Center shall examine the geographical and demographic distribution of the populations served by these activities and recommend methods for efficiently reaching underserved student and teacher populations. These findings and recommendations shall be reported to the legislature by July 1, 1988.
- (2) \$84,000 of the general fund—state appropriation is provided solely for a contract with the Cispus learning center for environmental education programs.
- (3) \$4,000,000 of the general fund—federal appropriation is provided solely for the implementation of the substance abuse prevention programs.
- (4) \$5,500,000 of the general fund—state appropriation is provided for solely for the implementation of the drop-out prevention and retrieval provisions of RCW 28A.120.060 through 28A.120.072.
- (5) ~~\$(2,620,000)~~ 2,680,000 of the general fund—state appropriation is provided solely for the implementation of the schools for the twenty-first century pilot programs established by RCW 28A.100.030 through 28A.100.068.
- (6) \$2,900,000 of the general fund—state appropriation is provided solely for the beginning teachers assistance program established under RCW 28A.67.240. For fiscal year 1989, moneys shall be distributed under this subsection at a maximum rate of \$1,700 per mentor/beginning teacher team.
- (7) \$225,000 of the general fund—state appropriation is provided solely for child abuse education provisions of RCW 28A.03.512 through 28A.03.514.
- (8) \$1,600,000 of the general fund—state appropriation is provided solely for grants to public or private nonprofit organizations for scholarships or support services, including but not limited to child care or transportation, for parents of children in headstart or early childhood education and assistance programs who are enrolled in adult literacy classes or tutoring programs under RCW 28A.130.010 through 28A.130.020.
- (9) \$250,000 of the general fund—state appropriation is provided solely for the implementation of the student teaching pilot project established by RCW 28A.100.030 through 28A.100.068.
- (10) \$314,000 of the general fund—state appropriation is provided solely for in-service training and other costs associated with the development of a comprehensive K-12 health education curriculum, including an integral component relating to acquired immunodeficiency syndrome.

(11) \$60,000 of the general fund—state appropriation is provided solely to establish and operate a toll free telephone number at the Lifeline Institute to assist school districts in youth suicide prevention.

Sec. 512. Section 515, chapter 7, Laws of 1987 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR EDUCATIONAL CLINICS

General Fund Appropriation \$ 3,400,000

The appropriation in this section is subject to the following conditions and limitations:

((~~(+)~~)) Not more than \$1,688,000 of this appropriation shall be expended during fiscal year 1988.

Sec. 513. Section 516, chapter 7, Laws of 1987 1st ex. sess. as amended by section 513, chapter 289, Laws of 1988 (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR PUPIL TRANSPORTATION

General Fund Appropriation \$ ((~~221,840,000~~))
223,315,000

The appropriation in this section is subject to the following conditions and limitations:

(1) \$20,422,000 is provided solely for distribution to school districts for the remaining months of the 1986-87 school year.

(2) A maximum of \$97,507,000 may be distributed for pupil transportation operating costs in the 1987-88 school year.

(3) A maximum of \$800,000 may be expended for regional transportation coordinators.

(4) A maximum of \$60,000 may be expended for bus driver training.

(5) A maximum of ((~~\$152,000~~)) \$189,000 may be expended for the state school for the deaf and the state school for the blind to contract for transportation of day students enrolled in those schools. Transportation services funded under this subsection are not eligible for additional state reimbursement provided through the allocation formulas for school district or educational service district pupil transportation programs, but shall, to the maximum extent feasible, be reimbursed on the same basis.

Sec. 514. Section 521, chapter 7, Laws of 1987 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR THE STATE SCHOOL FOR THE DEAF

General Fund Appropriation—State \$ ((~~9,613,000~~))

9,673,000

General Fund Appropriation—Federal \$ ((~~148,000~~))

58,000

Total Appropriation \$ ((~~9,761,000~~))

9,731,000

Sec. 515. Section 522, chapter 7, Laws of 1987 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR THE STATE SCHOOL FOR THE BLIND

General Fund Appropriation \$ ((~~5,201,000~~))

5,218,000

Sec. 516. Section 514, chapter 289, Laws of 1988 (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR SCHOOL EMPLOYEE INSURANCE BENEFIT INCREASES

General Fund Appropriation \$ ((~~31,070,000~~))

32,030,000

The appropriation in this section is subject to the following conditions and limitations:

(1) Effective October 1, 1988, allocations for insurance benefits for school district and education service district employees are increased to a rate of \$224.75 per month for each full time equivalent certificated employee, and \$224.75 per month for each full time equivalent classified employee as calculated pursuant to this subsection. For the purposes of allocations of insurance benefits, full time equivalent classified employees shall be calculated on the basis of 1440 hours of work per year, with no individual employee counted as more than one full time equivalent.

(2) The appropriation in this section is provided solely to increase insurance benefit allocations for state-funded certificated and classified staff units in the 1988-89 school year, distributed as follows:

(a) A maximum of ((~~\$25,717,000~~)) \$25,780,000 may be expended to increase insurance benefit allocations for basic education staff units under section 502(5) of this act by \$57.75 per month.

(b) A maximum of ((~~\$3,303,000~~)) \$3,416,000 may be expended to increase insurance benefit allocations for handicapped program staff units as calculated under section 506 of this act by \$57.75 per month.

(c) A maximum of \$174,000 may be expended to increase insurance benefit allocations for state-funded staff in educational service districts and institutional education programs by \$57.75 per month.

(d) A maximum of ~~(\$2,684,000)~~ \$2,660,000 may be expended to fund insurance benefit increases in the following categorical programs by increasing state funding rates for the 1988-89 school year as follows:

- (i) For pupil transportation, an increase of \$0.48 per weighted pupil mile;
- (ii) For learning assistance, an increase of \$13.23 per pupil;
- (iii) For education of highly capable students, an increase of \$4.54 per pupil;
- (iv) For transitional bilingual education, an increase of \$8.59 per pupil;
- (v) For vocational-technical institutes, an increase of \$35.22 per full time equivalent pupil.

PART VI

HIGHER EDUCATION

Sec. 601. Section 601, chapter 7, Laws of 1987 1st ex. sess. as amended by section 601, chapter 289, Laws of 1988 (uncodified) is amended to read as follows:

The appropriations in sections 602 through 608 of this act are subject to the following conditions and limitations:

(1) For the purposes of this section and sections 602 through 608 of this act, 'institutions of higher education' means the institutions receiving appropriations pursuant to sections 602 through 608 of this act.

(2) Student Quality Standard: During the 1987-89 fiscal biennium, each institution of higher education shall not expend less than the average biennial amount listed in this subsection per full time equivalent student. The amounts include total appropriated operating expenses for the institution, less expenditures for plant maintenance and operations, with the exception of Washington State University, where cooperative extension and agriculture research are also excluded from the per student expenditures. This expenditure per student requirement may vary by two percent if the director of financial management certifies that the failure to meet the minimum expenditures per student is attributable to circumstances beyond the control of the institution.

University of Washington	\$	7,763
Washington State University	\$	6,549
Central Washington University, Eastern Washington University, The Evergreen State College, and Western Washington University:		
The first 3000 FTE Students	\$	5,974
Each Student over 3000 FTE	\$	3,895
State Board for Community College Education	\$	2,793

(3) Each institution of higher education and the state board for community college education shall report to the 1989 regular session of the legislature the following information:

(a) The number of minority students attending the institution or the community college system and the measures taken by such institution or system during the 1987-89 fiscal biennium to increase the number of minority students and reduce the drop-out rates for minority and other students;

(b) The number of women employed by the institution or system and the actions taken by the institution or system to increase the number of women in managerial and senior-level positions;

(c) Actions taken by the institution or community college system to improve the quality of undergraduate and graduate education programs;

(d) Actions taken by the institution or system to expand or improve educational services off the campus and the process for evaluating the need for educational services in locations away from the campus;

(e) The process for evaluating and accepting students for admission into the institution or the system;

(f) Any process developed by the institution or the system for evaluating student performance;

(g) Actions taken by the institution or system to operate programs jointly with another public or private institution;

(h) How the faculty and exempt salary increase funds were distributed among the faculty and staff at each institution and the results of the increased salary levels on faculty and staff recruitment and retention;

(i) The annual faculty turnover rates experienced by the institution or the system; and

(j) The amount spent on instructional equipment, the type of equipment purchased, and the instructional enhancements that resulted from the additional equipment.

The state board for community college education shall collect and report the information required of the community college system under this subsection.

(4) The state board for community college education shall, jointly with the superintendent of public instruction, develop an integrated state plan for all state and federally funded vocational education services. The superintendent of public instruction and the state board for community college education shall also jointly develop a consistent and reliable data base on

public vocational education, including enrollments, costs, program activities, and job placement. Such data shall be made available to the office of the governor and the legislature.

(5) Central Washington University, Eastern Washington University, and Western Washington University shall each collect summer term tuition fees at the same rates established for the regular academic quarter and shall transfer the fees to the state treasury in accordance with RCW 28B.15.031.

(6) The appropriations in sections 602 through 608 of this act provide the following amounts to identify and recruit minority students from junior high and high schools in the state, to foster minority student interest in a college education, to provide support services such as counseling and tutorial assistance, and to improve the retention of such students in higher education through and beyond the baccalaureate level. At least \$147,000 of the amount appropriated to the University of Washington shall go to increase the efforts of the math, engineering, and science achievement program.

University of Washington	\$	522,000
Washington State University	\$	225,000
Central Washington University	\$	113,000
Eastern Washington University	\$	150,000
The Evergreen State College	\$	75,000
Western Washington University	\$	150,000

(7) The following are the maximum amounts that may be expended at each institution of higher education from the appropriations in sections 602 through 608 of this act for continuing the salary increases authorized by section 604, chapter 7, Laws of 1987 (ESSB 5351) from July 1, 1987, through February 29, 1988:

University of Washington	\$	3,893,000
Washington State University	\$	2,083,000
Central Washington University	\$	405,000
Eastern Washington University	\$	489,000
The Evergreen State College	\$	212,000
Western Washington University	\$	575,000
State Board for Community College Education	\$	3,196,000

Expenditures under this subsection shall be consistent with all terms and conditions contained in section 604, chapter 7, Laws of 1987 (ESSB 5351), which are hereby incorporated by reference.

(8) The following are maximum amounts which each institution may spend from the appropriations in sections 602 through 608 of this act for faculty and exempt staff salary increases and are subject to all the limitations contained in this section. For the purpose of allocating these funds, 'faculty' includes all instructional and research faculty, academic deans, department chairpersons, and community college librarians and counselors who are not part of the state classified service system. 'Exempt staff' includes presidents, chancellors, vice-presidents, administrative deans and professional personnel, and four-year institution librarians and counselors who are exempt from the classified service system.

University of Washington	\$	19,058,000
Washington State University	\$	(9,330,000)
		<u>9,367,000</u>
Central Washington University	\$	2,152,000
Eastern Washington University	\$	2,441,000
The Evergreen State College	\$	1,060,000
Western Washington University	\$	2,851,000
State Board for Community College Education	\$	14,667,000
Higher Education Coordinating Board	\$	55,000

These amounts are intended to provide full time faculty and teaching and research assistants, and medical residents at each four-year institution and the community college system as a whole the average percentage increase, including increments, enumerated below on the effective dates indicated:

	March 1, 1988	January 1, 1989
University of Washington	8.5%	8.4%
Washington State University	8.2%	8.1%
Central Washington University	7.6%	7.6%
Eastern Washington University	7.6%	7.6%
The Evergreen State College	7.6%	7.6%
Western Washington University	7.6%	7.6%
State Board for Community College Education	6.3%	6.0%

Exempt staff and part time faculty at each four-year institution, the community college system as a whole, and the higher education coordinating board are entitled to receive the average salary increases enumerated below on the effective dates indicated:

	March 1, 1988	January 1, 1989
University of Washington	5%	3%

Washington State University	5%	3%
Central Washington University	4.5%	3%
Eastern Washington University	4.5%	3%
The Evergreen State College	4.5%	3%
Western Washington University	4.5%	3%
State Board for Community College Education	4.0%	3%
Higher Education Coordinating Board	3%	3%

However, exempt librarians and counselors may be given the same percentage salary increase as the faculty at their institution if the total amount paid out for faculty and exempt salary increases is within the amounts provided in this subsection.

The salary increase authorized under this subsection may be granted to state employees at Washington State University who are supported in full or in part by federal land grant formula funds.

(9) In addition to the 6.3 and 6.0 percent salary increases provided to community college faculty in subsection (8) of this section, \$1,129,000 is provided solely to reduce the disparity in full time faculty salaries among community colleges. No funds in this subsection may be expended on administrative staff salaries. The state board for community college education shall allocate one third of these funds in fiscal year 1988 and two thirds in fiscal year 1989 as follows:

Lower Columbia College	\$	124,000
Shoreline Community College	\$	242,000
Community College of Spokane	\$	533,000
Skagit Valley College	\$	115,000
Whatcom Community College	\$	18,000
Community College District 12	\$	52,000
Walla Walla Community College	\$	18,000
Highline Community College	\$	27,000

(10) From the appropriations in sections 602 through 609 of this act, the following amounts for each institution are provided solely for higher education personnel board classified employees to provide a 2.65 percent or \$50 per month, whichever is greater, salary increase effective January 1, 1988, and an additional 3.0 percent salary increase effective January 1, 1989. These increases shall be implemented in compliance and conformity with all requirements of the comparable worth agreement ratified by 1986 Senate Concurrent Resolution No. 126.

University of Washington	\$	3,501,000
Washington State University	\$	2,365,000
Central Washington University	\$	478,000
Eastern Washington University	\$	583,000
The Evergreen State College	\$	337,000
Western Washington University	\$	652,000
State Board for Community College Education	\$	3,350,000
Higher Education Coordinating Board	\$	23,000

No salary increase may be paid under this subsection to any person whose salary has been Y-rated pursuant to rules adopted by the higher education personnel board.

(11) Any institution that grants an average salary increase in excess of the amounts authorized in subsection (8) of this section is ineligible to receive any funds appropriated for salary increases in sections 603 through 608 of this act. Any community college district that grants an average salary increase in excess of the amounts authorized in subsections (8) and (9) of this section is ineligible to receive any funds appropriated for salary increases in section 602 of this act. The office of financial management shall adjust an institution's allotment as necessary to enforce the restrictions imposed by this section.

Sec. 602. Section 603, chapter 7, Laws of 1987 1st ex. sess. as amended by section 603, chapter 289, Laws of 1988 (uncodified) is amended to read as follows:

FOR THE UNIVERSITY OF WASHINGTON

General Fund Appropriation	\$	((516,009,000))
		<u>521,489,000</u>
Medical Aid Fund Appropriation	\$	2,553,000
Accident Fund Appropriation	\$	2,553,000
Death Investigations Account Appropriation	\$	594,000
Total Appropriation	\$	((521,709,000))
		<u>527,189,000</u>

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

(1) \$10,500,000 of the general fund appropriation is provided solely for equipment.

(2) A maximum of \$75,000 may be spent to identify suitable spaces in the vicinity of the University of Washington for use as child day care centers for the children of university civil service employees and for start-up costs of the day care centers.

(3) \$400,000 is provided solely to conduct a study of the potential environmental and economic impacts of oil and mineral exploration off the coast of Washington.

(4) At least \$75,000 of the appropriations in this section shall be spent for research on the health and safety hazards of video display terminals in the workplace.

(5) \$200,000 of the general fund appropriation is provided solely for rental costs on a building to house clinical and laboratory space for the treatment of patients with AIDS and the training of health care professionals in such treatment.

(6) The University of Washington shall take whatever actions are necessary to maximize refunds from the social security administration during the 1987-89 biennium and shall transfer to the general fund the refund received from the social security administration for graduate teaching and research assistants paid from the state general fund from January 1, 1980, through June 30, 1987.

(7) At least \$10,000 shall be spent for a study on the predation of sockeye smolt in Lake Washington.

(8) \$300,000 of the general fund—state appropriation is provided solely to conduct an assessment, in consultation with local community organizations in the Puget Sound area, of higher education needs and programs to be offered at branch campuses in accordance with the higher education coordinating board master plan.

(9) \$5,400,000 of the general fund appropriation is provided solely for additional support for Harborview medical center operations.

Sec. 603. Section 604, chapter 7, Laws of 1987 1st ex. sess. as amended by section 604, chapter 289, Laws of 1988 (uncodified) is amended to read as follows:

FOR WASHINGTON STATE UNIVERSITY

General Fund Appropriation \$ ~~(287,152,000)~~
287,189,000

The appropriation in this section is subject to the following conditions and limitations:

(1) \$4,717,000 is provided solely for equipment.

(2) Funds are provided to Washington State University to continue the Yakima nursing training program.

(3) \$500,000 of the appropriation is provided solely to initiate upper division programs and expand graduate programs at the Southwest Washington joint center for education.

(4) \$165,000 of the appropriation is provided solely for additional training of education professionals at the Southwest Washington joint center for education.

(5) \$427,000 is provided solely for start-up and operation of the health research and education center in Spokane.

(6) \$750,000 is provided solely to enhance and operate the Washington higher education telecommunications system (WHETS) for the purpose of allowing the delivery of university courses directly to Spokane, Vancouver, Seattle, and the Tri-Cities.

(7) \$37,000 of the appropriation is provided solely for the salary increases for the intercollegiate center for nursing education faculty.

(8) \$119,000 of the appropriation is provided solely for health insurance benefits for agricultural research employees.

PART VII
SPECIAL APPROPRIATIONS

Sec. 701. Section 712, chapter 7, Laws of 1987 1st ex. sess. as amended by section 705, chapter 289, Laws of 1988 (uncodified) is amended to read as follows:

FOR THE STATE TREASURER—TRANSFERS

General Fund Appropriation: For transfer to the Institutional Impact Account	\$	316,600
General Fund Appropriation: For transfer to the Landowner Contingency Forest Fire Suppression Account	\$	285,000
General Government Special Revenue Fund—State Treasurer's Service Account Appropriation: For transfer to the general fund on or before July 20, 1989, an amount up to \$5,000,000 in excess of the cash requirements in the State Treasurer's Service Account for fiscal year 1990, for credit to the fiscal year in which earned	\$	5,000,000
Charitable, Educational, Penal and Reformatory Institutions Account Appropriations: For transfer to the Resource Management Cost Account to the extent that funds are available as determined by the department of natural resources. The department shall provide the state treasurer with a schedule of such transfers	\$	3,000,000
General Fund Appropriation: For transfer to the Natural Resources Fund—Water Quality Account	\$	7,913,300
General Fund Appropriation: For transfer to the Miscellaneous Fund—Tort Claims Revolving Fund	\$	((5,978,000)) 11,327,000
Liquor Revolving Fund Appropriation: For Transfer to the Miscellaneous Fund—Tort Claims Revolving Fund	\$	573,000

Employment Security Fund—Deferred Compensation Revolving Fund: For transfer to the Motor Vehicle Fund	\$	861,000
Ferry System Fund: For transfer to the Tort Claims Revolving Fund for claims paid on behalf of the department of transportation, Washington state ferry system during the period July 1, 1987, through June 30, 1989	\$	884,100
Puget Sound Ferry Operations Account: For transfer to the Tort Claims Revolving Fund for claims paid on behalf of the department of transportation, Washington state ferry system during the period July 1, 1987, through June 30, 1989	\$	378,900
Motor Vehicle Fund: For transfer to the Tort Claims Revolving Fund for claims paid on behalf of the department of transportation and the state patrol during the period July 1, 1987 through June 30, 1989	\$	14,200,000
State Employees Insurance Principal Account: For transfer to the General Fund	\$	2,700,000

Sec. 702, Section 714, chapter 7, Laws of 1987 1st ex. sess. (uncodified) is amended to read as follows:

FOR BELATED CLAIMS

(1) There is appropriated to the office of financial management for payment of supplies and services furnished in previous biennia, from the General Fund

\$	(125,000)
	<u>1,258,016</u>

(2) The following sums, or so much thereof as shall severally be found necessary, are hereby appropriated and authorized to be expended out of the several funds indicated, for the period from the effective date of this act to June 30, 1989, except as otherwise noted.

To reimburse the general fund for expenditures from belated claims appropriations to be disbursed on vouchers approved by the office of financial management:

Medical Disciplinary Account	\$	4,655
Institutional Impact Account	\$	36,816
Architects' License Account	\$	1,062
Cemetery Account	\$	45
Hazardous Waste Control and Elimination Account	\$	6
Public Safety and Education Account	\$	31,011
Health Professions Account	\$	13,465
Professional Engineers' Account	\$	81
Real Estate Commission Account	\$	623
Reclamation Revolving Account	\$	14
State Investment Board Expense Account	\$	134
Capitol Building Construction Account	\$	55,831
Motor Transport Account	\$	9,665
State Capitol Historical Association Museum Account	\$	76
Resource Management Cost Account	\$	7,684
Capitol Purchase and Development Account	\$	16,603
Litter Control Account	\$	358
State and Local Improvements Revolving Account (Waste Disposal Facilities)	\$	12
State Building Construction Account	\$	67,372
Outdoor Recreation Account	\$	268
State Social and Health Services Construction Account	\$	1,142
Grade Crossing Protective Fund	\$	79,466
State Patrol Highway Account	\$	45,879
Motorcycle Safety Education Fund	\$	7,725
Nursery Inspection Fund	\$	38
Seed Fund	\$	347
Electrical License Fund	\$	1,727
State Game Fund	\$	64,064
Highway Safety Fund	\$	6,297
Motor Vehicle Fund	\$	24,572
Public Service Revolving Fund	\$	5,418
State Treasurer's Service Fund	\$	1,561
Legal Services Revolving Fund	\$	9,650
Municipal Revolving Fund	\$	4,146
General Administration Facilities and Services Revolving Fund	\$	6,140
Department of Personnel Service Fund	\$	366
Higher Education Personnel Board Service Fund	\$	331
State Employees' Insurance Fund	\$	499
State Auditing Services Revolving Fund	\$	3,028
Liquor Revolving Fund	\$	4,629

Department of Retirement Systems Expense Fund	\$	10,264
Accident Fund	\$	29,386
Medical Aid Fund	\$	29,232
Western Library Network Computer System Revolving Fund	\$	30,443
Pressure Systems Safety Fund	\$	196

Sec. 703. Section 715, chapter 7, Laws of 1987 1st ex. sess. as amended by section 706, chapter 289, Laws of 1988 (uncodified) is amended to read as follows:

FOR THE STATE TREASURER—STATE REVENUES FOR DISTRIBUTION

General Fund Appropriation for fire insurance premiums tax distribution	\$	((6,225,000))
		<u>4,599,000</u>
General Fund Appropriation for public utility district excise tax distribution	\$	((21,138,000))
		<u>20,879,000</u>
General Fund Appropriation for prosecuting attorneys' salaries	\$	1,950,000
General Fund Appropriation for motor vehicle excise tax distribution	\$	((59,751,000))
		<u>58,239,000</u>
General Fund Appropriation for local mass transit assistance	\$	((185,535,000))
		<u>183,800,000</u>
General Fund Appropriation for camper and travel trailer excise tax distribution	\$	((2,152,000))
		<u>2,164,000</u>
Aquatic Lands Enhancement Account Appropriation for harbor improvement revenue distribution	\$	60,000
Liquor Excise Tax Fund Appropriation for liquor excise tax distribution	\$	((18,233,000))
		<u>18,266,000</u>
Motor Vehicle Fund Appropriation for motor vehicle fuel tax and overload penalties distribution	\$	((268,082,000))
		<u>278,124,000</u>
Liquor Revolving Fund Appropriation for liquor profits distribution	\$	((42,740,000))
		<u>42,620,000</u>
Timber Tax Distribution Account Appropriation for distribution to 'Timber' counties	\$	((44,291,000))
		<u>46,397,000</u>
Municipal Sales and Use Tax Equalization Account Appropriation	\$	((32,174,000))
		<u>31,359,000</u>
County Sales and Use Tax Equalization Account Appropriation	\$	((11,062,000))
		<u>10,788,000</u>
Death Investigations Account Appropriation for distribution to counties for publicly funded autopsies	\$	((688,000))
		<u>713,000</u>
Total Appropriation	\$	((694,081,000))
		<u>699,958,000</u>

The appropriations in this section are subject to the following conditions and limitations: \$96,000 is provided from the death investigations account appropriation for the purpose of reimbursing counties up to the maximum level authorized by RCW 68.08.104 for expenses incurred in the 1985-87 biennium.

Sec. 704. Section 716, chapter 7, Laws of 1987 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE STATE TREASURER—FEDERAL REVENUES FOR DISTRIBUTION

Forest Reserve Fund Appropriation for federal forest reserve fund distribution	\$	((58,414,661))
		<u>75,915,000</u>
General Fund Appropriation for federal flood control funds distribution	\$	((24,000))
		<u>74,000</u>
General Fund Appropriation for federal grazing fees distribution	\$	50,000
Geothermal Account Appropriation—Federal	\$	((60,000))
		<u>10,000</u>
General Fund Appropriation for distribution of federal funds to counties in conformance with Public Law 97-99	\$	((300,000))
		<u>400,000</u>
Total Appropriation	\$	((58,048,661))
		<u>76,449,000</u>

Sec. 705. Section 717, chapter 7, Laws of 1987 1st ex. sess. as amended by section 707, chapter 289, Laws of 1988 (uncodified) is amended to read as follows:

FOR THE STATE TREASURER—BOND RETIREMENT AND INTEREST, INCLUDING ONGOING
BOND REGISTRATION AND TRANSFER CHARGES

(Fisheries Bond Redemption Fund 1977 Appropriation	\$	1,286,467
Salmon Enhancement Bond Redemption Fund 1977 Appropriation	\$	5,479,684
Higher Education Refunding Bond Redemption Fund 1977 Appropria- tion	\$	8,773,875
Fire Service Training Center Bond Retirement Fund 1977 Appropria- tion	\$	1,619,731
Highway Bond Retirement Fund Appropriation	\$	171,918,324
Indian Cultural Center Construction Bond Redemption Fund 1976 Appropriation	\$	233,575
Higher Education Bond Redemption Fund 1977 Appropriation	\$	19,528,417
Ferry Bond Retirement Fund 1977 Appropriation	\$	25,627,988
Emergency Water Projects Bond Retirement Fund 1977 Appropriation	\$	2,604,490
Public School Building Bond Redemption Fund 1965 Appropriation	\$	1,238,790
Higher Education Bond Retirement Fund 1979 Appropriation	\$	10,736,990
State General Obligation Bond Retirement Fund 1979 Appropriation	\$	307,961,175
Fisheries Bond Redemption Fund 1976 Appropriation	\$	764,034
State Building Bond Redemption Fund 1967 Appropriation	\$	656,860
Community College Capital Construction Bond Redemption Fund 1975, 1976, 1977 Appropriation	\$	11,423,031
Common School Building Bond Redemption Fund 1967 Appropriation	\$	6,890,745
Outdoor Recreation Bond Redemption Fund 1967 Appropriation	\$	6,292,542
Water Pollution Control Facilities Bond Redemption Fund 1967 Appro- priation	\$	4,067,765
State Building and Higher Education Construction Bond Redemption Fund 1967 Appropriation	\$	10,349,392
State Building and Parking Bond Redemption Fund 1969 Appropria- tion	\$	2,448,830
Waste Disposal Facilities Bond Redemption Fund Appropriation	\$	57,944,968
Water Supply Facilities Bond Redemption Fund Appropriation	\$	11,952,815
Social and Health Services Facilities 1972 Bond Redemption Fund Appropriation	\$	3,705,605
Recreation Improvements Bond Redemption Fund Appropriation	\$	5,986,813
Community College Capital Improvement Bond Redemption Fund 1972 Appropriation	\$	7,499,389
State Building Authority Bond Redemption Fund Appropriation	\$	9,452,680
Office-Laboratory Facilities Bond Redemption Fund Appropriation	\$	270,900
University of Washington Hospital Bond Retirement Fund 1975 Appro- priation	\$	1,163,924
Washington State University Bond Redemption Fund 1977 Appropria- tion	\$	559,915
Higher Education Bond Redemption Fund 1975 Appropriation	\$	2,165,785
State Building Bond Redemption Fund 1973 Appropriation	\$	3,794,144
State Building Bond Retirement Fund 1975 Appropriation	\$	424,788
State Higher Education Bond Redemption Fund 1973 Appropriation	\$	4,367,163
Social and Health Services Bond Redemption Fund 1976 Appropria- tion	\$	9,475,867
State Building (Expo 74) Bond Redemption Fund 1973A Appropriation	\$	372,820
Community College Refunding Bond Retirement Fund 1974 Appropria- tion	\$	9,436,996
State Higher Education Bond Redemption Fund 1974 Appropriation	\$	1,190,700
Total Appropriation	\$	729,653,901))

(1) FOR GENERAL OBLIGATION DEBT SUBJECT TO THE STATUTORY DEBT LIMIT

Fisheries Bond Redemption Fund 1977 Appropriation	\$	1,360,800
Water Pollution Control Facilities Bond Redemption Fund 1967 Appro- priation	\$	4,067,800
State Building and Higher Education Construction Bond Redemption Fund 1967 Appropriation	\$	10,349,400
Public School Building Bond Redemption Fund 1965 Appropriation	\$	1,238,800
State Building (Expo 74) Bond Redemption Fund 1973A Appropriation	\$	372,900
State Building Bond Redemption Fund 1973 Appropriation	\$	3,794,200
State Higher Education Bond Redemption Fund 1973 Appropriation	\$	4,367,200
State Building Authority Bond Redemption Fund Appropriation	\$	9,452,700
Community College Capital Improvement Bond Redemption Fund 1972 Appropriation	\$	7,499,400
State Higher Education Bond Redemption Fund 1974 Appropriation	\$	1,190,800

Waste Disposal Facilities Bond Redemption Fund Appropriation	\$ 50,221,900
Water Supply Facilities Bond Redemption Fund Appropriation	\$ 11,750,900
Recreation Improvements Bond Redemption Fund Appropriation	\$ 5,986,900
Social and Health Services Facilities 1972 Bond Redemption Fund Appropriation	\$ 3,705,700
Outdoor Recreation Bond Redemption Fund 1967 Appropriation	\$ 6,292,600
Indian Cultural Center Construction Bond Redemption Fund 1976 Appropriation	\$ 207,100
Fisheries Bond Redemption Fund 1976 Appropriation	\$ 764,100
Higher Education Bond Redemption Fund 1975 Appropriation	\$ 2,165,800
State Building Bond Retirement Fund 1975 Appropriation	\$ 424,800
Social and Health Services Bond Redemption Fund 1976 Appropria- tion	\$ 9,475,900
Emergency Water Projects Bond Retirement Fund 1977 Appropriation	\$ 2,603,500
Higher Education Bond Redemption Fund 1977 Appropriation	\$ 16,435,200
Salmon Enhancement Bond Redemption Fund 1977 Appropriation	\$ 4,327,100
Fire Service Training Center Bond Retirement Fund 1977 Appropria- tion	\$ 1,329,300
State General Obligation Bond Retirement bond 1979 Appropriation	\$ 265,044,100
Total Appropriation this Subsection	\$ 424,428,900

(2) FOR GENERAL OBLIGATION DEBT TO BE REIMBURSED BY ENTERPRISE ACTIVITIES

University of Washington Hospital Bond Retirement Fund 1975 Appro- priation	\$ 1,164,000
Office-Laboratory Facilities Bond Redemption Fund Appropriation	\$ 271,000
Higher Education Bond Retirement Fund 1979 Appropriation	\$ 3,078,900
State General Obligation Bond Retirement Bond 1979 Appropriation	\$ 8,474,100
Total Appropriation this Subsection	\$ 12,988,000

(3) FOR GENERAL OBLIGATION DEBT TO BE REIMBURSED AS PRESCRIBED BY STATUTE

Community College Refunding Bond Retirement Fund 1974 Appropria- tion	\$ 9,437,000
Community College Capital Construction Bond Redemption Fund 1975, 1976, 1977 Appropriation	\$ 10,758,100
Higher Education Bond Retirement Fund 1979 Appropriation	\$ 7,279,200
Washington State University Bond Redemption Fund 1977 Appropria- tion	\$ 532,500
Higher Education Refunding Bond Redemption Fund 1977 Appropria- tion	\$ 8,773,900
State General Obligation Bond Retirement Bond 1979 Appropriation	\$ 23,569,300
Total Appropriation this Subsection	\$ 60,350,000

(4) FOR DEBT TO BE PAID BY MOTOR VEHICLE REVENUE

Highway Bond Retirement Fund Appropriation	\$ 160,379,000
Ferry Bond Retirement Fund 1977 Appropriation	\$ 24,683,800
Total Appropriation this Subsection	\$ 185,062,800

(5) FOR DEBT TO BE PAID BY STATUTORILY SET REVENUE

Common School Building Bond Redemption Fund 1967 Appropriation	\$ 6,890,800
State Building Bond Redemption Fund 1967 Appropriation	\$ 656,900
State Building and Parking Bond Redemption Fund 1969 Appropria- tion	\$ 2,448,900
Total Appropriation this Subsection	\$ 9,996,600
Total	\$ 692,826,100

Sec. 706. Section 708, chapter 289, Laws of 1988 (uncodified) is amended to read as follows:
BOND RETIREMENT—STATE TRADE AND CONVENTION CENTER

The following is appropriated from the state trade and convention center account for reimbursement to the general fund for the transfer to the state general obligation bond retirement fund for disbursement of bond retirement and interest, including ongoing bond registration and transfer charges:

State Convention and Trade Center Account Appropriation	\$ ((19,746,276))
	21,135,000

Sec. 707. Section 709, chapter 289, Laws of 1988 (uncodified) is amended to read as follows:
BOND RETIREMENT—SPOKANE RIVER TOLL BRIDGE

The following is appropriated from the Spokane River toll bridge revolving account to the Spokane River toll bridge account for disbursement of bond retirement and interest, including ongoing bond registration and transfer charges:

Spokane River Toll Bridge Revolving Account Appropriation \$ ~~(669,000)~~
889,100

NEW SECTION. Sec. 708. A new section is added to chapter 7, Laws of 1987 1st ex. sess. to read as follows:

FOR SUNDRY CLAIMS

General Fund Appropriation \$ 10,000,000

This appropriation is for payment of the state's portion of a comprehensive settlement in IN RE WASHINGTON PUBLIC POWER SUPPLY SYSTEM SECURITIES LITIGATION (U.S. Dist. Ct. Ariz. MDL 551) which settlement includes a relinquishment of all claims by the bondholder class of WPPSS projects numbers 4 and 5 against the state of Washington.

PART VIII

MISCELLANEOUS

NEW SECTION. Sec. 801. The appropriations contained in this act are maximum expenditure authorizations. Pursuant to RCW 43.88.037, moneys disbursed from the treasury on the basis of a formalized loan agreement with another governmental entity shall be treated as a loan and are to be recorded as loans receivable and not as expenditures for accounting purposes. To the extent that moneys are disbursed on a loan basis, the corresponding appropriation shall be reduced by the amount of loan moneys disbursed from the treasury during the 1987-89 biennium.

NEW SECTION. Sec. 802. In addition to the amounts appropriated in this act for revenue for distribution, bond retirement and interest including ongoing bond registration and transfer charges, transfers, interest on registered warrants, and certificates of indebtedness, there is also appropriated such further amounts as may be required or available for these purposes under any statutory formula or under any proper bond covenant made in accordance with law.

NEW SECTION. Sec. 803. In addition to such other appropriations as are made by this act, there is hereby appropriated to the state finance committee from legally available bond proceeds in the respective construction or building funds and accounts such amounts as are necessary to pay the expenses incurred in the issuance and sale of the subject bonds.

NEW SECTION. Sec. 804. The following acts or parts of acts are each repealed:

(1) Section 202, chapter 7, Laws of 1987 1st ex. sess., section 202, chapter 289, Laws of 1988 (uncodified);

(2) Section 203, chapter 7, Laws of 1987 1st ex. sess., section 203, chapter 289, Laws of 1988 (uncodified);

(3) Section 204, chapter 7, Laws of 1987 1st ex. sess., section 204, chapter 289, Laws of 1988 (uncodified);

(4) Section 205, chapter 7, Laws of 1987 1st ex. sess., section 205, chapter 289, Laws of 1988 (uncodified);

(5) Section 206, chapter 7, Laws of 1987 1st ex. sess., section 206, chapter 289, Laws of 1988 (uncodified);

(6) Section 207, chapter 7, Laws of 1987 1st ex. sess., section 207, chapter 289, Laws of 1988 (uncodified);

(7) Section 208, chapter 7, Laws of 1987 1st ex. sess., section 208, chapter 289, Laws of 1988 (uncodified);

(8) Section 210, chapter 7, Laws of 1987 1st ex. sess., section 210, chapter 289, Laws of 1988 (uncodified);

(9) Section 211, chapter 7, Laws of 1987 1st ex. sess., section 211, chapter 289, Laws of 1988 (uncodified);

(10) Section 212, chapter 7, Laws of 1987 1st ex. sess., section 212, chapter 289, Laws of 1988 (uncodified);

(11) Section 213, chapter 7, Laws of 1987 1st ex. sess., section 213, chapter 289, Laws of 1988 (uncodified);

(12) Section 214, chapter 7, Laws of 1987 1st ex. sess., section 214, chapter 289, Laws of 1988 (uncodified);

(13) Section 215, chapter 7, Laws of 1987 1st ex. sess. (uncodified);

(14) Section 216, chapter 7, Laws of 1987 1st ex. sess. (uncodified); and

(15) Section 56, chapter 112, Laws of 1988 (uncodified).

NEW SECTION. Sec. 805. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 806. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect immediately."

On page 1, line 1 of the title, after "budget," strike the remainder of the title and insert "amending section 107, chapter 7, Laws of 1987 1st ex. sess. as amended by section 102, chapter 289, Laws of 1988 (uncodified); amending section 108, chapter 7, Laws of 1987 1st ex. sess. (uncodified); amending section 111, chapter 7, Laws of 1987 1st ex. sess. (uncodified); amending section 113, chapter 7, Laws of 1987 1st ex. sess. (uncodified); amending section 114, chapter 7, Laws of 1987 1st ex. sess. as amended by section 105, chapter 289, Laws of 1988

MOTION

Mr. Locke moved that the House do concur in the Senate amendments to Engrossed Substitute House Bill No. 1479.

Mr. Locke spoke in favor of the motion, and it was carried.

FINAL PASSAGE OF HOUSE BILL AS AMENDED BY SENATE

The Speaker stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 1479 as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1479 as amended by the Senate, and the bill passed the House by the following vote: Yeas, 95; nays, 1; excused, 2.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Baugher, Belcher, Betzoff, Bowman, Braddock, Brekke, Bristow, Brooks, Brough, Brumsickle, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Fraser, Fuhrman, Grant, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Inslee, Jacobsen, Jesernig, Jones, King P, King R, Kremen, Leonard, Locke, May, McLean, Meyers R, Miller, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Padden, Patrick, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Scott, Silver, Smith, Sommers D, Sommers H, Spanel, Sprenkle, Tate, Todd, Valle, Van Luven, Vekich, Walk, Walker, Wang, Wilson K, Wilson S, Wineberry, Winsley, Wolfe, Wood, Youngsman, Zellinsky, and Mr. Speaker - 95.

Voting nay: Representative Beck - 1.

Excused: Representatives Gallagher, Schoon - 2.

Engrossed Substitute House Bill No. 1479 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE SENATE

May 6, 1989

Mr. Speaker:

The Senate has passed:

ENGROSSED HOUSE BILL NO. 1182,

and the same is herewith transmitted.

W. D. Naismith, Assistant Secretary.

SIGNED BY THE SPEAKER

The Speaker announced he was signing:

HOUSE BILL NO. 1182,
HOUSE BILL NO. 1512,
SENATE BILL NO. 6150.

The Speaker declared the House to be at ease.

The Speaker called the House to order.

There being no objection, the House advanced to the eighth order of business.

MOTION

Mr. Ebersole moved that the rules be suspended and House Bill No. 2245 listed on today's introduction sheet under the fourth order of business be placed on the second reading calendar. The motion was carried.

There being no objection, the House reverted to the sixth order of business.

SECOND READING

HOUSE BILL NO. 2245, by Representative Locke

Changing provisions relating to basic education salary allocations.

The bill was read the second time. With consent of the House, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Representatives Locke and Silver spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 2245, and the bill passed the House by the following vote: Yeas, 95; nays, 1; excused, 2.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Baugher, Beck, Belcher, Betrozoff, Bowman, Braddock, Brekke, Bristow, Brooks, Brough, Brumsickle, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Fraser, Fuhrman, Grant, Hankins, Hargrove, Haugen, Heavey, Hine, Horn, Inslee, Jacobsen, Jesernig, Jones, King P, King R, Kremen, Leonard, Locke, May, McLean, Meyers R, Miller, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Padden, Patrick, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Scott, Silver, Smith, Sommers D, Sommers H, Spanel, Sprengle, Tate, Todd, Valle, Van Luven, Vekich, Walk, Walker, Wang, Wilson K, Wilson S, Wineberry, Winsley, Wolfe, Wood, Youngsman, Zellinsky, and Mr. Speaker - 95.

Voting nay: Representative Holland - 1.

Excused: Representatives Gallagher, Schoon - 2.

House Bill No. 2245, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE SENATE

May 7, 1989

Mr. Speaker:

The Senate has passed:

SUBSTITUTE HOUSE BILL NO. 1484,

and the same is herewith transmitted.

W. D. Naismith, Assistant Secretary.

SIGNED BY THE SPEAKER

The Speaker announced he was signing:

SUBSTITUTE HOUSE BILL NO. 1479,

SUBSTITUTE HOUSE BILL NO. 1484.

The Speaker declared the House to be at ease.

The Speaker called the House to order.

ANNOUNCEMENT BY THE SPEAKER

The Speaker referred House Concurrent Resolution No. 4420 listed on today's introduction sheet under the fourth order of business to Committee on Revenue.

MESSAGES FROM THE SENATE

May 7, 1989

Mr. Speaker:

The Senate has passed:

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5065,

REENGROSSED SUBSTITUTE SENATE BILL NO. 5338,

REENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5624,

REENGROSSED SUBSTITUTE SENATE BILL NO. 5897,

REENGROSSED SENATE BILL NO. 6106,

REENGROSSED SENATE BILL NO. 6152,

SENATE CONCURRENT RESOLUTION NO. 8425,

and the same are herewith transmitted.

W. D. Naismith, Assistant Secretary.

May 7, 1989

Mr. Speaker:

The President has signed:

HOUSE BILL NO. 1182,

HOUSE BILL NO. 1512.

and the same are herewith transmitted.

Gordon A. Golob, Secretary.

May 7, 1989

Mr. Speaker:

The Senate concurred in the House amendments to REENGROSSED SUBSTITUTE SENATE BILL NO. 6074, and passed the bill as amended by the House.

W. D. Naismith, Assistant Secretary.

The Speaker declared the House to be at ease until 9:15 p.m.

The Speaker called the House to order.

There being no objection, the House reverted to the fourth order of business.

INTRODUCTIONS AND FIRST READING

E2SSB 5065 by Committee on Ways & Means (originally sponsored by Senators Craswell, Smith, Stratton and Bailey)

Creating a citizen review board system for cases involving substitute care of children.

ReESSB 5338 by Committee on Transportation (originally sponsored by Senators Patterson, Bender, Bluechel and Nelson; by request of Governor)

Modifying transportation tax rates and distributions.

ReE2SSB 5624 by Committee on Ways & Means (originally sponsored by Senators Craswell, Anderson, Smith, Owen, Hayner, Nelson, Stratton, Johnson, Amondson and Rasmussen)

Regarding high-risk youth.

ReESSB 5897 by Committee on Health Care & Corrections (originally sponsored by Senators West, Kreidler and McDonald)

Regarding alcohol and drug treatment.

ReESB 6106 by Senator McDonald

Relating to social and health services.

ESB 6152 by Senators Wojahn, Barr, Gaspard, West, Stratton, Johnson, Rasmussen, Bluechel, Vognild, von Reichbauer, Warnke, Smitherman, Bailey, Craswell, Thorsness, Bender, Bauer, Amondson, Lee, Metcalf, Cantu and Sutherland

Creating the department of health.

SCR 8425 by Senators Bluechel and Hayner

Creating a northwest exploratory conference.

MOTION

Mr. Ebersole moved that the rules be suspended and Reengrossed Substitute Senate Bill No. 5338 listed on today's supplemental introduction sheet under the fourth order of business be placed on the second reading calendar. The motion was carried.

There being no objection, the House advanced to the sixth order of business.

SECOND READING

REENGROSSED SUBSTITUTE SENATE BILL NO. 5338, by Committee on Transportation (originally sponsored by Senators Patterson, Bender, Bluechel and Nelson; by request of Governor)

Modifying transportation tax rates and distributions.

The bill was read the second time.

Ms. Fraser moved adoption of the following amendment by Representatives Fraser, Nelson and Belcher:

On page 22, after line 21, insert the following:

*Sec. 115, Section 22, chapter 47, Laws of 1971 ex. sess. as last amended by section 25, chapter 36, Laws of 1988 and RCW 46.09.170 are each amended to read as follows:

(1) From time to time, but at least once each year, the state treasurer shall refund from the motor vehicle fund one percent of the motor vehicle fuel tax revenues collected under chapter 82.36 RCW under the tax rate in effect on January 1, 1989, and five-tenths of one percent of the motor vehicle fuel tax revenues from any increase in the tax imposed after that date, less proper deductions for refunds and costs of collection as provided in RCW 46.68.090. The treasurer shall place these funds in the general fund as follows:

(a) Forty percent shall be credited to the ORV and nonhighway vehicle account and administered by the department of natural resources solely for planning, maintenance, and management of ORV recreation facilities, nonhighway roads, and nonhighway road recreation facilities. The funds under this subsection shall be expended in accordance with the following limitations:

(i) Not more than five percent may be expended for information programs under this chapter;

(ii) Not less than ten percent and not more than fifty percent may be expended for ORV recreation facilities;

(iii) Not more than twenty-five percent may be expended for maintenance of nonhighway roads;

(iv) Not more than fifty percent may be expended for nonhighway road recreation facilities;

(v) Ten percent shall be transferred to the interagency committee for outdoor recreation for grants to law enforcement agencies in those counties where the department of natural resources maintains ORV facilities. This amount is in addition to those distributions made by the interagency committee for outdoor recreation under (d) (i) of this subsection;

(b) Three and one-half percent shall be credited to the ORV and nonhighway vehicle account and administered by the department of wildlife solely for the acquisition, planning, development, maintenance, and management of nonhighway roads and recreation facilities;

(c) Two percent shall be credited to the ORV and nonhighway vehicle account and administered by the parks and recreation commission solely for the maintenance and management of ORV use areas and facilities; and

(d) Fifty-four and one-half percent, together with the funds received by the interagency committee for outdoor recreation under RCW 46.09.110, shall be credited to the outdoor recreation account to be administered by the committee for planning, acquisition, development, maintenance, and management of ORV recreation facilities and nonhighway road recreation facilities; ORV user education and information; and ORV law enforcement programs. The funds under this subsection shall be expended in accordance with the following limitations:

(i) Not more than twenty percent may be expended for ORV education, information, and law enforcement programs under this chapter;

(ii) Not less than an amount equal to the funds received by the interagency committee for outdoor recreation under RCW 46.09.110 and not more than sixty percent may be expended for ORV recreation facilities;

(iii) Not more than twenty percent may be expended for nonhighway road recreation facilities.

(2) On a yearly basis an agency may not, except as provided in RCW 46.09.110, expend more than ten percent of the funds it receives under this chapter for general administration expenses incurred in carrying out this chapter.

NEW SECTION. Sec. 116. The state treasurer shall place five-tenths of one percent of the revenue from any increase in the tax on motor vehicle fuel collected under chapter 82.36 RCW that is imposed after January 1, 1989, less proper deductions for refunds and costs of collection as provided in RCW 46.68.090, in the highway heritage account, hereby created in the motor vehicle fund.

The department shall establish a highway heritage program to preserve Washington's unique scenic character along highway corridors and provide travelers with a continuing opportunity to appreciate and obtain information regarding unique natural, cultural, and historic features near or accessible by highways. Through this program, the department may:

(1) Acquire by purchase, gift, devise, bequest, grant, or exchange, title to or any interests or rights in real property adjacent to or visible from state highways for preservation of natural beauty or viewpoints, or to preserve natural buffers between highways and other land uses.

(2) Provide directional signs, as well as signs with information regarding historical or cultural areas or sites and significant natural features. Funds may be used for directional signs on county roads and city streets to supplement signs on highways, at the request of the city or county. This subsection does not affect any other statute governing signs.

(3) Work with public and private land owners, local governments, and private organizations and associations to achieve the purposes of this section without land acquisition.

(4) Work with the parks and recreation commission to identify projects and establish priorities for expenditure of funds under this program. The commission shall be reimbursed for any expenses incurred.

The program shall give priority to heavily traveled corridors where the potential for loss of unique natural scenic areas is greatest and to newly established corridors.

Moneys from the highway heritage account shall be used as an addition to, and not as a substitute for, moneys currently used for the purposes specified in this section.

NEW SECTION, Sec. 117. The department shall consult with local governments, as well as public agencies and private organizations concerned with tourism, recreation, community development, historical appreciation, natural resources, and economic development, to encourage activities that promote the goals of section 102 of this act."

Re-number consecutively the sections of this amendment and the bill to which it is added and correct any internal references accordingly.

Ms. Fraser spoke in favor of adoption of the amendment, and Representatives Hargrove, Schmidt and Rust spoke against it. Ms. Fraser again spoke in favor of the amendment.

The amendment was not adopted.

Ms. Cantwell moved adoption of the following amendment by Representatives Cantwell, Braddock, Sprenkle, Phillips, Nelson and Haugen:

On page 23, after line 20, insert the following:

"NEW SECTION, Sec. 115. GROWTH STRATEGIES. A new section is added to chapter 46.68 RCW to read as follows:

Beginning August 1, 1991, the state treasurer shall distribute, to class AA, class A, and first class counties located west of the crest of the Cascade mountain range, and to the cities within those counties, only seventy-five percent of the distributions contained in section 106(6) and (7) of this act.

The undistributed revenues shall be held in reserve by the treasurer until such time as the legislature enacts legislation based on the report of the growth strategies commission required in section 221(8) of ESSB 5352 or until the legislature otherwise enacts legislation authorizing release of the revenues."

Correct internal references accordingly.

Representatives Cantwell and Hargrove spoke in favor of adoption of the amendment, and Representatives Betrozoff and S. Wilson spoke against it.

The Speaker stated the question before the House to be adoption of the amendment by Representative Cantwell and others to Reengrossed Substitute Senate Bill No. 5338.

A division was called. The Speaker called upon the House to divide. The result of the division was: Yeas - 55; Nays - 41. The amendment was adopted.

MOTION FOR RECONSIDERATION

Ms. Schmidt, having voted on the prevailing side, moved that the House immediately reconsider the vote by which the amendment by Representative Cantwell and others to Reengrossed Substitute Senate Bill No. 5338 was adopted by the House.

Representatives Schmidt and Betrozoff spoke in favor of the motion, and Ms. Cantwell spoke against it. Ms. Brough spoke in favor of the motion.

POINT OF ORDER

Mr. Ebersole: Mr. Speaker, I believe that the House Rules speak to not impugning the motives of offers of amendments, and I heard something about a deliberate attempt to kill a bill.

Ms. Brough concluded her remarks in favor of the motion.

Mr. Fuhrman demanded an electric roll call vote, and the demand was sustained.

Mr. Horn spoke in favor of the motion, and Ms. Haugen opposed it.

ROLL CALL

The Clerk called the roll on the motion by Representative Schmidt to reconsider the vote by which the amendment by Representative Cantwell and others to Reengrossed Substitute Senate Bill No. 5338 passed the House, and the motion was not carried by the following vote: Yeas, 39; nays, 57; excused, 2.

Voting yea: Representatives Ballard, Baugher, Beck, Betrozoff, Bowman, Brooks, Brough, Brumsickle, Chandler, Dorn, Doty, Ferguson, Fuhrman, Hankins, Holland, Horn, May, McLean,

Meyers R. Miller, Moyer, Nealey, Padden, Patrick, Prince, Schmidt, Silver, Smith, Sommers D. Tate, Van Luven, Waik, Walker, Wilson S. Winsley, Wolfe, Wood, Youngsman, Zellinsky - 39.

Voting nay: Representatives Anderson, Appelwick, Basich, Belcher, Braddock, Brekke, Bristow, Cantwell, Cole, Cooper, Crane, Day, Dellwo, Ebersole, Fisher G, Fisher R, Fraser, Grant, Hargrove, Haugen, Heavey, Hine, Inslee, Jacobsen, Jesernig, Jones, King P, King R, Kremen, Leonard, Locke, Morris, Myers H, Nelson, Nutley, O'Brien, Peery, Phillips, Prentice, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Scott, Sommers H, Spanel, Sprengle, Todd, Valle, Vekich, Wang, Wilson K, Wineberry, and Mr. Speaker - 57.

Excused: Representatives Gallagher, Schoon - 2.

Mr. Nelson moved adoption of the following amendments:

On page 32, line 21, after "vehicle," insert "Collector vehicles shall be taxed under this chapter in the manner prescribed in subsection (4) of this section."

On page 33, line 18, after "(4)" insert "For collector vehicles, the schedule under subsection (3) of this section shall apply, except that the minimum percentage that shall be applied to the value shall be fifty percent regardless of the year of service of the vehicle. A 'collector vehicle' is a vehicle which is at least thirty years of age and for which the average sales price of that class of vehicle is at least five hundred percent greater than the original manufacturer's suggested retail price for the vehicle. The value of the vehicle shall be based on the most recent sales price.

(5)*

Reumber the following subsections accordingly and correct internal references.

Mr. Nelson spoke in favor of adoption of the amendments, and Mr. Walk spoke against them. The amendments were not adopted.

Ms. R. Fisher moved adoption of the following amendments:

On page 40, line 6, after "30," strike "1991" and insert "1992"

On page 40, line 7, after "30," strike "1996" and insert "1997"

On page 40, line 9, after "30," strike "1990" and insert "1991"

On page 40, line 12, after "31," strike "1988" and insert "1989"

On page 42, line 14, after "30," strike "1991" and insert "1992"

On page 42, line 15, after "30," strike "1996" and insert "1997"

On page 42, line 18, after "30," strike "1990" and insert "1991"

On page 42, line 22, after "31," strike "1988" and insert "1989"

Ms. R. Fisher spoke in favor of adoption of the amendments, and they were adopted.

Mr. Padden moved adoption of the following amendment:

On page 75, line 17, strike all of subsection (1) and renumber remaining subsection consecutively.

Mr. Padden spoke in favor of adoption of the amendment, and Mr. Walk spoke against it. Mr. Padden again spoke in favor of the amendment.

The amendment was not adopted.

With consent of the House, the following amendment to the title was adopted:

On page 1, line 9 of the title, after "47.60.150:" strike "adding a new section" and insert "adding new sections"

With consent of the House, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

The Speaker declared the House to be at ease.

The Speaker called the House to order.

The Speaker stated the question before the House to be the final passage of Reengrossed Substitute Senate Bill No. 5338 as amended by the House.

Mr. Walk spoke in favor of passage of the bill, and Ms. Schmidt opposed it.

ROLL CALL

The Clerk called the roll on the final passage of Reengrossed Substitute Senate Bill No. 5338 as amended by the House, and the bill failed to pass the House by the following vote: Yeas, 12; nays, 84; excused, 2.

Voting yea: Representatives Appelwick, Cantwell, Fisher R, Heavey, Hine, Jacobsen, King P, King R, Scott, Valle, Walk, and Mr. Speaker - 12.

Voting nay: Representatives Anderson, Ballard, Basich, Baugher, Beck, Belcher, Betzoff, Bowman, Braddock, Brekke, Bristow, Brooks, Brumsickle, Chandler, Cole, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fraser, Fuhrman, Grant, Hankins,

Hargrove, Haugen, Holland, Horn, Insee, Jesernig, Jones, Kremen, Leonard, Locke, May, McLean, Meyers R, Miller, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Padden, Patrick, Peery, Phillips, Prentice, Prince, Pruitt, Rater, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Silver, Smith, Sommers D, Sommers H, Spanel, Sprengle, Tate, Todd, Van Luven, Vekich, Walker, Wang, Wilson K, Wilson S, Wineberry, Winsley, Wolfe, Wood, Youngsman, Zellinsky - 84.

Excused: Representatives Gallagher, Schoon - 2.

Reengrossed Substitute Senate Bill No. 5338 as amended by the House, having failed to receive the constitutional majority, was declared lost.

NOTICE OF RECONSIDERATION

Ms. Schmidt, having voted on the prevailing side, served notice that she would on the next working day move for reconsideration of the vote by which Reengrossed Substitute Senate Bill No. 5338 as amended by the House failed to pass the House.

There being no objection, the House advanced to the eleventh order of business.

MOTION

On motion of Mr. Ebersole, the House adjourned until 9:30 a.m., Monday, May 8, 1989.

JOSEPH E. KING, Speaker

ALAN THOMPSON, Chief Clerk

FIRST SPECIAL SESSION

FIFTEENTH DAY

MORNING SESSION

House Chamber, Olympia, Monday, May 8, 1989

The House was called to order at 9:30 a.m. by the Speaker (Mr. O'Brien presiding). The Clerk called the roll and all members were present except Representatives Gallagher, May and Schoon.

The flag was escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Maike Huttman and Sherree Allen. Prayer was offered by The Reverend Avery C. Finger, Minister of the Evangel Temple Church of God.

Reading of the Journal of the previous day was dispensed with and it was ordered to stand approved.

CENTENNIAL MESSAGE
FROM THE WASHINGTON STATE HISTORICAL SOCIETY

May 8, 1989

On this day in 1889, a newspaper reported that the four salmon canneries at Grays Harbor had produced fifty thousand cases in the past year with harbor production increasing. The author invited entrepreneurs to extend the business into canning clams: "Clams, millions of 'em, are ready for the enterprising man." Even caviar canning, the author claimed, would be profitable because of the abundant sturgeon.

And, logs were so big--sixty inches square at the top--that mill workers in Tacoma had to split them to make them small enough to pass through the machinery.

On May 8, 1917, in Seattle, the Lake Washington Ship Canal opened for navigation.

On May 8, 1963 bids were opened on the largest revenue bond issue in the Northwest up to that time--one hundred and twenty-two million dollars to finance the Hanford Project, involving the Washington Public Power Supply System.

MESSAGES FROM THE SENATE

May 7, 1989

Mr. Speaker:

The Senate has passed:

HOUSE BILL NO. 2245,

and the same is herewith transmitted.

Gordon A. Golob, Secretary.

May 7, 1989

Mr. Speaker:

The President has signed:

SUBSTITUTE HOUSE BILL NO. 1479,
SUBSTITUTE HOUSE BILL NO. 1484,
SUBSTITUTE SENATE BILL NO. 6074,

and the same are herewith transmitted.

Gordon A. Golob, Secretary.

REPORT OF CONFERENCE COMMITTEE

May 6, 1989

Mr. Speaker:

We of your Conference Committee to whom was referred SUBSTITUTE SENATE BILL NO. 5521, adopting the capital budget, have had the same under consideration and we report that we are unable to agree, and we respectfully request the powers of Free Conference to amend the bill as follows:

Reject all previous amendments, and

Adopt the following amendments:

Strike everything after the enacting clause and insert the following:

***NEW SECTION.** Sec. 1. A capital budget is hereby adopted and, subject to the provisions set forth in this act, the several dollar amounts hereinafter specified, or so much thereof as shall be sufficient to accomplish the purposes designated, are hereby appropriated and authorized to be incurred for capital projects during the period ending June 30, 1991, out of the several funds specified in this act.

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Central Washington University, secs. 781 - 793
 Community College System, secs. 824 - 892
 Community Development Department, secs. 201 - 219
 Conservation Commission, sec. 400
 Convention and Trade Center, secs. 540 - 545
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 Ecology Department, secs. 302 - 307
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 State Capital Historical Association, sec. 823
 State Patrol, secs. 601 - 604
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 The Evergreen State College, secs. 801 - 808
 Trade and Economic Development Department, secs. 395 - 399
 Transportation Department, secs. 605 - 607
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 Veterans' Affairs Department, secs. 260 - 269
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 Washington State University, secs. 745 - 768
 Western Washington University, secs. 809 - 814
 Wildlife Department, secs. 445 - 469

NEW SECTION. Sec. 2. As used in this act, the following phrases have the following meanings:

'CEP & RI Acct' means Charitable, Educational, Penal, and Reformatory Institutions Account;

'CWU Cap Proj Acct' means Central Washington University Capital Projects Account;

'Cap Bldg Constr Acct' means Capitol Building Construction Account;

'Cap Purch & Dev Acct' means Capitol Purchase and Development Account;

- 'Capital improvements' or 'capital projects' means acquisition of sites, easements, rights of way, or improvements thereon and appurtenances thereto, construction and initial equipment, reconstruction, demolition, or major alterations of new or presently owned capital assets;
- 'Common School Constr Fund' means Common School Construction Fund;
- 'DSHS Constr Acct' means State Social and Health Services Construction Account;
- 'ESS Rail Assis Acct' means essential rail assistance account;
- 'ESS Rail Bank Acct' means essential rail bank account;
- 'EWU Cap Proj Acct' means Eastern Washington University Capital Projects Account;
- 'East Cap Devel Acct' means east campus development account;
- 'Fish Cap Proj Acct' means Fisheries Capital Projects Account;
- 'For Dev Acct' means Forest Development Account;
- 'Game Spec Wildlife Acct' means Game Special Wildlife Account;
- 'H Ed Constr Acct' means Higher Education Construction Account 1979;
- 'H Ed Reimb S/T bonds Acct' means Higher Education Reimbursable Short-Term Bonds Account;
- 'Hndcp Fac Constr Acct' means Handicapped Facilities Construction Account;
- 'K-12 Education Acct' means the 'children's initiative fund—K-12 education account' created by Initiative 102 if Initiative 102 is enacted;
- 'L & I Constr Acct' means Labor and Industries Construction Account;
- 'LIRA' means State and Local Improvement Revolving Account;
- 'LIRA, DSHS Fac' means Local Improvements Revolving Account—Department of Social and Health Services Facilities;
- 'LIRA, Public Rec Fac' means State and Local Improvement Revolving Account—Public Recreation Facilities;
- 'LIRA, Waste Disp Fac' means State and Local Improvement Revolving Account—Waste Disposal Facilities;
- 'LIRA, Waste Fac 1980' means State and Local Improvement Revolving Account—Waste Disposal Facilities 1980;
- 'LIRA, Water Sup Fac' means State and Local Improvement Revolving Account—Water supply facilities;
- 'Lapse' or 'revert' means the amount shall return to an unappropriated status;
- 'Local Jail Imp & Constr Acct' means Local Jail Improvement and Construction Account;
- 'ORA' means Outdoor Recreation Account;
- 'ORV' means off road vehicle;
- 'Provided solely' means the specified amount may be spent only for the specified purpose. Unless otherwise specifically authorized in this act, any portion of an amount provided solely for a specified purpose which is unnecessary to fulfill the specified purpose shall revert;
- 'Public Safety and Education Acct' means Public Safety and Education Account;
- 'Res Mgmt Cost Acct' means Resource Management Cost Account;
- 'Sal Enhmt Constr Acct' means Salmon Enhancement Construction Account;
- 'St Bldg Constr Acct' means State Building Construction Account;
- 'St Fac Renew Acct' means State Facilities Renewal Account;
- 'St H Ed Constr Acct' means State Higher Education Construction Account;
- 'State Emerg Water Proj Rev' means Emergency Water Project Revolving Account—State;
- 'TESC Cap Proj Acct' means The Evergreen State College Capital Projects Account;
- 'UW Bldg Acct' means University of Washington Building Account;
- 'Unemp Comp Admin Acct' means Unemployment Compensation Administration Account;
- 'WA St Dev Loan Acct' means Washington State Development Loan Account;
- 'WSU Bldg Acct' means Washington State University Building Account;
- 'WWU Cap Proj Acct' means Western Washington University Capital Projects Account.

PART 1

GENERAL GOVERNMENT

NEW SECTION, Sec. 101. FOR THE SECRETARY OF STATE

Renovate essential records protection facility—Birch Bay (88-2-001)

	Reappropriation	Appropriation
St Bldg Constr Acct	60,000	
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
52,000	8,000	112,000

NEW SECTION, Sec. 102. FOR THE SECRETARY OF STATE

Design and construct regional branch archive facility (90-1-003)

	Reappropriation	Appropriation
St Bldg Constr Acct		3,039,000
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
49,000	7,069,000	10,123,000

NEW SECTION, Sec. 103. FOR THE SECRETARY OF STATE

Acquisition and installation of moveable archive vault #2 shelving (90-2-002)

St Bldg Constr Acct	Reappropriation	Appropriation
<u>Prior Biennia</u>		152,000
	<u>Future Biennia</u>	<u>Total</u>
		152,000

NEW SECTION, Sec. 104. FOR THE OFFICE OF FINANCIAL MANAGEMENT

Local jail facilities (88-2-001)

Local Jail Imp & Con Acct	Reappropriation	Appropriation
St Bldg Constr Acct	150,615	
	1,060,789	
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
3,827,596		5,039,000

NEW SECTION, Sec. 105. FOR THE OFFICE OF FINANCIAL MANAGEMENT

Higher education planning study

The appropriation in this section is subject to the following conditions and limitations: This appropriation is provided solely to contract with the higher education coordinating board for the purpose of developing, in cooperation with the public institutions of higher education and the office of financial management, a long-range plan for the orderly development of branch campuses and other programs and facilities located off the main campuses. The plan developed by the board shall be submitted to the legislature by January 1, 1990, and shall include recommendations on facilities required, space needs, and the most cost-efficient use of existing and new facilities to meet projected enrollments and programs.

St Bldg Constr Acct	Reappropriation	Appropriation
<u>Prior Biennia</u>		1,000,000
	<u>Future Biennia</u>	<u>Total</u>
		1,000,000

NEW SECTION, Sec. 106. FOR THE OFFICE OF FINANCIAL MANAGEMENT

Higher education—Site acquisition and development

The appropriation in this section is subject to the following conditions and limitations: This appropriation is provided solely for the acquisition of land and/or construction of facilities as recommended by the higher education coordinating board and consistent with the provisions of Senate Bill No. 6095, and shall be allocated to appropriate public institutions of higher education upon approval of the board.

St Bldg Constr Acct	Reappropriation	Appropriation
<u>Prior Biennia</u>		45,000,000
	<u>Future Biennia</u>	<u>Total</u>
	100,000,000	145,000,000

NEW SECTION, Sec. 107. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION

Energy retrofit projects (83-R-015)

Cap Bldg Constr Acct	Reappropriation	Appropriation
<u>Prior Biennia</u>	314,700	
715,300	<u>Future Biennia</u>	<u>Total</u>
		1,030,000

NEW SECTION, Sec. 108. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION

Temple of Justice renovation (86-1-011)

St Bldg Constr Acct	Reappropriation	Appropriation
<u>Prior Biennia</u>	3,700,000	
11,660,000	<u>Future Biennia</u>	<u>Total</u>
		15,360,000

NEW SECTION, Sec. 109. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION

Boiler plant structural repairs (88-1-003)

Cap Bldg Constr Acct	Reappropriation	Appropriation
<u>Prior Biennia</u>	337,000	
15,000	<u>Future Biennia</u>	<u>Total</u>
		352,000

NEW SECTION, Sec. 110. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION

Life/safety projects—Buildings (88-1-006)

Cap Bldg Constr Acct	Reappropriation	Appropriation
<u>Prior Biennia</u>	113,000	
1,014,000	<u>Future Biennia</u>	<u>Total</u>
		1,127,000

NEW SECTION, Sec. 111. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION

Northern State—Life Safety Repair (88-1-007)

St Bldg Constr Acct	Reappropriation	Appropriation
<u>Prior Biennia</u>	256,418	
68,582	<u>Future Biennia</u>	<u>Total</u>
		325,000

NEW SECTION, Sec. 112. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION

Archives renovation (88-2-004)

Cap Purch & Dev Acct	Reappropriation	Appropriation
St Bldg Constr Acct	20,000	
	10,000	
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
530,000		560,000

NEW SECTION, Sec. 113. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION
 Campus repairs—Inadequate building systems (88-2-008)

Cap Bldg Constr Acct	Reappropriation	Appropriation
Cap Purch & Dev Acct	50,000	
St Bldg Constr Acct	50,000	
	1,825,000	
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
5,442,000		7,367,000

NEW SECTION, Sec. 114. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION
 John A. Cherberg Building remodel—Phase I: Floors 2 and 3 (88-2-040)

St Bldg Constr Acct	Reappropriation	Appropriation
	3,000,000	
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
800,000		3,800,000

NEW SECTION, Sec. 115. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION
 Campus property protection (88-3-012)

St Bldg Constr Acct	Reappropriation	Appropriation
	350,000	
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
410,000		760,000

NEW SECTION, Sec. 116. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION
 East Campus programming and planning (88-3-042)

St Bldg Constr Acct	Reappropriation	Appropriation
	90,000	
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
910,000		1,000,000

NEW SECTION, Sec. 117. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION
 Highway—License Building renovation (88-5-011)

Cap Purch & Devel Acct	Reappropriation	Appropriation
St Bldg Constr Acct	449,000	
	51,000	
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
		500,000

NEW SECTION, Sec. 118. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION
 Emergency repairs (90-1-001)

Cap Bldg Constr Acct	Reappropriation	Appropriation
		250,000
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
	500,000	750,000

NEW SECTION, Sec. 119. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION
 Small repairs and improvements (90-1-002)

Cap Bldg Constr Acct	Reappropriation	Appropriation
		450,000
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
	900,000	1,350,000

NEW SECTION, Sec. 120. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION
 Campus asbestos program (90-1-004)

St Bldg Constr Acct	Reappropriation	Appropriation
		200,000
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
	210,000	410,000

NEW SECTION, Sec. 121. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION
 Minor works: Northern state repairs (90-1-012)

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

- (1) The appropriation from the charitable, educational, penal, and reformatory institutions account shall be used solely for developing a long-range plan for the use of the Northern State Hospital facility. The plan shall be developed cooperatively with the department of social and health services and in consultation with affected local communities. The study shall be submitted to the office of financial management and the legislature by January 8, 1990.
- (2) The appropriation from the state building construction account shall be used for asbestos abatement in residence facilities currently in use.

CEP & RI Acct	Reappropriation	Appropriation
		100,000

St Bldg Constr Acct		960,000
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
		1,060,000
<u>NEW SECTION, Sec. 122. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION</u>		
Boiler plant structural repairs (90-1-016)		
	Reappropriation	Appropriation
St Bldg Constr Acct		730,000
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
		730,000
<u>NEW SECTION, Sec. 123. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION</u>		
Asbestos inventory and inspection program (90-01-023)		
The appropriation in this section is subject to the following conditions and limitations: The department shall:		
(1) Develop guidelines for asbestos surveys in all state-owned buildings.		
(2) Review and approve state agency asbestos survey policies and procedures.		
(3) Establish and maintain a central file of asbestos surveys of state-owned buildings.		
	Reappropriation	Appropriation
St Bldg Constr Acct		200,000
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
		200,000
<u>NEW SECTION, Sec. 124. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION</u>		
Minor works: Sidewalk and street repairs (90-2-005)		
	Reappropriation	Appropriation
Cap Bldg Constr Acct		500,000
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
	200,000	700,000
<u>NEW SECTION, Sec. 125. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION</u>		
Minor works: Building exterior repairs and renovation (90-2-006)		
	Reappropriation	Appropriation
Cap Bldg Constr Acct		1,426,000
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
	1,340,000	2,766,000
<u>NEW SECTION, Sec. 126. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION</u>		
Minor works: Elevator/escalator repair (90-2-007)		
	Reappropriation	Appropriation
St Bldg Constr Acct		614,000
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
	1,400,000	2,014,000
<u>NEW SECTION, Sec. 127. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION</u>		
Minor works: Electrical repairs (90-2-008)		
	Reappropriation	Appropriation
Cap Bldg Constr Acct		797,000
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
	901,000	1,698,000
<u>NEW SECTION, Sec. 128. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION</u>		
Minor works: Mechanical system repairs (90-2-009)		
	Reappropriation	Appropriation
St Bldg Constr Acct		2,000,000
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
	2,341,000	4,431,020
<u>NEW SECTION, Sec. 129. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION</u>		
Minor works: Interior building repair (90-2-010)		
The appropriations in this section are subject to the following conditions and limitations:		
(1) \$80,000 of the state building construction account appropriation is provided solely to reimburse the senate during the 1987-89 biennium for costs incurred in the completion of the renovation of the legislative building.		
(2) The appropriation from the state building construction account includes moneys to make repairs at the state building at 506 East 16th Street, Olympia.		
(3) The capitol building construction account appropriation is provided solely to refurbish a portion of the third floor of the Cherberg building.		
	Reappropriation	Appropriation
Cap Bldg Constr Acct		133,000
Motor Transport Acct		262,000
St Bldg Constr Acct		1,305,000
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
	1,329,000	3,007,000
<u>NEW SECTION, Sec. 130. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION</u>		
Capitol Lake repairs and preservation (90-3-013)		

The appropriation in this section is subject to the following conditions and limitations:

(1) \$85,000 of this appropriation is provided solely for shoreline repairs.

(2) \$200,000 is provided solely for a study of the feasibility of developing a fresh-water wetland in the middle and south basins of Capitol Lake. The department of general administration shall contract with a qualified state agency, firm, or individual to conduct the feasibility study. The study shall include recommendations to local governments on ways they can reduce erosion and nonpoint pollution that adversely affect Capitol Lake.

	Reappropriation	Appropriation
Cap Bldg Constr Acct		285,000
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
		285,000

NEW SECTION, Sec. 131. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION

Facilities management system (90-4-018)

The appropriation in this section is subject to the following conditions and limitations: The department shall establish and maintain a central inventory of all state-owned land and facilities. The data elements of the inventory shall be developed in cooperation with the office of financial management.

	Reappropriation	Appropriation
St Bldg Constr Acct		200,000
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
		200,000

NEW SECTION, Sec. 132. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION

Construction of archives storage building (90-4-024)

	Reappropriation	Appropriation
St Bldg Constr Acct		2,015,000
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
		2,015,000

NEW SECTION, Sec. 133. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION

East campus development (90-5-003)

The appropriation in this section is subject to the following conditions and limitations: This appropriation is provided solely to design and construct a natural resources building and parking facility on a site directly east of the old Thurston County courthouse. Prior to the start of construction, the department shall prepare a parking and traffic plan for the building.

	Reappropriation	Appropriation
East Cap Devel Acct		73,000,000
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
		73,000,000

NEW SECTION, Sec. 134. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION

Dawley property acquisition (90-5-011)

	Reappropriation	Appropriation
St Bldg Constr Acct		1,311,000
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
		1,311,000

NEW SECTION, Sec. 135. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION

Preplans and surveys (90-5-022)

	Reappropriation	Appropriation
Cap Bldg Constr Acct		143,000
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
		143,000

NEW SECTION, Sec. 136. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION

Capitol Campus master plan (90-5-025)

The appropriation in this section is subject to the following conditions and limitations: In developing the master plan, a capital museum shall be considered.

	Reappropriation	Appropriation
Cap Bldg Constr Acct		500,000
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
		500,000

NEW SECTION, Sec. 137. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION

Capitol campus fire, safety, and temperature control system

	Reappropriation	Appropriation
Cap Bldg Constr Acct		850,000
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
		850,000

NEW SECTION, Sec. 138. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION

Northern State Multi-Service Center

The appropriation in this section is subject to the following conditions and limitations:

(1) This appropriation is provided solely for the renovation of buildings to provide long-term care for the mentally ill.

(2) No moneys from this appropriation may be expended until the department secures a lease with a county or a group of counties for the buildings to be renovated, for the purpose of operating a long-term care facility for the mentally ill.

(3) No moneys from this appropriation may be expended prior to adoption of a plan to provide mental health services through a regional support network as required by chapter 205, Laws of 1989.

St Bldg Constr Acct	Reappropriation	Appropriation
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
		2,500,000
		2,500,000

NEW SECTION, Sec. 139. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION

Criminal justice training center study

The appropriation in this section is subject to the following conditions and limitations: The appropriation is provided solely for an examination of potential sites for a new criminal justice training center. By December 1, 1989, the department shall submit its recommendations to the legislative fiscal committees. The report shall consider whether the center should be separate or collocated with other state facilities.

Public Safety and Education Acct	Reappropriation	Appropriation
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
		30,000
		30,000

NEW SECTION, Sec. 140. FOR THE DEPARTMENT OF INFORMATION SERVICES

Washington higher education telecommunication system

The appropriation in this section is subject to the following conditions and limitations: \$174,000 is provided solely for planning future expansion of the Washington higher education telecommunications system (WHETS). The plan shall include an analysis of the cost-effectiveness of the current system and the potential for expanding the system to other uses, such as regional universities, community colleges, public schools, and state agencies. In preparing the plan, the department shall coordinate with the office of financial management, which shall consult with the senate ways and means and the house of representatives capital facilities and financing committees.

St Bldg Constr Acct	Reappropriation	Appropriation
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
		174,000
		174,000

NEW SECTION, Sec. 141. FOR THE MILITARY DEPARTMENT

Tacoma Armory rehabilitation phase 3 (86-1-001)

St Bldg Constr Acct	Reappropriation	Appropriation
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
2,081,088	218,166	2,299,254

NEW SECTION, Sec. 142. FOR THE MILITARY DEPARTMENT

Constr watercraft supt training complex (86-1-003)

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

(1) The state building construction account appropriation is provided solely for the acquisition of a 50-year lease from the Port of Tacoma.

(2) The office of financial management shall not allot any portion of this appropriation unless it first determines that an agreement between the military department and the federal department of defense for the release of the property on Ruston Way in Tacoma provides that ownership of the property will be conveyed in fee simple to the state.

(3) It is the intent of the legislature that once the state owns the Ruston Way property, the property shall be available for sale in order to recover the cost of the 50-year lease.

General fund—Federal	Reappropriation	Appropriation
St Bldg Constr Acct		6,885,000
<u>Prior Biennia</u>	<u>Future Biennia</u>	1,300,000
1,640,000	5,500,000	7,185,000
		15,324,000

NEW SECTION, Sec. 143. FOR THE MILITARY DEPARTMENT

Minor works: Support fed service agreement (86-1-004)

General fund—Federal	Reappropriation	Appropriation
St Bldg Constr Acct		3,189,000
<u>Prior Biennia</u>	<u>Future Biennia</u>	1,063,000
	8,884,000	9,942,000
		13,136,000

NEW SECTION, Sec. 144. FOR THE MILITARY DEPARTMENT

Minor works (86-1-005)

St Bldg Constr Acct	Reappropriation	Appropriation
	100,000	425,000

	<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
	2,099,000	1,100,000	3,724,000
<u>NEW SECTION, Sec. 145. FOR THE MILITARY DEPARTMENT</u>			
Small repairs and improvements (86-2-006)			
		Reappropriation	Appropriation
St Bldg Constr Acct			375,000
	<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
	812,000	1,150,000	2,337,000
<u>NEW SECTION, Sec. 146. FOR THE MILITARY DEPARTMENT</u>			
Construct Kent Armory (86-3-007)			
		Reappropriation	Appropriation
General fund---Federal			600,000
St Bldg Constr Acct		488,013	
	<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
	3,000,987		4,089,000
<u>NEW SECTION, Sec. 147. FOR THE MILITARY DEPARTMENT</u>			
Life/Safety code compliance (88-1-005)			
		Reappropriation	Appropriation
St Bldg Constr Acct			800,000
	<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
		1,600,000	2,400,000
<u>NEW SECTION, Sec. 148. FOR THE MILITARY DEPARTMENT</u>			
Repair/replace leaking underground tanks (88-2-008)			
		Reappropriation	Appropriation
St Bldg Constr Acct		205,000	345,000
	<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
	82,000	430,000	1,062,000
<u>NEW SECTION, Sec. 149. FOR THE MILITARY DEPARTMENT</u>			
Roof renovation (88-3-006)			
		Reappropriation	Appropriation
St Bldg Constr Acct		125,000	700,000
	<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
	575,000	900,000	2,300,000
<u>NEW SECTION, Sec. 150. FOR THE MILITARY DEPARTMENT</u>			
Exterior painting of facilities (88-3-007)			
		Reappropriation	Appropriation
St Bldg Constr Acct		5,000	258,000
	<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
	253,000	500,000	1,016,000
<u>NEW SECTION, Sec. 151. FOR THE MILITARY DEPARTMENT</u>			
Facility HVAC renovation (88-4-004)			
		Reappropriation	Appropriation
St Bldg Constr Acct			280,000
	<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
		434,000	714,000
<u>NEW SECTION, Sec. 152. FOR THE MILITARY DEPARTMENT</u>			
Energy conservation projects (88-4-010)			
		Reappropriation	Appropriation
St Bldg Constr Acct		125,000	
	<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
	951,000		1,076,000
<u>NEW SECTION, Sec. 153. FOR THE MILITARY DEPARTMENT</u>			
Project preplanning (88-5-004)			
		Reappropriation	Appropriation
St Bldg Constr Acct			198,000
	<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
	174,000	341,000	713,000
PART 2			
HUMAN RESOURCES			
<u>NEW SECTION, Sec. 201. FOR THE DEPARTMENT OF COMMUNITY DEVELOPMENT</u>			
Fire service training center--Minor works (87-4-002)			
		Reappropriation	Appropriation
St Bldg Constr Acct		145,000	
	<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
	26,000		171,000
<u>NEW SECTION, Sec. 202. FOR THE DEPARTMENT OF COMMUNITY DEVELOPMENT</u>			
Capitalize development loan fund (88-2-002)			

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

(1) No more than \$2,000,000 of the appropriations shall be made available for expenditure if the delinquency rate on loans outstanding is greater than ten percent. However, once the department demonstrates a delinquency rate of ten percent or less, the balance of this appropriation shall be made available for expenditure.

(2) 'Delinquency' shall be defined as any loan more than ninety days past due where no formal loan workout agreement has been entered into between the borrower and the department.

(3) The department shall report to the legislature by January 8, 1990, on the number and types of loans awarded from the appropriation and the anticipated loan repayment rates on current and prior loans.

	Reappropriation	Appropriation
WA St Dev Loan Acct		2,000,000
St Bldg Constr Acct	1,100,000	1,000,000
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
7,970,000		10,970,000

NEW SECTION, Sec. 203. FOR THE DEPARTMENT OF COMMUNITY DEVELOPMENT

Endangered landmark buildings (88-2-009)

The appropriation in this section is subject to the following conditions and limitations:

(1) \$600,000 is provided solely to be used by the department to purchase and hold for brief periods landmark buildings which might otherwise be lost or altered, and to resell those buildings with the proceeds from the sale deposited in the endangered landmark preservation fund.

(2) This appropriation is contingent on an equal amount being provided from nonstate sources on a project by project basis.

(3) If legislation creating the landmarks preservation fund and establishing the endangered landmarks preservation program in statute is not adopted by the legislature by July 1, 1990, any moneys remaining from the appropriation in this section shall lapse.

	Reappropriation	Appropriation
St Bldg Constr Acct	600,000	
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
		600,000

NEW SECTION, Sec. 204. FOR THE DEPARTMENT OF COMMUNITY DEVELOPMENT

Grays Harbor dredging (88-3-006)

The appropriation in this section is subject to the following conditions and limitations:

(1) The appropriation is provided solely for the state's share of costs for Grays Harbor dredging, dike construction, bridge relocation, and related expenses.

(2) Expenditure of moneys from this appropriation is contingent on \$40,000,000 from the United States army corps of engineers and \$10,000,000 from local government funds being provided for the project.

(3) Expenditure of moneys from this appropriation is contingent on a cost-sharing arrangement and the execution of a local cooperation agreement between the Port of Grays Harbor and the Army corps of engineers pursuant to Public Law 99-662, the federal water resources development act of 1986.

(4) The Port of Grays Harbor shall make the best possible effort to acquire additional project funding from sources other than those in subsection (2) of this section. Any money, up to \$10,000,000 provided from sources other than those in subsection (2) of this section, shall be used to reimburse or replace state building construction account money.

	Reappropriation	Appropriation
St Bldg Constr Acct	10,000,000	
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
		10,000,000

NEW SECTION, Sec. 205. FOR THE DEPARTMENT OF COMMUNITY DEVELOPMENT

Capitalize housing trust fund (88-5-015)

The appropriation in this section is subject to the following conditions and limitations:

(1) No expenditures from this appropriation may be made until the department has completed the state-wide housing data study and the legislature has reviewed the results.

(2) \$15,000,000 of this appropriation may be expended solely for capital costs and \$1,000,000 may be expended solely for technical assistance and administrative costs pursuant to the purposes of the housing trust fund under RCW 43.185.050 and 43.185.070. The appropriation for capital costs is for loans or grants for capital projects state-wide that will provide housing for persons or families with special housing needs and with incomes at or below fifty percent of the median family income for the county or standard metropolitan statistical area where the project is located. At least thirty percent of the moneys used for loans or grants shall go to projects located in rural areas.

(3) The department shall to the maximum extent feasible use the appropriation to leverage other funds for capital costs associated with the purposes of the housing trust fund under chapter 43.185 RCW.

	Reappropriation	Appropriation
St Bldg Constr Acct	2,000,000	16,000,000

Prior Biennia

Future Biennia
20,000,000

Total
38,000,000

NEW SECTION, Sec. 206. FOR THE DEPARTMENT OF COMMUNITY DEVELOPMENT

Tacoma Union Station (88-5-016)

The appropriation in this section, in addition to funds appropriated for the 1987-89 biennium for this project, is subject to the following conditions and limitations:

(1) \$1,000,000 is provided solely to prevent further deterioration of the Tacoma Union Station building. This may include, but is not limited to, providing a fire detection system, removing safety hazards, and programming necessary to implement these works.

(2) A maximum of \$500,000 may be used for planning regarding future use of the Tacoma Union Station property to promote state economic development.

(3) The money in subsections (1) and (2) of this section is provided contingent upon a written legal agreement between the city of Tacoma and the state that (a) requires state approval of future uses and disposition of the Tacoma Union Station property and (b) gives the state the right of first refusal to assume the city of Tacoma's option to purchase the Tacoma Union Station property currently owned by the Burlington Northern company.

(4) \$500,000 is provided solely for architectural plans and construction specifications for a state museum on the Union Station property.

(5) \$400,000 is provided solely for purchase of the Union Station property. Expenditure of this amount is contingent on a like amount being provided for this purpose from nonstate sources.

(6) \$2,000,000 is provided solely for restoration of the rotunda of the Union Station building. Expenditure of this amount is contingent on the city's agreement to exercise its option to purchase Union Station and the city's agreement to grant to the state the right of first refusal to assume the city's option to purchase the property should the city decide to withdraw from the project.

(7) Expenditure of the moneys in subsections (4), (5), and (6) of this section is contingent on a written legal agreement between the city of Tacoma and the state that:

(a) The city obtain the state's approval for all decisions with respect to:

(i) Determining final ownership of Union Station itself;

(ii) Identifying appropriate uses for the site; and

(iii) Selecting consultants retained by the city under its contract with the state;

(b) The city consult with the state and, unless prohibited from doing so by terms of the United States general services administration lease, follow the state's recommendations in other significant decisions concerning the development of the Union Station properties, including but not limited to:

(i) Planning the development and redevelopment of the site to accommodate appropriate uses;

(ii) Obtaining financing for acquisition, development, or redevelopment of the property; and

(iii) Acquiring, leasing, subleasing, and/or reselling the property;

(c) If the city finds that it is not possible to follow the state's recommendations, the city will advise the state and allow the state a reasonable opportunity to comment; and

(d) The city shall obtain a public access easement from the United States general services administration or any other owner or lessee that will allow public access through the rotunda to the facilities of any state agency, subject to such reasonable limitations as required by the federal courts for safe and efficient operation. In determining compatible state facilities to be located on the site, the state shall consult with the city and the federal government.

Reappropriation 3,400,000

Appropriation

St Bldg Constr Acct

Prior Biennia
1,000,000

Future Biennia

Total
4,400,000

NEW SECTION, Sec. 207. FOR THE DEPARTMENT OF COMMUNITY DEVELOPMENT

San Juan County Courthouse (88-5-017)

The appropriation in this section is subject to the following conditions and limitations:

(1) This appropriation is contingent on the provision of an equal amount of money from nonstate sources.

(2) If the appropriation in this section is not expended, or if the conditions and limitations in subsection (1) of this section are not met, by June 30, 1990, the appropriation in this section shall lapse.

Reappropriation 100,000

Appropriation

St Bldg Constr Acct

Prior Biennia

Future Biennia

Total
100,000

NEW SECTION, Sec. 208. FOR THE DEPARTMENT OF COMMUNITY DEVELOPMENT

Spokane public facilities (89-5-005)

The appropriation in this section is subject to the following conditions and limitations:

(1) The appropriation is provided solely for the purposes of RCW 36.100.030 and 36.100.060.

(2) If the appropriation in this section is not expended by December 31, 1991, the appropriation in this section shall lapse.

(3) This appropriation shall lapse if an appropriation is enacted for the same purpose in Substitute Senate Bill No. 6074 prior to June 30, 1989.

St Bldg Constr Acct	Reappropriation	Appropriation
	500,000	
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
		500,000

NEW SECTION, Sec. 209. FOR THE DEPARTMENT OF COMMUNITY DEVELOPMENT

Public works trust fund (90-2-001)

The appropriations in this section are subject to the following conditions and limitations: The appropriations are provided solely for public works projects recommended by the public works board and approved by the legislature under chapter 43.155 RCW.

Pub Works Asst Acct	Reappropriation	Appropriation
	61,627,871	78,241,000
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
32,446,397	168,562,493	327,623,873

NEW SECTION, Sec. 210. FOR THE DEPARTMENT OF COMMUNITY DEVELOPMENT

Emergency management building minor renovation (90-2-003)

The appropriation in this section is subject to the following conditions and limitations: This appropriation shall be used solely to provide handicapped access and improve insulation.

St Bldg Constr Acct	Reappropriation	Appropriation
		80,000
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
		80,000

NEW SECTION, Sec. 211. FOR THE DEPARTMENT OF COMMUNITY DEVELOPMENT

Fire service training center minor works (90-2-004)

St Bldg Constr Acct	Reappropriation	Appropriation
		441,887
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
		441,887

NEW SECTION, Sec. 212. FOR THE DEPARTMENT OF COMMUNITY DEVELOPMENT

Tall ship tourist attraction

The appropriation in this section is subject to the following conditions and limitations:

(1) This appropriation shall be used for the Grays Harbor historical seaport authority to construct a tall ship tourist attraction.

(2) Expenditure of moneys from this appropriation is contingent on the expenditure for the same purpose of at least one dollar, including in-kind contributions, from nonstate sources for each dollar spent from this appropriation.

St Bldg Constr Acct	Reappropriation	Appropriation
		1,000,000
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
		1,000,000

NEW SECTION, Sec. 213. FOR THE DEPARTMENT OF COMMUNITY DEVELOPMENT

Asian Counseling and Referral Service

The appropriation in this section is subject to the following conditions and limitations:

(1) This appropriation shall be used for building renovation costs only.

(2) This appropriation is contingent on the expenditure for the same purpose of at least two dollars from nonstate sources for each dollar spent from this appropriation.

St Bldg Constr Acct	Reappropriation	Appropriation
		100,000
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
		100,000

NEW SECTION, Sec. 214. FOR THE DEPARTMENT OF COMMUNITY DEVELOPMENT

Thorp Grist Mill restoration

The appropriation in this section is subject to the following conditions and limitations: Expenditure of moneys from this appropriation is contingent on the expenditure for the same purpose of at least two dollars from nonstate sources for each dollar spent from this appropriation.

St Bldg Constr Acct	Reappropriation	Appropriation
		30,000
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
		30,000

NEW SECTION, Sec. 215. FOR THE DEPARTMENT OF COMMUNITY DEVELOPMENT

Nordic Heritage Museum; Building acquisition and improvements

The appropriation in this section is subject to the following conditions and limitations: This appropriation is contingent on the expenditure for the same purpose of at least two dollars from nonstate sources for each dollar spent from this appropriation.

St Bldg Constr Acct	Reappropriation	Appropriation
<u>Prior Biennia</u>		200,000
	<u>Future Biennia</u>	<u>Total</u>
		200,000

NEW SECTION, Sec. 216. FOR THE DEPARTMENT OF COMMUNITY DEVELOPMENT
Columbia County Courthouse (89-4-004)

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

- (1) \$600,000 is provided solely to repair and restore the Columbia county courthouse.
- (2) The \$400,000 reappropriation shall be matched by \$700,000 in private donations and local funds from Columbia county.
- (3) The \$200,000 appropriation shall be matched by an equal amount of private donations and local funds from Columbia county.

St Bldg Constr Acct	Reappropriation	Appropriation
<u>Prior Biennia</u>	400,000	200,000
	<u>Future Biennia</u>	<u>Total</u>
		600,000

NEW SECTION, Sec. 217. FOR THE DEPARTMENT OF COMMUNITY DEVELOPMENT
Clark County cultural center—Planning

The appropriation in this section is subject to the following conditions and limitations: The appropriation is provided for a grant to Clark county for planning a cultural art/puppet center and theater.

St Bldg Constr Acct	Reappropriation	Appropriation
<u>Prior Biennia</u>		25,000
	<u>Future Biennia</u>	<u>Total</u>
		25,000

NEW SECTION, Sec. 218. FOR THE DEPARTMENT OF COMMUNITY DEVELOPMENT
Purchase of the Last Territorial Governor's House

The appropriation in this section is subject to the following conditions and limitations:

- (1) Expenditure of moneys from this appropriation is contingent on the expenditure for the same purpose of at least one dollar from nonstate sources, including in-kind contributions, for each four dollars spent from this appropriation.
- (2) A nonprofit organization shall be formed for the purpose of spending this appropriation and operating the territorial governor's house.
- (3) The purchase price shall not exceed an independently appraised value.

St Bldg Constr Acct	Reappropriation	Appropriation
<u>Prior Biennia</u>		200,000
	<u>Future Biennia</u>	<u>Total</u>
		200,000

NEW SECTION, Sec. 219. FOR THE DEPARTMENT OF COMMUNITY DEVELOPMENT
Marine science center construction

The appropriation in this section is subject to the following conditions and limitations:

- (1) This appropriation is provided solely for a grant to the city of Poulsbo for construction of a marine science center to be operated by educational service district no. 114.
- (2) Expenditure of this appropriation is contingent on site acquisition and at least \$300,000 of construction costs contributed from nonstate sources.

St Bldg Constr Acct	Reappropriation	Appropriation
<u>Prior Biennia</u>		500,000
	<u>Future Biennia</u>	<u>Total</u>
		500,000

NEW SECTION, Sec. 220. FOR THE DEPARTMENT OF LABOR AND INDUSTRIES
Property acquisition, design and construct office facility (90-5-001)

L & I Constr Acct	Reappropriation	Appropriation
<u>Prior Biennia</u>		63,000,000
	<u>Future Biennia</u>	<u>Total</u>
		63,000,000

NEW SECTION, Sec. 221. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES
Lakeland Village: Construct habilitation center (79-1-009)

DSHS Constr Acct	Reappropriation	Appropriation
<u>Prior Biennia</u>	450,000	
5,965,662	<u>Future Biennia</u>	<u>Total</u>
		6,415,662

NEW SECTION, Sec. 222. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES
Rainier School: Renovate Evergreen Center (79-1-017)

St Bldg Constr Acct	Reappropriation	Appropriation
DSHS Constr Acct	4,400,000	
<u>Prior Biennia</u>	150,000	
983,824	<u>Future Biennia</u>	<u>Total</u>
		5,533,824

NEW SECTION, Sec. 223. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES
Referendum #37 (79-3-001)

The appropriation in this section is subject to the following conditions and limitations: In addition to previously approved projects, \$29,000 shall be used to construct an addition to a training center in Skamania county to serve up to ten more developmentally disabled children under four years old. This amount may be expended only if the final application for the project is submitted by December 31, 1989, and approved by March 31, 1990.

	Reappropriation	Appropriation
Handicap Fac Constr Acct	350,000	
Improve—DSHS Fac Acct	23,500	
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
2,937,539		3,311,039

NEW SECTION, Sec. 224. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

State mental health residences (79-3-002)

The appropriation in this section is subject to the following conditions and limitations: A maximum of \$40,000 of the funds provided may be spent for renovation or other costs necessary to establish a self-supporting day care center for children of state employees at Eastern State Hospital. A maximum of \$280,000 of the funds provided in this section is provided solely for participation by the department of social and health services in a project to construct a multipurpose child care center at the Everett community college.

	Reappropriation	Appropriation
Improve—DSHS Fac Acct	230,000	90,000
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
974,177		1,294,177

NEW SECTION, Sec. 225. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES
Western State Hospital: Complete artwork (79-4-005)

	Reappropriation	Appropriation
DSHS Constr Acct	40,000	
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
108,045		148,045

NEW SECTION, Sec. 226. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES
Western State Hospital: Fire safety (83-1-006)

	Reappropriation	Appropriation
DSHS Constr Acct	25,000	
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
189,203		214,203

NEW SECTION, Sec. 227. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES
Frances Haddon Morgan Center: Renovate Marion School (83-1-015)

	Reappropriation	Appropriation
St Bldg Constr Acct	150,000	
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
1,319,000		1,469,000

NEW SECTION, Sec. 228. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES
Eastern State Hospital: Renovate wards, phase 1 (83-2-016)

	Reappropriation	Appropriation
DSHS Constr Acct	100,000	
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
3,175,000		3,275,000

NEW SECTION, Sec. 229. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES
Western State Hospital: Renovate wards, phase 2 (83-2-017)

	Reappropriation	Appropriation
DSHS Constr Acct	2,300,000	
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
11,598,000		13,898,000

NEW SECTION, Sec. 230. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES
Mission Creek: Renovate main buildings (86-1-202)

	Reappropriation	Appropriation
St Fac Renew Acct	165,000	
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
1,882,999		2,047,999

NEW SECTION, Sec. 231. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES
Fircrest Schools: Construct food service (86-1-403)

	Reappropriation	Appropriation
DSHS Constr Acct	200,000	
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
3,896,302		4,096,302

NEW SECTION, Sec. 232. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES
Referendum 27 and 38 (86-2-099)

The appropriation in this section is subject to the following conditions and limitations: This appropriation is provided solely for drought-related municipal and industrial water supply projects. Up to sixteen full-time equivalent staff per year may be funded from the reappropriation of Referendum 38 for the purpose of reviewing local water improvement accounts.

LIRA Water Supp Fac	Reappropriation	Appropriation
	22,000,000	
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
23,134,000		45,134,000

NEW SECTION, Sec. 233. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

Western State Hospital: Renovate wards, phase 3 (88-1-307)

St Bldg Constr Acct	Reappropriation	Appropriation
	375,000	
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
210,900		585,900

NEW SECTION, Sec. 234. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

CSTC: Renovate residences to high school (88-1-318)

St Bldg Constr Acct	Reappropriation	Appropriation
	160,000	
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
165,000		325,000

NEW SECTION, Sec. 235. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

Western State Hospital: Sanitary sewer (88-2-400)

St Bldg Constr Acct	Reappropriation	Appropriation
	2,650,000	
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
2,229,000		4,879,000

NEW SECTION, Sec. 236. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

Minor capital renewal: Fire safety (90-1-004)

CEP & RI Acct	Reappropriation	Appropriation
St Bldg Constr Acct	810,000	
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
335,000	1,200,000	2,945,000

NEW SECTION, Sec. 237. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

Minor capital renewal: Hazardous substance (90-1-005)

CEP & RI Acct	Reappropriation	Appropriation
St Bldg Constr Acct	450,000	
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
527,000	1,392,500	2,869,500

NEW SECTION, Sec. 238. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

Emergency capital repairs (90-1-007)

CEP & RI Acct	Reappropriation	Appropriation
St Bldg Constr Acct	220,000	250,000
St Fac Renew Acct	160,000	
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
864,502	500,000	1,994,502

NEW SECTION, Sec. 239. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

Echo Glen: Renovate eleven living units (90-1-210)

St Bldg Constr Acct	Reappropriation	Appropriation
	2,964,000	
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
		2,964,000

NEW SECTION, Sec. 240. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

Western State Hospital: Ward renovations, phase 4 (90-1-312)

The appropriation in this section is subject to the following conditions and limitations: \$1,000,000 is intended for planning and design to accelerate the next phase of this renovation project.

St Bldg Constr Acct	Reappropriation	Appropriation
		6,192,000
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
		6,192,000

NEW SECTION, Sec. 241. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

Eastern State Hospital: Ward renovations, phase 2 (90-1-339)

St Bldg Constr Acct	Reappropriation	Appropriation
		4,510,400

<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
		4,510,400
<u>NEW SECTION, Sec. 242. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES</u>		
Minor capital renewal: Utilities and facilities (90-2-001)		
	Reappropriation	Appropriation
CEP & RI Acct		750,000
St Bldg Constr Acct	450,000	
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
608,000	2,100,000	3,908,000
<u>NEW SECTION, Sec. 243. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES</u>		
Minor capital renewal: Roads and grounds (90-2-002)		
	Reappropriation	Appropriation
CEP & RI Acct		500,000
St Bldg Constr Acct	500,000	
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
122,000	1,200,000	2,322,000
<u>NEW SECTION, Sec. 244. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES</u>		
Minor capital renewal: Roofs (90-2-003)		
	Reappropriation	Appropriation
St Bldg Constr Acct	200,000	700,000
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
940,000	2,000,000	3,840,000
<u>NEW SECTION, Sec. 245. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES</u>		
Small repairs and improvements (90-2-008)		
	Reappropriation	Appropriation
CEP & RI Acct		190,000
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
	415,000	605,000
<u>NEW SECTION, Sec. 246. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES</u>		
Minor projects: Bureau of Alcohol and Substance Abuse (90-2-010)		
	Reappropriation	Appropriation
CEP & RI Acct		442,400
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
	100,000	542,400
<u>NEW SECTION, Sec. 247. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES</u>		
Minor projects: Juvenile rehabilitation division (90-2-020)		
	Reappropriation	Appropriation
CEP & RI Acct		270,100
St Bldg Constr Acct	340,000	
St Fac Renew Acct	650,000	
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
2,375,000	300,000	3,935,100
<u>NEW SECTION, Sec. 248. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES</u>		
Minor projects: Mental health division, including renovation and expansion of bathroom facilities for the PORTAL program at the Northern State multi-service center (90-2-030)		
	Reappropriation	Appropriation
St Bldg Constr Acct	200,000	650,000
St Fac Renew Acct	110,000	
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
1,514,042	700,000	3,174,042
<u>NEW SECTION, Sec. 249. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES</u>		
Minor projects: Mental health division (2) (90-2-032)		
	Reappropriation	Appropriation
CEP & RI Acct		75,000
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
	250,000	325,000
<u>NEW SECTION, Sec. 250. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES</u>		
Minor projects: Developmental disabilities division (90-2-040)		
	Reappropriation	Appropriation
CEP & RI Acct		21,200
St Bldg Constr Acct	245,000	517,600
St Fac Renew Acct	80,000	
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
2,078,999	550,000	3,492,799
<u>NEW SECTION, Sec. 251. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES</u>		
Minor projects: Health division (90-2-050)		
	Reappropriation	Appropriation
CEP & RI Acct		358,900

<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
	100,000	358,900
<u>NEW SECTION, Sec. 252. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES</u>		
Lakeland Village: Steam plant replacement (90-2-425)		
	Reappropriation	Appropriation
St Bldg Constr Acct		4,063,000
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
		4,063,000

NEW SECTION, Sec. 253. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

Minor capital renewal, mental health division (90-2-060)

The appropriation in this section is subject to the following conditions and limitations: This appropriation is provided solely for minor building renewal projects at Western and Eastern state hospitals, which may include up to \$75,000 for remodeling existing state buildings for use as employee child care facilities.

	Reappropriation	Appropriation
St Bldg Constr Acct		1,000,000
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
		1,000,000

NEW SECTION, Sec. 254. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

Resource conservation (90-4-006)

	Reappropriation	Appropriation
St Bldg Constr Acct	150,000	
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
165,045		315,045

NEW SECTION, Sec. 255. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

Preplanning (90-4-009)

	Reappropriation	Appropriation
CEP & RI Acct		191,400
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
	329,500	520,900

NEW SECTION, Sec. 256. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

Food bank facility: Fircrest (90-5-011)

	Reappropriation	Appropriation
St Bldg Constr Acct		788,000
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
		788,000

NEW SECTION, Sec. 257. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

Eastern State Hospital: Electrical System Replacement (90-2-345)

	Reappropriation	Appropriation
St Bldg Constr Acct		1,371,600
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
		1,371,600

NEW SECTION, Sec. 258. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

Child care facilities

The appropriation in this section is subject to the following conditions and limitations:

(1) This appropriation is provided solely for the child care coordinating committee to award grants to state agencies, institutions of higher education, state employees, or groups of state employees for the purpose of making capital improvements to start or renovate child care centers for state employees.

(2) The child care coordinating committee shall adopt rules for awarding the grants that include an application process that encourages state agencies and employees to submit innovative and competitive proposals for the grants.

(3) The child care coordinating committee shall report to the legislature by January 8, 1991, describing the number and types of grants awarded under this appropriation and making recommendations for future child care facility grants.

	Reappropriation	Appropriation
St Bldg Constr Acct		600,000
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
		600,000

NEW SECTION, Sec. 259. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

Mental health evaluation and treatment facility in Snohomish county

The appropriation in this section is subject to the following conditions and limitations:

(1) This appropriation is provided solely for a mental health evaluation and treatment facility in Snohomish county.

(2) No moneys from this appropriation may be expended until the department enters into a fifteen-year lease or lease/purchase agreement with Snohomish county or a group of counties for the facility. The payments under the agreement shall be either at least equal to the facility component of the state average rate-per-patient day paid by the department to community

mental health providers for comparable services, or at least equal to the amount of this appropriation amortized over fifteen years.

(3) No moneys from this appropriation may be expended prior to adoption of a plan to provide mental health services through a regional support network as required by chapter 205, Laws of 1989.

(4) Other counties or regions that adopt plans for mental health services as required by chapter 205, Laws of 1989, shall be eligible for application to the state for future evaluation and treatment facility moneys under the same conditions as are provided in subsections (2) and (3) of this section, so long as no applicant receives appropriated moneys from state sources exceeding one million dollars.

	Reappropriation	Appropriation
St Bldg Constr Acct		1,000,000
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
		1,000,000

NEW SECTION, Sec. 260. FOR THE DEPARTMENT OF VETERANS' AFFAIRS
Food services renovation (88-1-014)

	Reappropriation	Appropriation
CEP & RI Acct		282,700
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
		282,700

NEW SECTION, Sec. 261. FOR THE DEPARTMENT OF VETERANS' AFFAIRS
Soldiers Home—Preplan a thirty bed Alzheimer's unit (88-5-020)

The appropriation in this section is subject to the following conditions and limitations:

(1) The department shall participate in the long-term care study to be conducted by the department of social and health services as required by Engrossed Substitute Senate Bill No. 5352.

(2) The department shall prepare a policy on admissions to the veterans' home and soldiers' home. The policy shall identify priority populations and establish procedures to ensure the highest priority group of veterans are served. The department shall report to the house of representatives capital facilities and operations committee and senate ways and means committee on the admission policy by December 1, 1989.

	Reappropriation	Appropriation
CEP & RI Acct		33,700
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
	1,908,700	1,942,400

NEW SECTION, Sec. 262. FOR THE DEPARTMENT OF VETERANS' AFFAIRS
Minor projects—Asbestos (90-1-003)

	Reappropriation	Appropriation
CEP & RI Acct		300,000
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
		300,000

NEW SECTION, Sec. 263. FOR THE DEPARTMENT OF VETERANS' AFFAIRS
Minor projects—Roads and walkways (90-1-005)

	Reappropriation	Appropriation
CEP & RI Acct		100,000
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
		100,000

NEW SECTION, Sec. 264. FOR THE DEPARTMENT OF VETERANS' AFFAIRS
Air quality, Building 9 (90-1-009)

	Reappropriation	Appropriation
CEP & RI Acct		313,200
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
		313,200

NEW SECTION, Sec. 265. FOR THE DEPARTMENT OF VETERANS' AFFAIRS
Small projects (90-1-011)

	Reappropriation	Appropriation
CEP & RI Acct		39,800
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
		39,800

NEW SECTION, Sec. 266. FOR THE DEPARTMENT OF VETERANS' AFFAIRS
Minor projects—Building remodel (90-2-008)

	Reappropriation	Appropriation
CEP & RI Acct		256,000
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
		256,000

NEW SECTION, Sec. 267. FOR THE DEPARTMENT OF VETERANS' AFFAIRS
Minor projects—Utilities and energy projects (90-4-006)

	Reappropriation	Appropriation
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CEP & RI Acct			544,000
	<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
			544,000

NEW SECTION. Sec. 268. FOR THE DEPARTMENT OF VETERANS' AFFAIRS
 Minor projects—Building study (90-5-012)

		Reappropriation	Appropriation
CEP & RI Acct			35,000
	<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
			35,000

NEW SECTION. Sec. 269. FOR THE DEPARTMENT OF VETERANS' AFFAIRS
 Steam distribution system (92-2-024)

		Reappropriation	Appropriation
CEP & RI Acct			22,200
	<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
		895,700	917,900

NEW SECTION. Sec. 270. FOR THE DEPARTMENT OF CORRECTIONS

The department of corrections shall develop a population management and facilities master plan that evaluates alternatives for accommodating increased correctional system population, reflecting updated office of financial management inmate population forecasts and any population increases resulting from legislation enacted during the 1989 legislative session. The plan shall assess and evaluate each alternative on the basis of its short-term and long-term programs and fiscal impacts and shall be submitted to the fiscal committees of the legislature by December 1, 1989.

NEW SECTION. Sec. 271. FOR THE DEPARTMENT OF CORRECTIONS

Washington Corrections Center enlarge, remodel six hundred beds (83-3-029)

		Reappropriation	Appropriation
St Bldg Constr Acct		32,961	
	<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
	1,338,053		1,371,014

NEW SECTION. Sec. 272. FOR THE DEPARTMENT OF CORRECTIONS

Washington State Reformatory facility improvements (83-3-048)

		Reappropriation	Appropriation
St Bldg Constr Acct		6,500,000	8,600,000
DHS Constr Acct		500,000	
	<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
	8,033,303	16,000,000	39,633,303

NEW SECTION. Sec. 273. FOR THE DEPARTMENT OF CORRECTIONS

Washington State Penitentiary improve security, facilities, utilities (83-3-052)

		Reappropriation	Appropriation
St Bldg Constr Acct		400,000	5,898,000
DHS Constr Acct		1,600,000	
	<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
	6,317,413	2,476,000	16,691,413

NEW SECTION. Sec. 274. FOR THE DEPARTMENT OF CORRECTIONS

McNeil Island Corrections Center renovation of utilities (86-1-002)

		Reappropriation	Appropriation
St Bldg Constr Acct		4,000,000	1,261,000
St Fac Renew Acct		300,000	
	<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
	3,724,000	4,674,000	13,959,000

NEW SECTION. Sec. 275. FOR THE DEPARTMENT OF CORRECTIONS

McNeil Island Corrections Center repairs to transportation system, including parking and a materials forwarding facility at Western State Hospital (86-1-004)

		Reappropriation	Appropriation
St Bldg Constr Acct		985,000	3,522,000
St Fac Renew Acct		900,000	
	<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
	1,408,000	7,081,000	13,896,000

NEW SECTION. Sec. 276. FOR THE DEPARTMENT OF CORRECTIONS

McNeil Island Corrections Center building fire/safety (86-1-008)

		Reappropriation	Appropriation
St Bldg Constr Acct		2,500,000	2,183,000
St Fac Renew Acct		1,000,000	
	<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
	1,665,000	967,000	8,315,000

NEW SECTION. Sec. 277. FOR THE DEPARTMENT OF CORRECTIONS

State-wide minor projects (86-2-005)

	Reappropriation	Appropriation
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St Bldg Constr Acct		1,000,000	
St Fac Renew Acct		300,000	
	<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
	2,879,000		4,179,000
<u>NEW SECTION, Sec. 278. FOR THE DEPARTMENT OF CORRECTIONS</u>			
State-wide small repairs and improvements (86-2-006)			
		Reappropriation	Appropriation
St Bldg Constr Acct		250,000	
	<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
	296,000		546,000
<u>NEW SECTION, Sec. 279. FOR THE DEPARTMENT OF CORRECTIONS</u>			
Life safety code compliance (88-1-002)			
		Reappropriation	Appropriation
St Bldg Constr Acct		700,000	
	<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
	840,000		1,540,000
<u>NEW SECTION, Sec. 280. FOR THE DEPARTMENT OF CORRECTIONS</u>			
State-wide wastewater system improvements (88-1-017)			
		Reappropriation	Appropriation
St Bldg Constr Acct		440,000	605,000
	<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
	268,000		1,313,000
<u>NEW SECTION, Sec. 281. FOR THE DEPARTMENT OF CORRECTIONS</u>			
State-wide water system improvements (88-1-018)			
		Reappropriation	Appropriation
St Bldg Constr Acct		250,000	939,000
	<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
	172,000		1,361,000
<u>NEW SECTION, Sec. 282. FOR THE DEPARTMENT OF CORRECTIONS</u>			
McNeil Island Corrections Center implement master plan (88-2-003)			
The appropriation in this section is subject to the following conditions and limitations: Mon- eys in this appropriation shall not be expended until the master plan has been submitted to the legislative fiscal committees and the office of financial management has reported to the com- mittees that satisfactory progress has been made on receiving approval of the environmental impact statement, selecting mainland parking facility, and selecting mainland ferry terminal.			
		Reappropriation	Appropriation
St Bldg Constr Acct			4,377,000
	<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
	621,000	28,000,000	32,998,000
<u>NEW SECTION, Sec. 283. FOR THE DEPARTMENT OF CORRECTIONS</u>			
Pre-release facility relocation (88-2-004)			
The appropriation in this section is subject to the following conditions and limitations: The department shall develop a siting policy, in conjunction with cities, counties, community groups, and the department of community development, for the establishment of additional prerelease facilities. The policy shall include at least the following elements:			
(1) Guidelines for appropriate site selection of prerelease facilities;			
(2) Requirements for notification to local government and community groups of intent to site a prerelease facility; and			
(3) Guidelines for effective relations between the prerelease program operation and the surrounding community.			
		Reappropriation	Appropriation
St Bldg Constr Acct		4,200,000	
	<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
	262,000		4,462,000
<u>NEW SECTION, Sec. 284. FOR THE DEPARTMENT OF CORRECTIONS</u>			
Eastern Washington prerelease, site preparation (88-2-005)			
		Reappropriation	Appropriation
St Bldg Constr Acct		340,000	
	<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
	671,000		1,011,000
<u>NEW SECTION, Sec. 285. FOR THE DEPARTMENT OF CORRECTIONS</u>			
Washington Corrections Center for Women—Minor renovations (88-2-006)			
		Reappropriation	Appropriation
St Bldg Constr Acct		460,000	1,000,000
	<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
	155,000	5,800,000	7,415,000
<u>NEW SECTION, Sec. 286. FOR THE DEPARTMENT OF CORRECTIONS</u>			

Washington Corrections Center reroof building (88-3-019)		Reappropriation	Appropriation
St Bldg Constr Acct		1,000,000	
<u>Prior Biennia</u>	<u>Future Biennia</u>		<u>Total</u>
65,000			1,065,000
<u>NEW SECTION, Sec. 287. FOR THE DEPARTMENT OF CORRECTIONS</u>			
State-wide asbestos removal/encapsulation (90-1-001)			
		Reappropriation	Appropriation
St Bldg Constr Acct			2,500,000
<u>Prior Biennia</u>	<u>Future Biennia</u>		<u>Total</u>
	5,000,000		7,500,000
<u>NEW SECTION, Sec. 288. FOR THE DEPARTMENT OF CORRECTIONS</u>			
Hazardous materials management (90-1-004)			
		Reappropriation	Appropriation
St Bldg Constr Acct			879,000
<u>Prior Biennia</u>	<u>Future Biennia</u>		<u>Total</u>
	604,000		1,483,000
<u>NEW SECTION, Sec. 289. FOR THE DEPARTMENT OF CORRECTIONS</u>			
WCC and WCCW perimeter security upgrade (90-1-007)			
		Reappropriation	Appropriation
St Bldg Constr Acct			1,652,000
<u>Prior Biennia</u>	<u>Future Biennia</u>		<u>Total</u>
	3,277,000		4,929,000
<u>NEW SECTION, Sec. 290. FOR THE DEPARTMENT OF CORRECTIONS</u>			
State-wide minor projects (90-1-009)			
		Reappropriation	Appropriation
CEP & RI Acct			1,000,000
St Bldg Constr Acct			4,349,000
<u>Prior Biennia</u>	<u>Future Biennia</u>		<u>Total</u>
	8,000,000		13,349,000
<u>NEW SECTION, Sec. 291. FOR THE DEPARTMENT OF CORRECTIONS</u>			
State-wide small repairs and improvements (90-1-010)			
		Reappropriation	Appropriation
St Bldg Constr Acct			756,000
<u>Prior Biennia</u>	<u>Future Biennia</u>		<u>Total</u>
			756,000
<u>NEW SECTION, Sec. 292. FOR THE DEPARTMENT OF CORRECTIONS</u>			
State-wide emergency repairs projects (90-1-013)			
		Reappropriation	Appropriation
CEP & RI Acct			750,000
<u>Prior Biennia</u>	<u>Future Biennia</u>		<u>Total</u>
	1,500,000		2,250,000
<u>NEW SECTION, Sec. 293. FOR THE DEPARTMENT OF CORRECTIONS</u>			
Washington Corrections Center Reception Center upgrade (90-2-012)			
		Reappropriation	Appropriation
CEP & RI Acct			26,000
St Bldg Constr Acct			236,000
<u>Prior Biennia</u>	<u>Future Biennia</u>		<u>Total</u>
	14,400,000		14,662,000
<u>NEW SECTION, Sec. 294. FOR THE DEPARTMENT OF CORRECTIONS</u>			
WSP—Expand medium security complex (MSC) industries building (90-2-016)			
		Reappropriation	Appropriation
St Bldg Constr Acct			1,213,000
<u>Prior Biennia</u>	<u>Future Biennia</u>		<u>Total</u>
			1,213,000
<u>NEW SECTION, Sec. 295. FOR THE DEPARTMENT OF CORRECTIONS</u>			
State-wide roof repair (90-3-011)			
		Reappropriation	Appropriation
St Bldg Constr Acct			1,500,000
<u>Prior Biennia</u>	<u>Future Biennia</u>		<u>Total</u>
			1,500,000

NEW SECTION, Sec. 296. FOR THE DEPARTMENT OF CORRECTIONS

Community corrections cost analysis of state ownership options—Work release

The appropriation in this section is subject to the following conditions and limitations: This appropriation is provided solely for a study to determine whether the department should own, contract with private providers for, or use a combination of ownership and contracting for work release facilities. Any recommendations resulting from the study shall be consistent with the siting policy requirements contained in chapter 89, Laws of 1989.

CEP & RI Acct	Reappropriation	Appropriation
<u>Prior Biennia</u>		218,000
<u>Future Biennia</u>		<u>Total</u>
	7,790,000	8,008,000

NEW SECTION, Sec. 297. FOR THE DEPARTMENT OF CORRECTIONS

Clallam Bay corrections center double-celling and program area renovations

St Bldg Constr Acct	Reappropriation	Appropriation
<u>Prior Biennia</u>		4,071,000
<u>Future Biennia</u>		<u>Total</u>
		4,071,000

PART 3

NATURAL RESOURCES

NEW SECTION, Sec. 301. FOR THE WASHINGTON STATE ENERGY OFFICE

Energy conservation projects (90-4-001)

The appropriation in this section is subject to the following conditions and limitations: The department shall contract with the following agencies for the amounts specified to undertake energy conservation projects. Each contract shall require the agencies listed below to deposit into the energy conservation account, hereby created in the state treasury, an amount equal to the contract amount. The payback period for the contracted amount shall be determined by the department, but shall not exceed six years.

(1) No more than \$1,033,000 shall be expended for energy conservation projects for Military Department facilities;

(2) No more than \$361,600 shall be expended for energy conservation projects for the department of social and health services;

(3) No more than \$552,000 shall be expended for energy conservation projects for The Evergreen State College.

St Bldg Constr Acct	Reappropriation	Appropriation
<u>Prior Biennia</u>		1,946,600
<u>Future Biennia</u>		<u>Total</u>
	2,199,000	4,145,600

NEW SECTION, Sec. 302. FOR THE DEPARTMENT OF ECOLOGY

Referendum 26—Waste disposal facilities; special program, state-wide (74-5-004)

The appropriation in this section is subject to the following conditions and limitations: In making grants or loans from this appropriation for waste reduction and recycling projects, the department shall give priority to food and yard wastes projects.

LIRA—Waste Disp Fac	Reappropriation	Appropriation
<u>Prior Biennia</u>		
<u>Future Biennia</u>		<u>Total</u>
	23,753,701	230,777,304

NEW SECTION, Sec. 303. FOR THE DEPARTMENT OF ECOLOGY

Referendum 27 and 38—Water supply facilities; special program, state-wide (74-5-006)

The appropriation in this section is subject to the following conditions and limitations: A maximum of \$75,000 of this reappropriation may be expended for modification of the gate on the Lake Osoyoos international water control structure authorized by chapter 76, Laws of 1982.

LIRA Water Sup Fac	Reappropriation	Appropriation
<u>Prior Biennia</u>		
<u>Future Biennia</u>		<u>Total</u>
	29,423,518	67,000,635

NEW SECTION, Sec. 304. FOR THE DEPARTMENT OF ECOLOGY

State emergency water project revolving account; special program, state-wide (76-5-003)

St Emer Water Proj Rev	Reappropriation	Appropriation
<u>Prior Biennia</u>		
<u>Future Biennia</u>		<u>Total</u>
	4,003,787	3,794,791
	14,096,717	22,188,089

NEW SECTION, Sec. 305. FOR THE DEPARTMENT OF ECOLOGY

Padilla Bay Research Reserve—Land acquisition/special program (80-2-002)

General Fund—Federal	Reappropriation	Appropriation
<u>Prior Biennia</u>		
<u>Future Biennia</u>		<u>Total</u>
	112,362	1,313,539

NEW SECTION, Sec. 306. FOR THE DEPARTMENT OF ECOLOGY

Referendum 39—Waste disposal facilities, 1980; special program, state-wide (82-5-005)

The appropriation in this section is subject to the following conditions and limitations:

(1) No expenditure from this appropriation shall be made for any grant valued over fifty million dollars to a city or county for solid waste disposal facilities unless the following conditions are met:

(a) The city or county agrees to comply with all the terms of the grant contract between the city or county and the department of ecology;

(b) The city or county agrees to implement curbside collection of recyclable materials as prescribed in the grant contract; and

(c) The city or county does not begin actual construction of the solid waste disposal facility until it has obtained a permit for prevention of significant deterioration as required by the federal clean air act.

(2) In making grants or loans from this appropriation for waste reduction and recycling projects, the department shall give priority to food and yard waste projects.

	Reappropriation	Appropriation
LIRA Waste Fac—1980	126,900,046	
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
324,970,900		451,870,946

NEW SECTION, Sec. 307. FOR THE DEPARTMENT OF ECOLOGY

Water quality account: special programs, state-wide (86-5-007)

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

(1) In awarding grants, extending grant payments, or making loans from this appropriation for facilities that discharge directly into marine waters, the department shall:

(a) Give first priority to secondary wastewater treatment facilities that are mandated by both federal and state law;

(b) Give second priority to projects that reduce combined sewer overflows; and

(c) Encourage economies that are derived from any simultaneous projects that achieve the purposes of both (a) and (b) of this subsection.

(2) The following limitations shall apply to the department's total distribution of funds appropriated under this section:

(a) Not more than fifty percent for water pollution control facilities which discharge directly into marine waters;

(b) Not more than twenty percent for water pollution control activities that prevent or mitigate pollution of underground waters and facilities that protect federally designated sole source aquifers with at least two-thirds for the Spokane-Rathdrum Prairie aquifer;

(c) Not more than ten percent for water pollution control activities that protect freshwater lakes and rivers including but not limited to Lake Chelan and the Yakima and Columbia rivers;

(d) Not more than ten percent for activities which control nonpoint source water pollution;

(e) Ten percent and such sums as may be remaining from the categories specified in (a) through (d) of this subsection for water pollution control activities or facilities as determined by the department.

(3) In determining compliance schedules for the greatest reasonable reduction of combined sewer overflows, the department shall consider the amount of grant or loan moneys available to assist local governments in the planning, design, acquisition, construction, and improvement of combined sewer overflow facilities.

	Reappropriation	Appropriation
Water Quality Acct	67,050,663	112,529,625
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
8,838,172	177,177,999	365,596,459

NEW SECTION, Sec. 308. FOR THE STATE PARKS AND RECREATION COMMISSION

Yakima Greenway acquisition (81-3-098)

	Reappropriation	Appropriation
ORA—State	75,272	
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
17,795		93,067

NEW SECTION, Sec. 309. FOR THE STATE PARKS AND RECREATION COMMISSION

State-wide—Water supply facilities (86-1-002)

	Reappropriation	Appropriation
St Bldg Constr Acct	380,062	
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
684,584		1,064,646

NEW SECTION, Sec. 310. FOR THE STATE PARKS AND RECREATION COMMISSION

State-wide—Sewage treatment facilities (86-1-003)

	Reappropriation	Appropriation
LIRA Waste Fac—1980	309,103	
St Bldg Constr Acct	50,000	
ORA—Federal	23,049	
ORA—State	24,024	
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
359,335		765,511

NEW SECTION, Sec. 311. FOR THE STATE PARKS AND RECREATION COMMISSION

State-wide—Boating repairs (86-1-020)

	Reappropriation	Appropriation
St Bldg Constr Acct	12,000	
ORA—State	72,577	

	<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
	330,274		414,851
NEW SECTION, Sec. 312. FOR THE STATE PARKS AND RECREATION COMMISSION			
State-wide—Boating renovation (86-1-021)			
		Reappropriation	Appropriation
St Bldg Constr Acct		2,901	
ORA—State		68,323	
	<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
	62,280		133,504
NEW SECTION, Sec. 313. FOR THE STATE PARKS AND RECREATION COMMISSION			
Beacon Rock—Replace floats and piling, renovate shear boom (86-1-022)			
		Reappropriation	Appropriation
ORA—Federal		6,000	
ORA—State		46,651	
	<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
	235,509		288,160
NEW SECTION, Sec. 314. FOR THE STATE PARKS AND RECREATION COMMISSION			
State-wide—Energy conservation and landscape repairs (86-1-026)			
		Reappropriation	Appropriation
St Bldg Constr Acct		116,827	
ORA—State		3,479	
	<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
	155,752		276,058
NEW SECTION, Sec. 315. FOR THE STATE PARKS AND RECREATION COMMISSION			
State-wide—Energy conservation and landscape renovation (86-1-027)			
		Reappropriation	Appropriation
St Bldg Constr Acct		135,222	
	<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
	351,998		487,220
NEW SECTION, Sec. 316. FOR THE STATE PARKS AND RECREATION COMMISSION			
Iron Horse—Trail safety and bridge repair/acquisition (86-1-030)			
The appropriations in this section are subject to the following conditions and limitations: Unless House Bill No. 1512 is enacted by June 30, 1989, with an initial appropriation for this project from the trust land purchase account, the reappropriation from the trust land purchase account in this section shall be null and void.			
		Reappropriation	Appropriation
St Bldg Constr Acct		63,591	
Trust Land Pur Acct		200,000	
	<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
	144,123		407,714
NEW SECTION, Sec. 317. FOR THE STATE PARKS AND RECREATION COMMISSION			
Fort Worden—Point Wilson bank protection, phase 2 (86-1-032)			
		Reappropriation	Appropriation
St Bldg Constr Acct		85,000	
ORA—Federal		73,663	
ORA—State		95,204	
	<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
	43,133	124,600	421,600
NEW SECTION, Sec. 318. FOR THE STATE PARKS AND RECREATION COMMISSION			
State-wide—Boating improvements (86-3-005)			
		Reappropriation	Appropriation
ORA—Federal		36,700	
ORA—State		57,000	
	<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
	115,300		209,000
NEW SECTION, Sec. 319. FOR THE STATE PARKS AND RECREATION COMMISSION			
Mount Spokane—Entrance road development (86-3-034)			
		Reappropriation	Appropriation
Mot Veh Fund		8,003	
	<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
	169,830		177,833
NEW SECTION, Sec. 320. FOR THE STATE PARKS AND RECREATION COMMISSION			
West Hylebos—Acquisition and development (86-4-013)			
The appropriation in this section is subject to the following condition and limitation: This appropriation shall lapse if the necessary construction contract is not entered into by June 30, 1990.			
		Reappropriation	Appropriation
St Bldg Constr Acct		195,595	

	<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
	177		195,772
NEW SECTION, Sec. 321. FOR THE STATE PARKS AND RECREATION COMMISSION			
Illahee—Replace breakwater, ramps (87-1-024)			
		Reappropriation	Appropriation
ORA—Federal		6,534	
ORA—State		15,289	
	<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
	196,355		218,178
NEW SECTION, Sec. 322. FOR THE STATE PARKS AND RECREATION COMMISSION			
SacaJawea—Boat launch reconstruction (87-1-025)			
		Reappropriation	Appropriation
ORA—State		14,207	
	<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
	127,513		141,720
NEW SECTION, Sec. 323. FOR THE STATE PARKS AND RECREATION COMMISSION			
Lake Sylvia—Dam safety renovation and repair, phase 2 (87-1-028)			
		Reappropriation	Appropriation
St Bldg Constr Acct		5,802	165,000
	<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
	136,198		307,000
NEW SECTION, Sec. 324. FOR THE STATE PARKS AND RECREATION COMMISSION			
Kopachuck—Shoreline protection (87-1-031)			
		Reappropriation	Appropriation
ORA—State		43,889	
	<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
	58,000		101,889
NEW SECTION, Sec. 325. FOR THE STATE PARKS AND RECREATION COMMISSION			
Moran—Mountain Lake CCC building renovation (87-1-049)			
		Reappropriation	Appropriation
St Bldg Constr Acct		149,999	
	<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
	6,000		155,999
NEW SECTION, Sec. 326. FOR THE STATE PARKS AND RECREATION COMMISSION			
Deception Pass—Renovate CCC buildings 2 and 3, Rosario (87-1-050)			
The appropriation in this section is subject to the following condition and limitation: This appropriation shall lapse if the necessary construction contract is not entered into by December 31, 1989.			
		Reappropriation	Appropriation
St Bldg Constr Acct		200,014	
	<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
	7,400		207,414
NEW SECTION, Sec. 327. FOR THE STATE PARKS AND RECREATION COMMISSION			
Fort Worden—Phased weatherization of facilities (87-2-016)			
		Reappropriation	Appropriation
St Bldg Constr Acct		160,088	
	<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
	289,912		450,000
NEW SECTION, Sec. 328. FOR THE STATE PARKS AND RECREATION COMMISSION			
Flaming geyser—Bridge relocation and installation, phase 2 (87-2-029)			
		Reappropriation	Appropriation
St Bldg Constr Acct		180,272	241,000
ORA—Federal		171,897	
ORA—State			
	<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
	10,728	625,000	1,228,897
NEW SECTION, Sec. 329. FOR THE STATE PARKS AND RECREATION COMMISSION			
Covenant Beach—Acquisition and relocation (87-2-039)			
		Reappropriation	Appropriation
St Bldg Constr Acct		94,520	
	<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
	169,416		263,936
NEW SECTION, Sec. 330. FOR THE STATE PARKS AND RECREATION COMMISSION			
Auburn Game Farm—Completion of park development (87-3-012)			
		Reappropriation	Appropriation
St Bldg Constr Acct		451,922	350,000
	<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
	77,246		879,168

NEW SECTION, Sec. 331. FOR THE STATE PARKS AND RECREATION COMMISSION

Green River Gorge—Acquisition, phased project (87-5-010)

Reappropriation	263,000
Appropriation	

St Bldg Constr Acct

Prior Biennia

395,694

Future BienniaTotal

1,255,000

NEW SECTION, Sec. 332. FOR THE STATE PARKS AND RECREATION COMMISSION

State-wide—Potable water supply, omnibus facility contingency (88-1-002)

Reappropriation	
Appropriation	

St Bldg Constr Acct

65,085

LIRA—Water Sup Fac

43,404

Prior Biennia

36,511

Future BienniaTotal

145,000

NEW SECTION, Sec. 333. FOR THE STATE PARKS AND RECREATION COMMISSION

State-wide—Potable water supply, omnibus minor projects (88-1-003)

Reappropriation	
Appropriation	

St Bldg Constr Acct

366,115

LIRA—Water Sup Fac

244,000

Prior Biennia

82,885

Future BienniaTotal

693,000

NEW SECTION, Sec. 334. FOR THE STATE PARKS AND RECREATION COMMISSION

Sequim Bay—Reservoir cover (88-1-004)

Reappropriation	
Appropriation	

St Bldg Constr Acct

23,415

LIRA—Water Sup Fac

23,000

Prior Biennia

85,585

Future BienniaTotal

132,000

NEW SECTION, Sec. 335. FOR THE STATE PARKS AND RECREATION COMMISSION

Sequim Bay—Renovate park water system (88-1-005)

Reappropriation	
Appropriation	

St Bldg Constr Acct

45,517

LIRA—Water Sup Fac

30,345

Prior Biennia

114,138

Future BienniaTotal

190,000

NEW SECTION, Sec. 336. FOR THE STATE PARKS AND RECREATION COMMISSION

Moran—Renovate potable water system (88-1-006)

The appropriation in this section is subject to the following condition and limitation: This appropriation shall lapse if the necessary construction contract is not entered into by December 31, 1989.

Reappropriation	
Appropriation	

St Bldg Constr Acct

153,000

LIRA—Water Sup Fac

101,358

Prior Biennia

28,642

Future BienniaTotal

283,000

NEW SECTION, Sec. 337. FOR THE STATE PARKS AND RECREATION COMMISSION

State-wide—Sewer facilities, omnibus facility contingency (88-1-007)

Reappropriation	
Appropriation	

LIRA Waste Fac—1980

153,657

St Bldg Constr Acct

51,520

Prior Biennia

92,823

Future BienniaTotal

298,000

NEW SECTION, Sec. 338. FOR THE STATE PARKS AND RECREATION COMMISSION

State-wide—Sewer facilities, omnibus minor projects (88-1-008)

Reappropriation	
Appropriation	

LIRA Waste Fac—1980

225,998

St Bldg Constr Acct

75,333

Prior Biennia

34,669

Future BienniaTotal

336,000

NEW SECTION, Sec. 339. FOR THE STATE PARKS AND RECREATION COMMISSION

State-wide—Boat pumpout facilities (88-1-009)

The appropriation in this section is subject to the following conditions and limitations: If there is an appropriation for this purpose in Engrossed Substitute Senate Bill No. 5352, the \$1,000,000 appropriation in this section from the state building construction account shall lapse.

Reappropriation	
Appropriation	

LIRA Waste Fac—1980

30,712

St Bldg Constr Acct

440,235

Prior Biennia

78,053

Future BienniaTotal

1,549,000

NEW SECTION, Sec. 340. FOR THE STATE PARKS AND RECREATION COMMISSION
Ocean City—Connect to municipal sewer system (88-1-010)

	Reappropriation	Appropriation
LIRA Waste Fac—1980	276,084	
St Bldg Constr Acct	93,000	
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
12,916		382,000

NEW SECTION, Sec. 341. FOR THE STATE PARKS AND RECREATION COMMISSION
State-wide—Boat traffic control markers and devices (88-1-013)

	Reappropriation	Appropriation
ORA—State	42,604	
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
67,396		110,000

NEW SECTION, Sec. 342. FOR THE STATE PARKS AND RECREATION COMMISSION
St. Edward—Main electrical code compliance (88-1-027)

	Reappropriation	Appropriation
St Bldg Constr Acct	103,000	
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
21,000		124,000

NEW SECTION, Sec. 343. FOR THE STATE PARKS AND RECREATION COMMISSION
Fort Worden—Electrical service renovation to 7,200 volts (88-1-030)

The appropriation in this section is subject to the following condition and limitation: This appropriation shall lapse if the necessary construction contract is not entered into by December 31, 1989.

	Reappropriation	Appropriation
St Bldg Constr Acct	299,036	
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
25,964		325,000

NEW SECTION, Sec. 344. FOR THE STATE PARKS AND RECREATION COMMISSION
St Edward: Lighted entrance trail and comfort station (88-1-041)

	Reappropriation	Appropriation
St Bldg Constr Acct	222,000	
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
		222,000

NEW SECTION, Sec. 345. FOR THE STATE PARKS AND RECREATION COMMISSION
State-wide—Boating facilities, omnibus facilities contingency (88-2-011)

	Reappropriation	Appropriation
ORA—State	176,846	
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
44,154		221,000

NEW SECTION, Sec. 346. FOR THE STATE PARKS AND RECREATION COMMISSION
State-wide—Boating facilities, omnibus minor projects (88-2-012)

	Reappropriation	Appropriation
ORA—State	647,581	
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
321,419		969,000

NEW SECTION, Sec. 347. FOR THE STATE PARKS AND RECREATION COMMISSION
Centennial facilities—Contingency request (88-2-020)

	Reappropriation	Appropriation
LIRA, Pub Rec Fac	5,000	
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
35,000		40,000

NEW SECTION, Sec. 348. FOR THE STATE PARKS AND RECREATION COMMISSION
Fort Columbia—Renovate historic buildings/Chinook displays (88-2-021)

	Reappropriation	Appropriation
LIRA, Pub Rec Fac	57,000	
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
41,000		98,000

NEW SECTION, Sec. 349. FOR THE STATE PARKS AND RECREATION COMMISSION
State-wide—Park facilities renovation, omnibus facilities contingency (88-2-025)

	Reappropriation	Appropriation
St Bldg Constr Acct	288,734	
LIRA, Pub Rec Fac	31,077	
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
344,266		664,077

NEW SECTION, Sec. 350. FOR THE STATE PARKS AND RECREATION COMMISSION
Camp Wooten—Replace men's comfort station #23, add showers (88-2-041)

	Reappropriation	Appropriation
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St Bldg Constr Acct	157,000	157,000
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<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
	109,700	266,700

NEW SECTION, Sec. 351. FOR THE STATE PARKS AND RECREATION COMMISSION

Bogachiel—Campsite and day use renovation (88-2-058)

	Reappropriation	Appropriation
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General Fund—Local/Private	11,560	
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<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
	3,440	15,000

NEW SECTION, Sec. 352. FOR THE STATE PARKS AND RECREATION COMMISSION

Fort Worden—Ballon Hanger, replace roof, renovate interior (88-3-023)

	Reappropriation	Appropriation
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General Fund—Local/Private	213,000	
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St Bldg Constr Acct	195,000	
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<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
	86,000	494,000

NEW SECTION, Sec. 353. FOR THE STATE PARKS AND RECREATION COMMISSION

Camano Island—Point Lowell road relocation (88-3-043)

	Reappropriation	Appropriation
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St Bldg Constr Acct	157,513	
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Mot Veh Fund		619,000
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<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
	44,487	821,000

NEW SECTION, Sec. 354. FOR THE STATE PARKS AND RECREATION COMMISSION

Chief Timothy—Boat launch expansion (88-5-014)

	Reappropriation	Appropriation
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ORA—State	207,000	
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<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
	23,000	230,000

NEW SECTION, Sec. 355. FOR THE STATE PARKS AND RECREATION COMMISSION

Moses Lake—Boat launch with parking and comfort station (88-5-016)

The appropriation in this section is subject to the following condition and limitation: This appropriation shall lapse if the necessary permits are not obtained by December 31, 1989.

	Reappropriation	Appropriation
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ORA—State	181,000	
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<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
	11,000	192,000

NEW SECTION, Sec. 356. FOR THE STATE PARKS AND RECREATION COMMISSION

State-wide—Acquisition/dev. river access, phased project (88-5-017)

	Reappropriation	Appropriation
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ORA—State	138,000	
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<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
	73,128	211,128

NEW SECTION, Sec. 357. FOR THE STATE PARKS AND RECREATION COMMISSION

Maryhill—Development (88-5-035)

	Reappropriation	Appropriation
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St Bldg Constr Acct	1,025,798	
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<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
	50,202	1,076,000

NEW SECTION, Sec. 358. FOR THE STATE PARKS AND RECREATION COMMISSION

Ocean beaches—Acquisition of ocean beaches, phased project (88-5-036)

	Reappropriation	Appropriation
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St Bldg Constr Acct	447,220	200,000
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<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
	102,780	750,000

NEW SECTION, Sec. 359. FOR THE STATE PARKS AND RECREATION COMMISSION

Mount Spokane—Winter recreation facilities (88-5-041)

	Reappropriation	Appropriation
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St Bldg Constr Acct	12,000	
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<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
	71,000	83,000

NEW SECTION, Sec. 360. FOR THE STATE PARKS AND RECREATION COMMISSION

Fl Worden: 30-unit campground (88-5-056)

	Reappropriation	Appropriation
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St Bldg Constr Acct		380,000
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<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
		380,000

NEW SECTION, Sec. 361. FOR THE STATE PARKS AND RECREATION COMMISSION
Crystal Falls—Acquisition and development phase 2 (88-5-057)

	Reappropriation	Appropriation
St Bldg Constr Acct	31,464	
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
128,536	329,600	489,600

NEW SECTION, Sec. 362. FOR THE STATE PARKS AND RECREATION COMMISSION
Blake Island—Fire protection system, concession building (89-1-050)

	Reappropriation	Appropriation
St Bldg Constr Acct		119,000
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
		119,000

NEW SECTION, Sec. 363. FOR THE STATE PARKS AND RECREATION COMMISSION
Omnibus minor projects—Water supply/irrigation at Lyon's Ferry, Crow Butte, Wallace Falls, Curlew Lake, Alta Lake, and Mount Spokane (89-1-101)

	Reappropriation	Appropriation
St Bldg Constr Acct		275,000
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
		275,000

NEW SECTION, Sec. 364. FOR THE STATE PARKS AND RECREATION COMMISSION
Omnibus minor projects—Sanitary facilities at Yakima Sportsman, Lewis and Clark, Stuart Island, Sucia Island, Dash Point, and Blake Island (89-1-102)

	Reappropriation	Appropriation
St Bldg Constr Acct		152,000
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
		345,900

NEW SECTION, Sec. 365. FOR THE STATE PARKS AND RECREATION COMMISSION
Omnibus minor projects—Electrical at Fay Bainbridge, Potholes, Fort Flagler, Central Ferry, Pacific Beach, Blake Island, and Alta Lake (89-1-103)

	Reappropriation	Appropriation
St Bldg Constr Acct		231,000
ORA—State		63,700
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
		294,700

NEW SECTION, Sec. 366. FOR THE STATE PARKS AND RECREATION COMMISSION
Moran—Renovate mountain lake dam (89-1-110)

	Reappropriation	Appropriation
St Bldg Constr Acct		144,000
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
		144,000

NEW SECTION, Sec. 367. FOR THE STATE PARKS AND RECREATION COMMISSION
State-wide—Compliance with safe drinking water act (89-1-116)

	Reappropriation	Appropriation
St Bldg Constr Acct		441,000
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
		441,000

NEW SECTION, Sec. 368. FOR THE STATE PARKS AND RECREATION COMMISSION
Camp Wooten—Sewage renovation, phase 2 (89-1-122)

	Reappropriation	Appropriation
St Bldg Constr Acct		138,000
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
		138,000

NEW SECTION, Sec. 369. FOR THE STATE PARKS AND RECREATION COMMISSION
Sacajawea—Modify river floats, revise piling anchorage system (89-1-129)

	Reappropriation	Appropriation
ORA—State		192,000
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
		192,000

NEW SECTION, Sec. 370. FOR THE STATE PARKS AND RECREATION COMMISSION
State-wide—Asbestos removal—Forts Worden, Flagler, Columbia (89-1-134)

	Reappropriation	Appropriation
St Bldg Constr Acct		150,000
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
		150,000

NEW SECTION, Sec. 371. FOR THE STATE PARKS AND RECREATION COMMISSION
State-wide—Omnibus minor projects—Boating/marine construction (89-2-106)

	Reappropriation	Appropriation
St Bldg Constr Acct		179,250

ORA—State		674,050
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
		853,300
<u>NEW SECTION, Sec. 372. FOR THE STATE PARKS AND RECREATION COMMISSION</u>		
State-wide—Omnibus minor projects—General construction (89-2-107)		
	Reappropriation	Appropriation
St Bldg Constr Acct		560,000
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
	858,000	1,418,000
<u>NEW SECTION, Sec. 373. FOR THE STATE PARKS AND RECREATION COMMISSION</u>		
State-wide—Omnibus minor projects—Specialized construction (89-2-109)		
	Reappropriation	Appropriation
St Bldg Constr Acct		219,000
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
		219,000
<u>NEW SECTION, Sec. 374. FOR THE STATE PARKS AND RECREATION COMMISSION</u>		
Lake Sammamish—Boat launch repairs (89-2-139)		
	Reappropriation	Appropriation
ORA—State		114,000
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
		114,000
<u>NEW SECTION, Sec. 375. FOR THE STATE PARKS AND RECREATION COMMISSION</u>		
Omnibus minor projects—Site/environment/protection at Conconully, Saltwater, Fort Worden, Alta Lake, and Fort Casey (89-3-104)		
	Reappropriation	Appropriation
St Bldg Constr Acct		300,000
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
		300,000
<u>NEW SECTION, Sec. 376. FOR THE STATE PARKS AND RECREATION COMMISSION</u>		
State-wide—Omnibus minor projects—Acquisition (89-3-105)		
	Reappropriation	Appropriation
St Bldg Constr Acct		115,000
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
	140,700	255,700
<u>NEW SECTION, Sec. 377. FOR THE STATE PARKS AND RECREATION COMMISSION</u>		
State-wide—Omnibus minor projects—Weatherproofing (89-3-108)		
	Reappropriation	Appropriation
St Bldg Constr Acct		167,000
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
		167,000
<u>NEW SECTION, Sec. 378. FOR THE STATE PARKS AND RECREATION COMMISSION.</u>		
Fort Worden—Rebuild boat launch breakwater, dredge marina (89-3-135)		
	Reappropriation	Appropriation
ORA—State		315,000
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
		315,000
<u>NEW SECTION, Sec. 379. FOR THE STATE PARKS AND RECREATION COMMISSION</u>		
Larabee—Acquisition of Clayton Beach (89-5-002)		
	Reappropriation	Appropriation
St Bldg Constr Acct		342,000
ORA—Federal		140,540
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
1,258,000		1,740,540
<u>NEW SECTION, Sec. 380. FOR THE STATE PARKS AND RECREATION COMMISSION</u>		
Hood Canal—Acquisition of property, phase 2 (89-5-111)		
	Reappropriation	Appropriation
St Bldg Constr Acct		49,681
ORA—State		393,000
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
319		503,000
<u>NEW SECTION, Sec. 381. FOR THE STATE PARKS AND RECREATION COMMISSION</u>		
Spokane Centennial Trail—Acquisition/initial development (89-5-112)		
	Reappropriation	Appropriation
St Bldg Constr Acct		120,000
ORA—Federal		119,000
General Fund—Federal	3,589,620	
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
10,380		3,839,000

NEW SECTION. Sec. 382. FOR THE STATE PARKS AND RECREATION COMMISSION

Fort Casey—Acquisition of keystone spit, phase 2 (89-5-113)

	Reappropriation	Appropriation
St Bldg Constr Acct	198,780	104,000
ORA—Federal		103,000
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
301,220		707,000

NEW SECTION. Sec. 383. FOR THE STATE PARKS AND RECREATION COMMISSION

Belfair—Acquisition of adjoining property, phase 2 (89-5-114)

	Reappropriation	Appropriation
St Bldg Constr Acct	29,000	193,000
ORA—Federal		27,000
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
21,000		270,000

NEW SECTION. Sec. 384. FOR THE STATE PARKS AND RECREATION COMMISSION

Fort Canby—Initial development, Beards Hollow (89-5-115)

	Reappropriation	Appropriation
St Bldg Constr Acct		289,000
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
		289,000

NEW SECTION. Sec. 385. FOR THE STATE PARKS AND RECREATION COMMISSION

Snohomish Centennial Trail

The appropriation in this section is subject to the following conditions and limitations: This appropriation is provided solely for the Snohomish County parks department to purchase and develop the railroad right-of-way from Snohomish to Arlington. No portion of this appropriation may be expended unless an amount from nonstate sources equal to the amount of this appropriation is provided for the project.

	Reappropriation	Appropriation
St Bldg Constr Acct		1,100,000
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
		1,100,000

NEW SECTION. Sec. 386. FOR THE STATE PARKS AND RECREATION COMMISSION

Lake Isabella—Acquisition, phased (89-5-145)

	Reappropriation	Appropriation
St Bldg Constr Acct		507,000
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
		507,000

NEW SECTION. Sec. 387. FOR THE STATE PARKS AND RECREATION COMMISSION

Spokane Centennial Trail—Initial development 'The Islands' (89-5-166)

	Reappropriation	Appropriation
St Bldg Constr Acct		250,000
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
		250,000

NEW SECTION. Sec. 388. FOR THE STATE PARKS AND RECREATION COMMISSION

Ocean Beach OBA—Comfort stations and parking at four locations (89-5-120)

	Reappropriation	Appropriation
St Bldg Constr Acct		342,000
ORA—Federal		316,000
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
		658,000

NEW SECTION. Sec. 389. FOR THE STATE PARKS AND RECREATION COMMISSION

State-wide—Omnibus facility contingency request (90-1-001)

	Reappropriation	Appropriation
St Bldg Constr Acct		464,000
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
		464,000

NEW SECTION. Sec. 390. FOR THE STATE PARKS AND RECREATION COMMISSION

Steamboat Rock—Random camp area, Jones Bay (95-2-182)

	Reappropriation	Appropriation
St Bldg Constr Acct		150,000
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
		150,000

NEW SECTION. Sec. 391. FOR THE STATE PARKS AND RECREATION COMMISSION

Wishram Museum—Feasibility study

The appropriation in this section is subject to the following conditions and limitations: The appropriation is provided for a feasibility study for a water park and railroad museum and bridge access in Wishram.

St Bldg Constr Acct	Reappropriation	Appropriation
<u>Prior Biennia</u>		10,000
	<u>Future Biennia</u>	<u>Total</u>
		10,000
<u>NEW SECTION, Sec. 392. FOR THE STATE PARKS AND RECREATION COMMISSION</u>		
Ohme Gardens—Acquisition, safety, and irrigation improvements (89-5-169)		
St Bldg Constr Acct	Reappropriation	Appropriation
<u>Prior Biennia</u>		750,000
	<u>Future Biennia</u>	<u>Total</u>
		750,000
<u>NEW SECTION, Sec. 393. FOR THE STATE PARKS AND RECREATION COMMISSION</u>		
Doug's Beach—Railroad safety crossing		
St Bldg Constr Acct	Reappropriation	Appropriation
<u>Prior Biennia</u>		120,000
	<u>Future Biennia</u>	<u>Total</u>
		120,000
<u>NEW SECTION, Sec. 394. FOR THE INTERAGENCY COMMITTEE FOR OUTDOOR RECREATION</u>		
Grants to public agencies' recreation projects (90-2-001)		
St Bldg Constr Acct	Reappropriation	Appropriation
ORA—Federal	150,000	500,000
ORA—State	1,068,604	800,000
<u>Prior Biennia</u>		<u>Total</u>
21,513,197	12,000,000	42,467,801
<u>NEW SECTION, Sec. 395. FOR THE DEPARTMENT OF TRADE AND ECONOMIC DEVELOPMENT</u>		
Community economic revitalization board (86-1-001)		
St Bldg Constr Acct	Reappropriation	Appropriation
<u>Prior Biennia</u>	5,340,000	
	<u>Future Biennia</u>	<u>Total</u>
19,025,928		24,365,928
<u>NEW SECTION, Sec. 396. FOR THE DEPARTMENT OF TRADE AND ECONOMIC DEVELOPMENT</u>		
Washington Technology Center (88-1-003)		
The appropriation in this section shall be subject to the following conditions and limitations: The moneys from this appropriation shall be transferred to and administered by the University of Washington.		
St Bldg Constr Acct	Reappropriation	Appropriation
<u>Prior Biennia</u>	9,600,000	900,000
	<u>Future Biennia</u>	<u>Total</u>
5,302,000		15,802,000
<u>NEW SECTION, Sec. 397. FOR THE DEPARTMENT OF TRADE AND ECONOMIC DEVELOPMENT</u>		
Washington State Agricultural Trade Center—Yakima (88-3-004)		
The appropriation in this section is subject to the following conditions and limitations: Expenditures made under this appropriation shall equal seventy-five percent of the total project design and construction costs and shall not exceed \$6,500,000. The twenty-five percent of actual expenditures for design and construction costs shall be cash from nonstate sources.		
St Bldg Constr Acct	Reappropriation	Appropriation
<u>Prior Biennia</u>	2,300,000	
	<u>Future Biennia</u>	<u>Total</u>
4,200,000		6,500,000
<u>NEW SECTION, Sec. 398. FOR THE DEPARTMENT OF TRADE AND ECONOMIC DEVELOPMENT</u>		
Agricultural Complex—Yakima (89-2-005)		
The appropriation in this section is subject to the following conditions and limitations: (1) \$1,000,000 is provided solely for parking lot paving, lighting and landscaping. (2) \$1,000,000 of this appropriation is contingent on a contribution of an equal amount of funds from nonstate sources.		
St Bldg Constr Acct	Reappropriation	Appropriation
<u>Prior Biennia</u>	750,000	2,000,000
	<u>Future Biennia</u>	<u>Total</u>
1,250,000		4,000,000
<u>NEW SECTION, Sec. 399. FOR THE DEPARTMENT OF TRADE AND ECONOMIC DEVELOPMENT</u>		
Mt. St. Helens Road and Visitor Center (90-5-002)		
The appropriation in this section is subject to the following conditions and limitations: (1) Expenditures under this appropriation shall not exceed twenty-five percent of the total project cost. (2) Expenditure of this appropriation is contingent on a contribution of at least \$300,000 by Cowlitz county for the project.		
St Bldg Constr Acct	Reappropriation	Appropriation
		5,600,000

<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
NEW SECTION, Sec. 400. FOR THE STATE CONSERVATION COMMISSION		
Water quality projects (90-2-001)		
	Reappropriation	Appropriation
Water Quality Acct	352,500	2,072,160
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
1,509,500	4,400,000	8,334,160
PART 4		
NATURAL RESOURCES - CONTINUED		
NEW SECTION, Sec. 401. FOR THE DEPARTMENT OF FISHERIES		
Habitat—Salmon enhancement program (77-1-005)		
	Reappropriation	Appropriation
Salmon Enhancement Acct	25,000	921,000
St Bldg Constr Acct		<u>Total</u>
<u>Prior Biennia</u>	<u>Future Biennia</u>	5,230,687
4,284,687		
NEW SECTION, Sec. 402. FOR THE DEPARTMENT OF FISHERIES		
Replacements and alterations (77-2-004)		
	Reappropriation	Appropriation
Fish Cap Proj Acct	2,243	<u>Total</u>
<u>Prior Biennia</u>	<u>Future Biennia</u>	3,998,931
3,996,688		
NEW SECTION, Sec. 403. FOR THE DEPARTMENT OF FISHERIES		
Puget Sound artificial reef construction (79-2-008)		
	Reappropriation	Appropriation
ORA—Federal	8,300	
ORA—State	16,600	
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
420,550		445,450
NEW SECTION, Sec. 404. FOR THE DEPARTMENT OF FISHERIES		
Hood Canal Bridge—Public fishing access (79-2-011)		
	Reappropriation	Appropriation
St Bldg Constr Acct	52,000	<u>Total</u>
<u>Prior Biennia</u>	<u>Future Biennia</u>	494,000
442,000		
NEW SECTION, Sec. 405. FOR THE DEPARTMENT OF FISHERIES		
Oakland Bay tideland access design and construction (81-5-014)		
The appropriations in this section are subject to the following conditions and limitations: If not obligated by June 30, 1990, the appropriations in this section shall lapse.		
	Reappropriation	Appropriation
St Bldg Constr Acct	11,000	
ORA—Federal	90,000	
ORA—State	79,000	
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
		180,000
NEW SECTION, Sec. 406. FOR THE DEPARTMENT OF FISHERIES		
Health, safety and code compliance (86-1-020)		
	Reappropriation	Appropriation
St Bldg Constr Acct	78,000	850,000
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
371,000	500,000	1,799,000
NEW SECTION, Sec. 407. FOR THE DEPARTMENT OF FISHERIES		
Towhead Island public access—Renovation (86-2-028)		
The appropriations in this section are subject to the following conditions and limitations: The appropriations shall lapse if construction has not begun by June 30, 1990.		
	Reappropriation	Appropriation
ORA—Federal	20,000	
ORA—State	191,000	
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
		211,000
NEW SECTION, Sec. 408. FOR THE DEPARTMENT OF FISHERIES		
Issaquah Hatchery Interpretative Center (86-2-029)		
The appropriations in this section are subject to the following conditions and limitations: The appropriations shall lapse if construction has not begun by December 31, 1989.		
	Reappropriation	Appropriation
St Bldg Constr Acct	42,000	
ORA—Federal	53,000	

ORA—State		17,800	
<u>Prior Biennia</u>	<u>Future Biennia</u>		<u>Total</u>
17,200			130,000
<u>NEW SECTION, Sec. 409. FOR THE DEPARTMENT OF FISHERIES</u>			
Minor capital projects—Salmon (86-3-022)			
The appropriation in this section is subject to the following conditions and limitations: If not expended by June 30, 1990, the appropriation in this section shall lapse.			
		Reappropriation	Appropriation
St Bldg Constr Acct		116,000	
<u>Prior Biennia</u>	<u>Future Biennia</u>		<u>Total</u>
306,000			422,000
<u>NEW SECTION, Sec. 410. FOR THE DEPARTMENT OF FISHERIES</u>			
Minor capital projects—Shellfish (86-3-023)			
		Reappropriation	Appropriation
St Bldg Constr Acct		71,240	
<u>Prior Biennia</u>	<u>Future Biennia</u>		<u>Total</u>
376,400			447,640
<u>NEW SECTION, Sec. 411. FOR THE DEPARTMENT OF FISHERIES</u>			
Paving and maintenance—Asphalt ponds (86-3-024)			
		Reappropriation	Appropriation
St Bldg Constr Acct		10,000	
<u>Prior Biennia</u>	<u>Future Biennia</u>		<u>Total</u>
285,401			295,401
<u>NEW SECTION, Sec. 412. FOR THE DEPARTMENT OF FISHERIES</u>			
Bremerton public fishing pier—Design and construction (86-3-027)			
The appropriations in this section are subject to the following conditions and limitations: If not expended by June 30, 1990, the appropriations in this section shall lapse.			
		Reappropriation	Appropriation
St Bldg Constr Acct		89,000	
ORA—Federal		410,000	
ORA—State		285,000	
<u>Prior Biennia</u>	<u>Future Biennia</u>		<u>Total</u>
36,000			820,000
<u>NEW SECTION, Sec. 413. FOR THE DEPARTMENT OF FISHERIES</u>			
Willapa Hatchery—New main pipeline (86-3-030)			
		Reappropriation	Appropriation
St Bldg Constr Acct		12,640	
<u>Prior Biennia</u>	<u>Future Biennia</u>		<u>Total</u>
373,000			385,640
<u>NEW SECTION, Sec. 414. FOR THE DEPARTMENT OF FISHERIES</u>			
Patrol seized gear storage (86-3-033)			
		Reappropriation	Appropriation
St Bldg Constr Acct		5,000	
<u>Prior Biennia</u>	<u>Future Biennia</u>		<u>Total</u>
93,000			98,000
<u>NEW SECTION, Sec. 415. FOR THE DEPARTMENT OF FISHERIES</u>			
Hood Canal boat access development (86-3-035)			
The appropriations in this section are subject to the following conditions and limitations: If not expended by June 30, 1990, the appropriations in this section shall lapse.			
		Reappropriation	Appropriation
ORA—Federal		30,000	
ORA—State		270,000	
<u>Prior Biennia</u>	<u>Future Biennia</u>		<u>Total</u>
			300,000
<u>NEW SECTION, Sec. 416. FOR THE DEPARTMENT OF FISHERIES</u>			
Hood Canal Smelt Beach acquisition (86-3-036)			
The appropriations in this section are subject to the following conditions and limitations: If not expended by June 30, 1990, the appropriations in this section shall lapse.			
		Reappropriation	Appropriation
ORA—Federal		150,000	
ORA—State		150,000	
<u>Prior Biennia</u>	<u>Future Biennia</u>		<u>Total</u>
			300,000
<u>NEW SECTION, Sec. 417. FOR THE DEPARTMENT OF FISHERIES</u>			
Point Whitney Beach access acquisition (86-3-037)			
		Reappropriation	Appropriation
St Bldg Constr Acct			250,000
ORA—Federal		128,000	250,000

ORA—State		127,000	
<u>Prior Biennia</u>	<u>Future Biennia</u>		<u>Total</u>
	150,000		905,000
<u>NEW SECTION, Sec. 418. FOR THE DEPARTMENT OF FISHERIES</u>			
Knappton public access (86-3-038)			
The appropriations in this section are subject to the following conditions and limitations: If not expended by June 30, 1990, the appropriations in this section shall lapse.			
		Reappropriation	Appropriation
ORA—Federal		54,000	
ORA—State		55,000	
<u>Prior Biennia</u>	<u>Future Biennia</u>		<u>Total</u>
			109,000
<u>NEW SECTION, Sec. 419. FOR THE DEPARTMENT OF FISHERIES</u>			
McAllister—Improvements (88-2-003)			
		Reappropriation	Appropriation
St Bldg Constr Acct		226,300	
<u>Prior Biennia</u>	<u>Future Biennia</u>		<u>Total</u>
32,700			259,000
<u>NEW SECTION, Sec. 420. FOR THE DEPARTMENT OF FISHERIES</u>			
Minor capital projects—Salmon north (88-2-005)			
		Reappropriation	Appropriation
St Bldg Constr Acct		8,000	
<u>Prior Biennia</u>	<u>Future Biennia</u>		<u>Total</u>
432,000			440,000
<u>NEW SECTION, Sec. 421. FOR THE DEPARTMENT OF FISHERIES</u>			
Minor capital projects—Salmon south (88-2-006)			
The appropriations in this section are subject to the following condition and limitation: The appropriations shall lapse if construction has not begun by December 31, 1989.			
		Reappropriation	Appropriation
General Fund—Federal		853,000	
St Bldg Constr Acct		362,000	
<u>Prior Biennia</u>	<u>Future Biennia</u>		<u>Total</u>
36,000			1,251,000
<u>NEW SECTION, Sec. 422. FOR THE DEPARTMENT OF FISHERIES</u>			
Minor capital projects—Salmon coast (88-2-007)			
		Reappropriation	Appropriation
St Bldg Constr Acct		26,000	
<u>Prior Biennia</u>	<u>Future Biennia</u>		<u>Total</u>
166,200			192,200
<u>NEW SECTION, Sec. 423. FOR THE DEPARTMENT OF FISHERIES</u>			
Salmon culture—Repair and replacement (88-2-008)			
		Reappropriation	Appropriation
St Bldg Constr Acct		150,000	
<u>Prior Biennia</u>	<u>Future Biennia</u>		<u>Total</u>
155,000			305,000
<u>NEW SECTION, Sec. 424. FOR THE DEPARTMENT OF FISHERIES</u>			
Concrete ponds—Repair and replacement (88-2-009)			
		Reappropriation	Appropriation
St Bldg Constr Acct		96,000	
<u>Prior Biennia</u>	<u>Future Biennia</u>		<u>Total</u>
707,000			803,000
<u>NEW SECTION, Sec. 425. FOR THE DEPARTMENT OF FISHERIES</u>			
Small repairs and improvements (88-2-019)			
		Reappropriation	Appropriation
General Fund—Federal		159,000	
<u>Prior Biennia</u>	<u>Future Biennia</u>		<u>Total</u>
			159,000
<u>NEW SECTION, Sec. 426. FOR THE DEPARTMENT OF FISHERIES</u>			
Clam and Oyster Beach enhancement (88-5-002)			
		Reappropriation	Appropriation
St Bldg Constr Acct		1,181,000	1,200,000
<u>Prior Biennia</u>	<u>Future Biennia</u>		<u>Total</u>
32,000	1,200,000		2,413,000
<u>NEW SECTION, Sec. 427. FOR THE DEPARTMENT OF FISHERIES</u>			
Fish protection facilities (88-5-012)			
		Reappropriation	Appropriation
St Bldg Constr Acct		50,000	235,000

<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
154,000	400,000	839,000
<u>NEW SECTION, Sec. 428. FOR THE DEPARTMENT OF FISHERIES</u>		
Columbia River—Fishing access (88-5-014)		
The appropriation in this section is subject to the following condition and limitation: The appropriation shall lapse if necessary permits have not been obtained by December 31, 1989.		
St Bldg Constr Acct	Reappropriation	Appropriation
	186,000	
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
129,000		315,000
<u>NEW SECTION, Sec. 429. FOR THE DEPARTMENT OF FISHERIES</u>		
Coast and Puget Sound Salmon enhancement (88-5-016)		
Salmon Enhancement Acct	Reappropriation	Appropriation
St Bldg Constr Acct	2,632,000	
		2,500,000
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
1,388,000	3,750,000	7,770,000
<u>NEW SECTION, Sec. 430. FOR THE DEPARTMENT OF FISHERIES</u>		
Shorefishing access development (88-5-018)		
The appropriation in this section is subject to the following condition and limitation: The appropriation shall lapse if construction has not begun by December 31, 1989.		
St Bldg Constr Acct	Reappropriation	Appropriation
	623,000	450,000
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
250,000	1,273,000	2,596,000
<u>NEW SECTION, Sec. 431. FOR THE DEPARTMENT OF FISHERIES</u>		
South Sound net pen support facility (90-2-007)		
St Bldg Constr Acct	Reappropriation	Appropriation
		343,000
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
		343,000
<u>NEW SECTION, Sec. 432. FOR THE DEPARTMENT OF FISHERIES</u>		
Humpulips upgrade intake dam (90-2-010)		
St Bldg Constr Acct	Reappropriation	Appropriation
		213,100
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
		213,100
<u>NEW SECTION, Sec. 433. FOR THE DEPARTMENT OF FISHERIES</u>		
Salmon culture minor works projects (90-2-011)		
The appropriation in this section is subject to the following condition and limitation: The appropriation shall lapse if construction has not begun by December 31, 1989.		
St Bldg Constr Acct	Reappropriation	Appropriation
		655,000
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
		655,000
<u>NEW SECTION, Sec. 434. FOR THE DEPARTMENT OF FISHERIES</u>		
Habitat management shop building (90-2-012)		
St Bldg Constr Acct	Reappropriation	Appropriation
		435,000
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
		435,000
<u>NEW SECTION, Sec. 435. FOR THE DEPARTMENT OF FISHERIES</u>		
Field services—Minor works (90-2-015)		
The appropriation in this section is subject to the following condition and limitation: The appropriation shall lapse if construction has not begun by June 30, 1990.		
St Bldg Constr Acct	Reappropriation	Appropriation
		235,000
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
	100,000	335,000
<u>NEW SECTION, Sec. 436. FOR THE DEPARTMENT OF FISHERIES</u>		
Salmon culture—Minor capital (90-2-017)		
The appropriation in this section is subject to the following condition and limitation: The appropriation shall lapse if construction has not begun by December 31, 1989.		
St Bldg Constr Acct	Reappropriation	Appropriation
		668,700
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
	1,350,000	2,018,700
<u>NEW SECTION, Sec. 437. FOR THE DEPARTMENT OF FISHERIES</u>		

George Adams, water supply (90-2-019)	Reappropriation	Appropriation
St Bldg Constr Acct		175,000
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
		175,000
<u>NEW SECTION, Sec. 438. FOR THE DEPARTMENT OF FISHERIES</u>		
Ilwaco boat access expansion (90-2-023)		
	Reappropriation	Appropriation
ORA—State		300,000
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
		300,000
<u>NEW SECTION, Sec. 439. FOR THE DEPARTMENT OF FISHERIES</u>		
Bonneville pool access expansion (90-2-028)		
	Reappropriation	Appropriation
ORA—State		100,000
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
	100,000	200,000
<u>NEW SECTION, Sec. 440. FOR THE DEPARTMENT OF FISHERIES</u>		
Property acquisition (90-3-009)		
	Reappropriation	Appropriation
St Bldg Constr Acct		330,000
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
		330,000
<u>NEW SECTION, Sec. 441. FOR THE DEPARTMENT OF FISHERIES</u>		
Shellfish surveys and Point Whitney repairs (90-3-013)		
	Reappropriation	Appropriation
St Bldg Constr Acct		175,000
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
	350,000	525,000
<u>NEW SECTION, Sec. 442. FOR THE DEPARTMENT OF FISHERIES</u>		
Point Whitney—Property acquisition (90-3-014)		
	Reappropriation	Appropriation
St Bldg Constr Acct		150,000
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
		150,000
<u>NEW SECTION, Sec. 443. FOR THE DEPARTMENT OF FISHERIES</u>		
Strait of Juan De Fuca shoreline acquisition (90-5-025)		
	Reappropriation	Appropriation
ORA—State		350,000
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
	200,000	550,000
<u>NEW SECTION, Sec. 444. FOR THE DEPARTMENT OF FISHERIES</u>		
Kingston boat launch development (90-5-027)		
	Reappropriation	Appropriation
ORA—State		100,000
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
		100,000
<u>NEW SECTION, Sec. 445. FOR THE DEPARTMENT OF WILDLIFE</u>		
Chehalis Valley HMA acquisition (83-5-021)		
	Reappropriation	Appropriation
Wildlife Acct—State		346,000
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
		346,000
<u>NEW SECTION, Sec. 446. FOR THE DEPARTMENT OF WILDLIFE</u>		
Lake Goodwin redevelopment (86-2-021)		
	Reappropriation	Appropriation
ORA—State		77,297
Wildlife Acct—State		8,588
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
		85,885
<u>NEW SECTION, Sec. 447. FOR THE DEPARTMENT OF WILDLIFE</u>		
Satsop river: Acquisition and redevelopment (86-2-029)		
	Reappropriation	Appropriation
ORA—State		75,000
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
	8,000	83,000
<u>NEW SECTION, Sec. 448. FOR THE DEPARTMENT OF WILDLIFE</u>		

Mineral Lake—Site improvements (86-3-028)	Reappropriation	Appropriation
ORA—State	40,346	
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
71,163		111,509
<u>NEW SECTION, Sec. 449. FOR THE DEPARTMENT OF WILDLIFE</u>		
Pipe Lake—Public fishing access (86-4-027)	Reappropriation	Appropriation
ORA—State	83,250	
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
		83,250
<u>NEW SECTION, Sec. 450. FOR THE DEPARTMENT OF WILDLIFE</u>		
State-wide boating access development (88-5-014)	Reappropriation	Appropriation
Wildlife Acct—Federal	231,375	
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
268,625		500,000
<u>NEW SECTION, Sec. 451. FOR THE DEPARTMENT OF WILDLIFE</u>		
Aberdeen Fish Hatchery expansion (89-5-017)	Reappropriation	Appropriation
Game Spec Wildlife Acct	740,000	
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
79,000		819,000
<u>NEW SECTION, Sec. 452. FOR THE DEPARTMENT OF WILDLIFE</u>		
Asbestos abatement health safety and code compliance, phase 1 (90-1-001)	Reappropriation	Appropriation
St Bldg Constr Acct		600,000
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
	1,200,000	1,800,000
<u>NEW SECTION, Sec. 453. FOR THE DEPARTMENT OF WILDLIFE</u>		
Public fishing access minor works repair (90-1-014)	Reappropriation	Appropriation
Wildlife Acct—Federal		500,000
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
	1,300,000	1,800,000
<u>NEW SECTION, Sec. 454. FOR THE DEPARTMENT OF WILDLIFE</u>		
Emergency repair and replacement (90-2-002)	Reappropriation	Appropriation
Wildlife Acct—State	50,000	
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
253,000	900,000	1,503,000
<u>NEW SECTION, Sec. 455. FOR THE DEPARTMENT OF WILDLIFE</u>		
Facility maintenance small repair and improvements (90-2-003)	Reappropriation	Appropriation
Wildlife Acct—State		500,000
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
629,000	1,100,000	2,229,000
<u>NEW SECTION, Sec. 456. FOR THE DEPARTMENT OF WILDLIFE</u>		
Hatchery renovation and improvement (90-2-004)	Reappropriation	Appropriation
St Bldg Constr Acct		1,150,000
Wildlife Acct—Federal	576,774	1,100,000
Wildlife Acct—State		1,000,000
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
400,000	13,000,000	17,226,774
<u>NEW SECTION, Sec. 457. FOR THE DEPARTMENT OF WILDLIFE</u>		
Redevelopment of public fishing access sites (IAC) (90-2-007)	Reappropriation	Appropriation
ORA—State		1,126,000
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
	2,115,000	3,241,000
<u>NEW SECTION, Sec. 458. FOR THE DEPARTMENT OF WILDLIFE</u>		
Development of public fishing access sites (IAC) (90-2-008)	Reappropriation	Appropriation
St Bldg Constr Acct		294,000
ORA—State		136,000
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
	300,000	730,000

NEW SECTION, Sec. 459. FOR THE DEPARTMENT OF WILDLIFE
Wildlife area repair and development (90-2-016)

	Reappropriation	Appropriation
Wildlife Acct—State		250,000
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
	500,000	750,000

NEW SECTION, Sec. 460. FOR THE DEPARTMENT OF WILDLIFE
Wells wildlife area repair and improvements (90-2-018)

	Reappropriation	Appropriation
Game Spec Wildlife Acct		50,000
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
	92,000	250,000

NEW SECTION, Sec. 461. FOR THE DEPARTMENT OF WILDLIFE
Vancouver well (90-2-022)

	Reappropriation	Appropriation
Wildlife Acct—State		167,203
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
		167,203

NEW SECTION, Sec. 462. FOR THE DEPARTMENT OF WILDLIFE
State-wide fencing repair and replacement (90-3-015)

	Reappropriation	Appropriation
Wildlife Acct—State		1,000,000
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
	2,000,000	3,368,000

NEW SECTION, Sec. 463. FOR THE DEPARTMENT OF WILDLIFE
Migratory waterfowl habitat acquisition (90-5-005)

	Reappropriation	Appropriation
Wildlife Acct—State		350,000
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
	333,285	1,446,000

NEW SECTION, Sec. 464. FOR THE DEPARTMENT OF WILDLIFE
Acquisition of critical habitat (90-5-006)

	Reappropriation	Appropriation
Wildlife Acct—State		250,000
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
	500,000	750,000

NEW SECTION, Sec. 465. FOR THE DEPARTMENT OF WILDLIFE
Acquisition of critical water oriented access (IAC) (90-5-009)

	Reappropriation	Appropriation
ORA—State		20,250
Wildlife Acct—Federal		100,000
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
		120,250

NEW SECTION, Sec. 466. FOR THE DEPARTMENT OF WILDLIFE
Acquisition of wildlife habitat (90-5-012)

The appropriation in this section is subject to the following conditions and limitations: No moneys may be expended from this appropriation without first selling state-owned land of equal or greater value.

	Reappropriation	Appropriation
Wildlife Acct—State		600,000
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
	800,000	1,400,000

NEW SECTION, Sec. 467. FOR THE DEPARTMENT OF WILDLIFE
Migratory waterfowl habitat development (90-5-017)

	Reappropriation	Appropriation
Wildlife Acct—State		300,000
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
	150,000	1,362,000

NEW SECTION, Sec. 468. FOR THE DEPARTMENT OF WILDLIFE
Habitat enhancement fund (90-5-019)

	Reappropriation	Appropriation
Wildlife Acct—Private/local		500,000
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
	1,000,000	1,500,000

NEW SECTION, Sec. 469. FOR THE DEPARTMENT OF WILDLIFE
Regional Office Facilities Relocation—Purchase or Construct (90-2-021)

	Reappropriation	Appropriation
Wildlife Acct—State		425,000

<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
		425,000
PART 5		
NATURAL RESOURCES - CONTINUED		
<u>NEW SECTION, Sec. 501. FOR THE DEPARTMENT OF NATURAL RESOURCES</u>		
Right-of-way acquisition (86-3-001)		
	Reappropriation	Appropriation
For Dev Acct		213,000
Res Mgmt Cost Acct		577,000
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
1,646,000	950,000	3,386,000
<u>NEW SECTION, Sec. 502. FOR THE DEPARTMENT OF NATURAL RESOURCES</u>		
Unforeseen emergency repairs, irrigation (86-3-002)		
	Reappropriation	Appropriation
Res Mgmt Cost Acct		200,000
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
492,000	400,000	1,092,000
<u>NEW SECTION, Sec. 503. FOR THE DEPARTMENT OF NATURAL RESOURCES</u>		
Commercial development and electronics (86-3-004)		
	Reappropriation	Appropriation
Res Mgmt Cost Acct		420,000
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
20,000	400,000	840,000
<u>NEW SECTION, Sec. 504. FOR THE DEPARTMENT OF NATURAL RESOURCES</u>		
Recreation sites renovation (86-3-018)		
	Reappropriation	Appropriation
ORV Acct	64,200	
ORA—State	259,300	
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
399,500		723,000
<u>NEW SECTION, Sec. 505. FOR THE DEPARTMENT OF NATURAL RESOURCES</u>		
Aquatic land enhancement (86-3-020)		
	Reappropriation	Appropriation
Aquatic Lands Acct	1,295,000	4,154,000
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
962,000	14,400,000	21,697,000
<u>NEW SECTION, Sec. 506. FOR THE DEPARTMENT OF NATURAL RESOURCES</u>		
Land bank (86-4-003)		
	Reappropriation	Appropriation
Res Mgmt Cost Acct		12,000,000
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
11,440,000	30,000,000	53,440,000
<u>NEW SECTION, Sec. 507. FOR THE DEPARTMENT OF NATURAL RESOURCES</u>		
State-wide emergency repairs (88-1-002)		
	Reappropriation	Appropriation
For Dev Acct		8,600
Res Mgmt Cost Acct		32,300
St Bldg Constr Acct		18,300
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
54,000	135,900	249,100
<u>NEW SECTION, Sec. 508. FOR THE DEPARTMENT OF NATURAL RESOURCES</u>		
State-wide nonemergency repairs (88-2-010)		
	Reappropriation	Appropriation
For Dev Acct		8,700
Res Mgmt Cost Acct		32,900
St Bldg Constr Acct		18,700
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
55,000	138,500	253,800
<u>NEW SECTION, Sec. 509. FOR THE DEPARTMENT OF NATURAL RESOURCES</u>		
Commercial development/L.I.D. (88-2-020)		
	Reappropriation	Appropriation
Res Mgmt Cost Acct		710,000
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
745,000	1,420,000	2,875,000
<u>NEW SECTION, Sec. 510. FOR THE DEPARTMENT OF NATURAL RESOURCES</u>		
Timber—Fish—Wildlife (88-2-021)		

The appropriation in this section is subject to the following condition and limitation: This appropriation shall lapse if the orphan roads are not identified by September 30, 1989, and construction begun by December 31, 1989.

St Bldg Constr Acct	Reappropriation	Appropriation
	262,500	
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
37,500		300,000

NEW SECTION, Sec. 511. FOR THE DEPARTMENT OF NATURAL RESOURCES
 Area office space construction and improvements (88-2-030)

For Dev Acct	Reappropriation	Appropriation
Res Mgmt Cost Acct		174,000
St Bldg Constr Acct		448,000
		26,000
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
	267,000	915,000

NEW SECTION, Sec. 512. FOR THE DEPARTMENT OF NATURAL RESOURCES
 Natural resources conservation areas (88-2-060)

Conservation Area Acct	Reappropriation	Appropriation
	3,500,000	942,000
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
4,400,000		8,842,000

NEW SECTION, Sec. 513. FOR THE DEPARTMENT OF NATURAL RESOURCES
 NAP property purchases (88-2-061)

The appropriations in this section are subject to the following conditions and limitations: \$1,000,000 of the state building and construction account appropriation and \$471,000 of the conservation area account appropriation are provided solely for the purpose of purchasing property or a less-than-fee interest in property under chapter 79.70 RCW. Moneys from this appropriation may not be expended unless for every two dollars to be expended from this appropriation at least one dollar is spent from privately raised funds, contributions of real property or interest in real property, or services necessary to achieve the purpose of this section.

Conservation Area Acct	Reappropriation	Appropriation
St Bldg Constr Acct	890,000	471,000
		1,000,000
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
3,110,000		5,471,000

NEW SECTION, Sec. 514. FOR THE DEPARTMENT OF NATURAL RESOURCES
 Hawks Prairie sewer hookup (88-5-045)

Res Mgmt Cost Acct	Reappropriation	Appropriation
	100,000	
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
100,000		200,000

NEW SECTION, Sec. 515. FOR THE DEPARTMENT OF NATURAL RESOURCES
 Seed orchard irrigation (89-2-006)

For Dev Acct	Reappropriation	Appropriation
Res Mgmt Cost Acct		19,500
		45,500
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
165,000	160,000	390,000

NEW SECTION, Sec. 516. FOR THE DEPARTMENT OF NATURAL RESOURCES
 Management roads (89-2-008)

Res Mgmt Cost Acct	Reappropriation	Appropriation
	122,400	
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
233,000		355,400

NEW SECTION, Sec. 517. FOR THE DEPARTMENT OF NATURAL RESOURCES
 Communication site maintenance (89-2-009)

Res Mgmt Cost Acct	Reappropriation	Appropriation
		150,000
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
177,000	300,000	627,000

NEW SECTION, Sec. 518. FOR THE DEPARTMENT OF NATURAL RESOURCES
 Real estate improved property minor works (89-2-010)

For Dev Acct	Reappropriation	Appropriation
Res Mgmt Cost Acct		25,000
		365,000
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
250,000	780,000	1,420,000

NEW SECTION, Sec. 519. FOR THE DEPARTMENT OF NATURAL RESOURCES

Recreation site renovation (89-3-001)

The appropriations in this section are subject to the following conditions and limitations: If not expended by June 30, 1990, the appropriations in this section shall lapse.

	Reappropriation	Appropriation
St Bldg Constr Acct	550,100	
ORA—State	561,100	
<u>Prior Biennia</u>		<u>Total</u>
36,800	<u>Future Biennia</u>	1,148,000

NEW SECTION, Sec. 520. FOR THE DEPARTMENT OF NATURAL RESOURCES

Wharf demolition/dock renovation (90-1-403)

	Reappropriation	Appropriation
Res Mgmt Cost Acct		200,000
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
		200,000

NEW SECTION, Sec. 521. FOR THE DEPARTMENT OF NATURAL RESOURCES

Asbestos surveys/removal (90-1-703)

The appropriation in this section is subject to the following condition and limitation: This appropriation shall lapse if construction has not begun by June 30, 1990.

	Reappropriation	Appropriation
For Dev Acct		35,700
Res Mgmt Cost Acct		49,200
St Bldg Constr Acct		30,000
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
		114,900

NEW SECTION, Sec. 522. FOR THE DEPARTMENT OF NATURAL RESOURCES

Environmental cleanup (90-1-704)

The appropriation in this section is subject to the following condition and limitation: This appropriation shall lapse if construction has not begun by June 30, 1990.

	Reappropriation	Appropriation
For Dev Acct		75,900
Res Mgmt Cost Acct		273,500
St Bldg Constr Acct		235,600
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
	554,900	1,139,900

NEW SECTION, Sec. 523. FOR THE DEPARTMENT OF NATURAL RESOURCES

Environmental protection (90-1-706)

The appropriation in this section is subject to the following condition and limitation: This appropriation shall lapse if construction has not begun by June 30, 1990.

	Reappropriation	Appropriation
For Dev Acct		13,700
Res Mgmt Cost Acct		119,300
St Bldg Constr Acct		151,000
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
	284,000	568,000

NEW SECTION, Sec. 524. FOR THE DEPARTMENT OF NATURAL RESOURCES

NE city code compliance (90-1-708)

	Reappropriation	Appropriation
Res Mgmt Cost Acct		31,500
St Bldg Constr Acct		15,500
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
		47,000

NEW SECTION, Sec. 525. FOR THE DEPARTMENT OF NATURAL RESOURCES

Regional cold storage (90-2-310)

	Reappropriation	Appropriation
For Dev Acct		150,000
Res Mgmt Cost Acct		362,000
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
	142,000	654,000

NEW SECTION, Sec. 526. FOR THE DEPARTMENT OF NATURAL RESOURCES

Irrigation pipeline replacement (90-2-311)

	Reappropriation	Appropriation
Res Mgmt Cost Acct		532,000
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
	400,000	932,000

NEW SECTION, Sec. 527. FOR THE DEPARTMENT OF NATURAL RESOURCES

Administration sites repairs (90-2-312)

Res Mgmt Cost Acct	Reappropriation	Appropriation
<u>Prior Biennia</u>		65,000
	<u>Future Biennia</u>	<u>Total</u>
	130,000	195,000

NEW SECTION, Sec. 528. FOR THE DEPARTMENT OF NATURAL RESOURCES
 Bridge and road replacement (90-2-503)

ORV Acct	Reappropriation	Appropriation
For Dev Acct		15,000
Res Mgmt Cost Acct		15,000
		35,000
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
	2,240,000	3,512,000

NEW SECTION, Sec. 529. FOR THE DEPARTMENT OF NATURAL RESOURCES
 Compound replacement planning (90-2-705)

St Bldg Constr Acct	Reappropriation	Appropriation
Res Mgmt Cost Acct		50,000
For Dev Acct		39,000
		11,000
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
		100,000

NEW SECTION, Sec. 530. FOR THE DEPARTMENT OF NATURAL RESOURCES
 Woodard Bay NRCA fencing dev. (90-3-103)

St Bldg Constr Acct	Reappropriation	Appropriation
<u>Prior Biennia</u>		200,000
	<u>Future Biennia</u>	<u>Total</u>
		200,000

NEW SECTION, Sec. 531. FOR THE DEPARTMENT OF NATURAL RESOURCES
 Dishman Hills protection dev. (90-3-104)

St Bldg Constr Acct	Reappropriation	Appropriation
<u>Prior Biennia</u>		100,000
	<u>Future Biennia</u>	<u>Total</u>
		100,000

NEW SECTION, Sec. 532. FOR THE DEPARTMENT OF NATURAL RESOURCES
 Natural area preserves management (90-3-105)

St Bldg Constr Acct	Reappropriation	Appropriation
<u>Prior Biennia</u>		150,000
	<u>Future Biennia</u>	<u>Total</u>
	200,000	350,000

NEW SECTION, Sec. 533. FOR THE DEPARTMENT OF NATURAL RESOURCES
 Construct and improve recreation sites (90-5-201)

The appropriation in this section is subject to the following condition and limitation: This appropriation shall lapse if the recreational projects are not identified and construction begun by June 30, 1990.

ORV Acct	Reappropriation	Appropriation
St Bldg Constr Acct		117,000
<u>Prior Biennia</u>		363,000
	<u>Future Biennia</u>	<u>Total</u>
		480,000

NEW SECTION, Sec. 534. FOR THE DEPARTMENT OF NATURAL RESOURCES
 Seattle waterfront phase 1 dev. (90-5-202)

ORA—State	Reappropriation	Appropriation
<u>Prior Biennia</u>		750,000
	<u>Future Biennia</u>	<u>Total</u>
	750,000	1,500,000

NEW SECTION, Sec. 535. FOR THE DEPARTMENT OF NATURAL RESOURCES
 Woodard Bay health and safety dev. (90-5-203)

St Bldg Constr Acct	Reappropriation	Appropriation
ORA—Federal		250,000
<u>Prior Biennia</u>		250,000
	<u>Future Biennia</u>	<u>Total</u>
		500,000

NEW SECTION, Sec. 536. FOR THE DEPARTMENT OF NATURAL RESOURCES
 Long Lake phase 2 dev. (90-5-204)

ORV Acct	Reappropriation	Appropriation
ORA—State		150,000
<u>Prior Biennia</u>		205,000
	<u>Future Biennia</u>	<u>Total</u>
		355,000

NEW SECTION, Sec. 537. FOR THE DEPARTMENT OF NATURAL RESOURCES
Geoduck Hatchery (90-5-402)

	Reappropriation	Appropriation
Res Mgmt Cost Acct		333,927
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
		333,927

NEW SECTION, Sec. 538. FOR THE DEPARTMENT OF NATURAL RESOURCES

Spencer Island wetlands acquisition

The appropriation in this section is subject to the following conditions and limitations: Expenditure of moneys from this appropriation is contingent on the expenditure for the same purpose of at least one dollar from other sources for each dollar spent from this appropriation.

	Reappropriation	Appropriation
St Bldg Constr Acct		300,000
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
		300,000

NEW SECTION, Sec. 539. FOR THE DEPARTMENT OF NATURAL RESOURCES

Dredging of Cedar River delta

The appropriation in this section is subject to the following conditions and limitations: The department of natural resources shall assist local governmental authorities in seeking financial assistance on this project from federal, local governmental, and private sources. If desirable to facilitate such assistance, the department may lease the subject state lands to a local governmental authority. To the extent that financial assistance is received, moneys from this appropriation shall not be expended.

	Reappropriation	Appropriation
St Bldg Constr Acct		800,000
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
		800,000

NEW SECTION, Sec. 540. FOR THE STATE CONVENTION AND TRADE CENTER

Washington State Convention and Trade Center (83-5-001)

	Reappropriation	Appropriation
Conv Cntr Acct	1,000,000	
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
		36,618,000

NEW SECTION, Sec. 541. FOR THE STATE CONVENTION AND TRADE CENTER

Project reserves and contingency funds (89-5-001)

	Reappropriation	Appropriation
Conv Cntr Acct	3,000,000	
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
		4,765,000

NEW SECTION, Sec. 542. FOR THE STATE CONVENTION AND TRADE CENTER

Conversion of retail space to meeting rooms (89-5-002)

	Reappropriation	Appropriation
Conv Cntr Acct	12,250,000	
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
		13,000,000

NEW SECTION, Sec. 543. FOR THE STATE CONVENTION AND TRADE CENTER

Expansion of the nine hundred level (89-5-003)

	Reappropriation	Appropriation
Conv Cntr Acct	12,750,000	
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
		13,300,000

NEW SECTION, Sec. 544. FOR THE STATE CONVENTION AND TRADE CENTER

Purchase of McKay parcel (89-5-004)

	Reappropriation	Appropriation
Conv Cntr Acct	10,400,000	
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
		10,400,000

NEW SECTION, Sec. 545. FOR THE STATE CONVENTION AND TRADE CENTER

Eagles building: Exterior cleanup and repair (89-5-005)

	Reappropriation	Appropriation
Conv Cntr Acct	300,000	
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
		300,000

PART 6
TRANSPORTATION

NEW SECTION, Sec. 601. FOR THE WASHINGTON STATE PATROL

Crime laboratory renovation—Seattle (90-2-003)

	Reappropriation	Appropriation
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St Bldg Constr Acct		441.000
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
15,000		456,000
<u>NEW SECTION, Sec. 602. FOR THE WASHINGTON STATE PATROL</u>		
Expand and renovate laboratory—Tacoma (90-2-005)		
	Reappropriation	Appropriation
		165,200

St Bldg Const Acct		
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
6,000		171,200
<u>NEW SECTION, Sec. 603. FOR THE WASHINGTON STATE PATROL</u>		
Crime laboratory renovation—Spokane (90-2-008)		
	Reappropriation	Appropriation
		80,000

St Bldg Constr Acct		
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
10,000		90,000
<u>NEW SECTION, Sec. 604. FOR THE WASHINGTON STATE PATROL</u>		
Construct district headquarters—Everett (90-2-018)		

The appropriation in this section is subject to the following conditions and limitations: This appropriation is provided solely for the design and construction of a crime lab facility as part of the new district headquarters.

	Reappropriation	Appropriation
		470,100
St Bldg Constr Acct		<u>Total</u>
<u>Prior Biennia</u>	<u>Future Biennia</u>	470,100

NEW SECTION, Sec. 605. FOR THE DEPARTMENT OF TRANSPORTATION
Acquisition of dredge spoils sites (83-1-001)

	Reappropriation	Appropriation
		2,369,430

St Bldg Constr Acct		<u>Total</u>
<u>Prior Biennia</u>	<u>Future Biennia</u>	4,789,430
2,420,000		

NEW SECTION, Sec. 606. FOR THE DEPARTMENT OF TRANSPORTATION
Retention dam: Green/Toutle River site acquisition (87-1-001)

	Reappropriation	Appropriation
		5,387,043

St Bldg Constr Acct		<u>Total</u>
<u>Prior Biennia</u>	<u>Future Biennia</u>	18,676,473
13,289,430		

NEW SECTION, Sec. 607. FOR THE DEPARTMENT OF TRANSPORTATION
Freight rail assistance and banking (90-5-001)

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

(1) \$2,300,000 from the essential rail assistance account appropriation is provided solely for distribution to county rail districts and port districts for the purposes of acquiring, maintaining, or improving branch lines as authorized by chapter 47.76 RCW.

(2) \$1,100,000 from the essential rail bank account appropriation is provided solely for the purchase of unused rail rights-of-way as authorized by chapter 47.76 RCW.

(3) Expenditures from the essential rail bank account appropriation shall not be made until the department consults with the chairs and ranking minority members of the house of representatives and senate transportation committees, house of representatives capital facilities committee, and senate ways and means committee, concerning specific railroad rights-of-way that the department proposes to acquire or assist local governments in acquiring, and as required by Substitute House Bill No. 1825.

	Reappropriation	Appropriation
Ess Rail Assis Acct		2,300,000
Ess Rail Bank Acct		1,100,000
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
		3,400,000

PART 7
EDUCATION

NEW SECTION, Sec. 701. FOR THE STATE BOARD OF EDUCATION
Public school building construction: 1979 (79-3-002)

	Reappropriation	Appropriation
		500

Common School Constr Fund		<u>Total</u>
<u>Prior Biennia</u>	<u>Future Biennia</u>	66,925
66,425		

NEW SECTION, Sec. 702. FOR THE STATE BOARD OF EDUCATION
Public school building construction: 1983 (83-3-001)

	Reappropriation	Appropriation
		600,000

Common School Constr Fund

	<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
	1,000,000		1,600,000
<u>NEW SECTION, Sec. 703. FOR THE STATE BOARD OF EDUCATION</u>			
Public school building construction: 1985-87 (86-4-001)			
		Reappropriation	Appropriation
Common School Constr Fund		2,500,000	
	<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
	29,500,000		32,000,000
<u>NEW SECTION, Sec. 704. FOR THE STATE BOARD OF EDUCATION</u>			
Planning grants: 1985-87 (86-4-007)			
		Reappropriation	Appropriation
Common School Constr Fund		60,000	
	<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
	292,275		352,275
<u>NEW SECTION, Sec. 705. FOR THE STATE BOARD OF EDUCATION</u>			
Artwork grants: 1985-87 (86-4-008)			
		Reappropriation	Appropriation
Common School Constr Fund		180,000	
	<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
	114,000		294,000
<u>NEW SECTION, Sec. 706. FOR THE STATE BOARD OF EDUCATION</u>			
Public school building construction: 1987 (88-2-001)			
		Reappropriation	Appropriation
Common School Constr Fund		87,500,000	
	<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
	120,762,000		208,262,000
<u>NEW SECTION, Sec. 707. FOR THE STATE BOARD OF EDUCATION</u>			
Darrington school district: New elementary and middle school (89-2-004)			
		Reappropriation	Appropriation
Common School Constr Fund		3,000,000	
	<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
			3,000,000
<u>NEW SECTION, Sec. 708. FOR THE STATE BOARD OF EDUCATION</u>			
Public school building construction: 1989 (90-2-001)			
The appropriation in this section is subject to the following conditions and limitations:			
(1) A maximum of \$1,050,000 may be spent for state administration of school construction funding.			
(2) \$66,136,000 is provided solely for modernization projects previously approved by the state board of education.			
(3) The appropriation in this section includes proceeds of the issuance of bonds authorized for deposit in the common school construction fund by chapter 3, Laws of 1987 1st ex. sess., and ten million dollars in additional state bonds authorized by chapter ____, Laws of 1989 (HB 1484). Of the proceeds of bonds authorized by chapter ____, Laws of 1989 (HB 1484), \$8,000,000, or as much thereof as may be necessary, shall be compensation to the common school construction fund for the sale of timber from common school trust lands sold to the parks and recreation commission pursuant to RCW 43.51.270, and authorized for sale by the legislature prior to January 1, 1989.			
(4) The state board shall review current rules and administrative procedures, and shall amend or revise these rules and procedures to address the following concerns:			
(a) The discrepancy between the forecasted enrollments used for determining state funding for school construction, and the state-wide growth trends predicted by the office of financial management;			
(b) The infrequency of cooperative use of surplus space available in neighboring districts;			
(c) The creation of new construction needs by school districts by selling or demolishing schools, or by redesignating grade space or administrative use of school buildings;			
(d) The incentive to condemn useable schools to secure state funding, rather than awaiting uncertain support for modernization;			
(e) Greater needs for replacement of decaying schools caused by deferral of modernization, at a higher long-term cost to the state and local districts;			
(f) The potential of district boundary changes for the purpose of achieving more efficient use of facilities; and			
(g) The potential of the state to recover its share of the value of sold school buildings that were built with state matching moneys.			
Prior to September 15, 1989, the state board of education shall report to the capital facilities and financing committee of the house of representatives and the ways and means committee of the senate on the actions taken or rules adopted by the board to address these concerns.			
		Reappropriation	Appropriation
Common School Constr Fund			252,097,000

Prior Biennia

Future Biennia

Total
252,097,000

NEW SECTION, Sec. 709. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION

School housing emergencies

The appropriation in this section is subject to the following conditions and limitations:

(1) This appropriation is provided solely to provide portable classrooms for school districts that have experienced an unanticipated school housing emergency. Portable classrooms provided under this section shall be leased by the superintendent of public instruction to school districts, and the lease payments shall be deposited into the common school construction fund. School districts may qualify for assistance under this section only as a result of events barring students from occupying a school or a portion of a school, and portables shall not be provided under this section to address needs attributable to enrollment growth. The superintendent of public instruction shall provide assistance to a school district under this section only if satisfied that the district has considered other available options and that portable classrooms are the most feasible solution to school housing needs.

(2) Districts receiving assistance under this section shall submit a plan to replace or reopen their closed facilities prior to the end of the lease period, and shall certify that resources are available to meet all terms of the lease.

(3) For the purposes of this section, the term 'lease' includes a lease with option to purchase.

	Reappropriation	Appropriation
Common School Constr Fund		650,000
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
		650,000

NEW SECTION, Sec. 710. FOR THE STATE BOARD OF EDUCATION

Common school disbursement limit

The appropriations in sections 701 through 709 of this act are subject to the following conditions and limitations: A maximum of \$254,900,000 from the total of these appropriations may be disbursed during the 1989-91 biennium.

NEW SECTION, Sec. 711. FOR THE WASHINGTON INSTITUTE OF APPLIED TECHNOLOGY
Vocational Technology Center (88-2-003)

	Reappropriation	Appropriation
St Bldg Constr Acct	475,000	
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
5,525,000		6,000,000

NEW SECTION, Sec. 712. FOR THE STATE SCHOOL FOR THE BLIND

Automatic sliding doors—Irwin education building (90-1-001)

	Reappropriation	Appropriation
St Bldg Constr Acct		14,580
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
		14,580

NEW SECTION, Sec. 713. FOR THE STATE SCHOOL FOR THE BLIND

Asbestos abatement (90-1-006)

	Reappropriation	Appropriation
St Bldg Constr Acct		324,000
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
		324,000

NEW SECTION, Sec. 714. FOR THE STATE SCHOOL FOR THE BLIND

Replace heating and ventilation system and roof repairs: Irwin building (90-2-002)

	Reappropriation	Appropriation
St Bldg Constr Acct		130,000
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
		130,000

NEW SECTION, Sec. 715. FOR THE STATE SCHOOL FOR THE BLIND

Driveway/parking lot repaving (90-2-003)

	Reappropriation	Appropriation
St Bldg Constr Acct		21,270
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
		21,270

NEW SECTION, Sec. 716. FOR THE STATE SCHOOL FOR THE DEAF

Remove and replace three transformers/clerk (90-1-002)

	Reappropriation	Appropriation
St Bldg Constr Acct		36,500
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
		36,500

NEW SECTION, Sec. 717. FOR THE STATE SCHOOL FOR THE DEAF

Asbestos abatement (90-1-005)

	Reappropriation	Appropriation
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St Bldg Constr Acct			245,000
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>	245,000
NEW SECTION. Sec. 718. FOR THE STATE SCHOOL FOR THE DEAF Wheelchair lifts—Clark Hall, vocational, Northrup School (90-2-003)			
		Reappropriation	Appropriation
St Bldg Constr Acct			147,100
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>	147,100
NEW SECTION. Sec. 719. FOR THE STATE SCHOOL FOR THE DEAF Roof repair (91-2-002)			
		Reappropriation	Appropriation
St Bldg Constr Acct			50,000
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>	50,000
NEW SECTION. Sec. 720. HIGHER EDUCATION The legislature finds that the state's institutions of higher education are facing unsurpassed capital needs. The legislature further finds that higher education institutions play a special and vitally important role in economic development by creating new ideas, products, and industries. Therefore, the institutions should aggressively solicit private and business financial support to assist in meeting the capital needs of higher education.			
NEW SECTION. Sec. 721. FOR THE UNIVERSITY OF WASHINGTON Roberts Hall renovation (83-1-012)			
		Reappropriation	Appropriation
H Ed Reimb S/T Bonds Acct		400,000	
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>	5,755,794
5,355,794			
NEW SECTION. Sec. 722. FOR THE UNIVERSITY OF WASHINGTON Safety—Fire code, PCB and life safety (86-1-001)			
		Reappropriation	Appropriation
St Bldg Constr Acct		4,000,000	
UW Bldg Acct			8,600,000
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>	29,507,000
1,707,000	14,000,000		
NEW SECTION. Sec. 723. FOR THE UNIVERSITY OF WASHINGTON Safety—Asbestos removal (86-1-002)			
		Reappropriation	Appropriation
St Bldg Constr Acct		2,200,000	
UW Bldg Acct		350,000	5,500,000
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>	29,500,000
1,450,000	20,000,000		
NEW SECTION. Sec. 724. FOR THE UNIVERSITY OF WASHINGTON Safety—General (86-1-003)			
		Reappropriation	Appropriation
St Bldg Constr Acct		750,000	
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>	1,000,000
250,000			
NEW SECTION. Sec. 725. FOR THE UNIVERSITY OF WASHINGTON Minor works—Building renewal (86-1-004)			
		Reappropriation	Appropriation
St Bldg Constr Acct		2,600,000	
UW Bldg Acct		1,740,000	9,733,000
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>	50,077,090
4,274,325	26,000,000		
NEW SECTION. Sec. 726. FOR THE UNIVERSITY OF WASHINGTON Fisheries repairs and expansion (86-1-014)			
		Reappropriation	Appropriation
St H Ed Constr Acct		2,600,000	
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>	5,690,805
3,090,805			
NEW SECTION. Sec. 727. FOR THE UNIVERSITY OF WASHINGTON HSC G Court, H Wing and I Court addition (86-2-021)			
		Reappropriation	Appropriation
St Bldg Constr Acct		20,400,000	24,692,000
UW Bldg Acct		3,500,000	
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>	49,368,000
776,000			
NEW SECTION. Sec. 728. FOR THE UNIVERSITY OF WASHINGTON			

Minor works—Program renewal (86-3-005)

The appropriations in this section are subject to the following conditions and limitations: The appropriations are provided solely for minor repairs, fixtures, and improvements to state buildings and facilities and shall not be used for computer equipment, land acquisition, or for other expenses that normally would be funded from the state operating budget.

UW Bldg Acct	Reappropriation	Appropriation
	2,700,000	9,000,000
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
9,921,000	42,270,000	70,914,527
<u>NEW SECTION, Sec. 729. FOR THE UNIVERSITY OF WASHINGTON</u>		
Energy conservation (86-4-023)		
St Bldg Constr Acct	Reappropriation	Appropriation
H Ed Constr Acct	900,000	
	300,000	
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
663,566		1,863,566
<u>NEW SECTION, Sec. 730. FOR THE UNIVERSITY OF WASHINGTON</u>		
Pavilion roof (88-1-009)		
St Bldg Constr Acct	Reappropriation	Appropriation
	652,000	
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
80,000		732,000
<u>NEW SECTION, Sec. 731. FOR THE UNIVERSITY OF WASHINGTON</u>		
Electrical distribution system (88-1-011)		
St Bldg Constr Acct	Reappropriation	Appropriation
	1,000,000	
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
500,000	5,139,000	6,639,000
<u>NEW SECTION, Sec. 732. FOR THE UNIVERSITY OF WASHINGTON</u>		
Power plant chiller (88-1-012)		
St Bldg Constr Acct	Reappropriation	Appropriation
	750,000	
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
250,000		1,000,000
<u>NEW SECTION, Sec. 733. FOR THE UNIVERSITY OF WASHINGTON</u>		
Power plant stack replacement (88-1-023)		
UW Bldg Acct	Reappropriation	Appropriation
	1,050,000	
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
450,000		1,500,000
<u>NEW SECTION, Sec. 734. FOR THE UNIVERSITY OF WASHINGTON</u>		
Suzallo Library addition (88-2-013)		
St Bldg Constr Acct	Reappropriation	Appropriation
	20,600,000	
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
11,310,104		34,583,000
<u>NEW SECTION, Sec. 735. FOR THE UNIVERSITY OF WASHINGTON</u>		
Communications building renovation (88-2-014)		
St Bldg Constr Acct	Reappropriation	Appropriation
UW Bldg Acct	4,480,000	1,015,000
		1,167,000
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
75,000		6,737,000
<u>NEW SECTION, Sec. 736. FOR THE UNIVERSITY OF WASHINGTON</u>		
H wing renovation (88-2-015)		
St Bldg Constr Acct	Reappropriation	Appropriation
	715,000	
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
18,000		733,000
<u>NEW SECTION, Sec. 737. FOR THE UNIVERSITY OF WASHINGTON</u>		
Power plant boiler (88-2-022)		
St Bldg Constr Acct	Reappropriation	Appropriation
	490,000	
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
203,000		693,000
<u>NEW SECTION, Sec. 738. FOR THE UNIVERSITY OF WASHINGTON</u>		
Science and engineering planning (88-2-044)		
	Reappropriation	Appropriation

UW Bldg Acct		250,000	
<u>Prior Biennia</u>	<u>Future Biennia</u>		<u>Total</u>
750,000			1,000,000
NEW SECTION, Sec. 739. FOR THE UNIVERSITY OF WASHINGTON			
Power plant boiler retrofit (88-4-024)			
		Reappropriation	Appropriation
UW Bldg Acct		2,050,000	
<u>Prior Biennia</u>	<u>Future Biennia</u>		<u>Total</u>
250,000			2,300,000
NEW SECTION, Sec. 740. FOR THE UNIVERSITY OF WASHINGTON			
Emergency power generation (90-2-001)			
		Reappropriation	Appropriation
St Bldg Constr Acct			11,110,000
<u>Prior Biennia</u>	<u>Future Biennia</u>		<u>Total</u>
			11,110,000
NEW SECTION, Sec. 741. FOR THE UNIVERSITY OF WASHINGTON			
Physics (90-2-009)			
The appropriation in this section is subject to the following conditions and limitations: The project shall be constructed on campus.			
		Reappropriation	Appropriation
St Bldg Constr Acct			4,155,000
<u>Prior Biennia</u>	<u>Future Biennia</u>		<u>Total</u>
			4,155,000
NEW SECTION, Sec. 742. FOR THE UNIVERSITY OF WASHINGTON			
Chemistry I (90-2-011)			
The appropriation in this section is subject to the following conditions and limitations: The project shall be constructed on campus.			
		Reappropriation	Appropriation
St Bldg Constr Acct			39,152,000
<u>Prior Biennia</u>	<u>Future Biennia</u>		<u>Total</u>
			39,152,000
NEW SECTION, Sec. 743. FOR THE UNIVERSITY OF WASHINGTON			
Electrical engineering building addition (90-2-013)			
The appropriation in this section is subject to the following conditions and limitations: The project shall be constructed on campus.			
		Reappropriation	Appropriation
St Bldg Constr Acct			3,111,000
<u>Prior Biennia</u>	<u>Future Biennia</u>		<u>Total</u>
			3,111,000
NEW SECTION, Sec. 744. FOR THE UNIVERSITY OF WASHINGTON			
Computer sciences building (92-2-024)			
The appropriation in this section is subject to the following conditions and limitations: The project shall be constructed on campus.			
		Reappropriation	Appropriation
St Bldg Constr Acct			1,000,000
<u>Prior Biennia</u>	<u>Future Biennia</u>		<u>Total</u>
			1,000,000
NEW SECTION, Sec. 745. FOR WASHINGTON STATE UNIVERSITY			
Chemistry building, phase 2 (86-1-003)			
		Reappropriation	Appropriation
H Ed Constr Acct		1,932,000	
WSU Bldg Acct		1,000,000	
<u>Prior Biennia</u>	<u>Future Biennia</u>		<u>Total</u>
11,860,000			14,792,000
NEW SECTION, Sec. 746. FOR WASHINGTON STATE UNIVERSITY			
Food—Human nutrition facility—Equipment (86-1-004)			
		Reappropriation	Appropriation
WSU Bldg Acct		1,502,000	
<u>Prior Biennia</u>	<u>Future Biennia</u>		<u>Total</u>
2,915,435			4,417,435
NEW SECTION, Sec. 747. FOR WASHINGTON STATE UNIVERSITY			
McCoy Hall capital renewal (86-1-005)			
		Reappropriation	Appropriation
H Ed Constr Acct		78,000	
<u>Prior Biennia</u>	<u>Future Biennia</u>		<u>Total</u>
2,162,537			2,240,537
NEW SECTION, Sec. 748. FOR WASHINGTON STATE UNIVERSITY			

Science Hall renewal, phase 2 (86-1-006)			
H Ed Constr Acct		Reappropriation	Appropriation
		3,603,000	
<u>Prior Biennia</u>	<u>Future Biennia</u>		<u>Total</u>
8,151,395			11,754,395
<u>NEW SECTION, Sec. 749. FOR WASHINGTON STATE UNIVERSITY</u>			
Neill Hall renewal (86-1-007)		Reappropriation	Appropriation
WSU Bldg Acct		3,569,500	
<u>Prior Biennia</u>	<u>Future Biennia</u>		<u>Total</u>
			3,569,500
<u>NEW SECTION, Sec. 750. FOR WASHINGTON STATE UNIVERSITY</u>			
Minor capital improvement (88-1-001)		Reappropriation	Appropriation
WSU Bldg Acct		1,896,000	
<u>Prior Biennia</u>	<u>Future Biennia</u>		<u>Total</u>
2,827,000			4,723,000
<u>NEW SECTION, Sec. 751. FOR WASHINGTON STATE UNIVERSITY</u>			
Minor capital renewal (88-1-002)		Reappropriation	Appropriation
St Bldg Constr Acct		2,109,000	
<u>Prior Biennia</u>	<u>Future Biennia</u>		<u>Total</u>
3,593,000			5,702,000
<u>NEW SECTION, Sec. 752. FOR WASHINGTON STATE UNIVERSITY</u>			
Preplanning (88-1-004)		Reappropriation	Appropriation
WSU Bldg Acct		107,000	
<u>Prior Biennia</u>	<u>Future Biennia</u>		<u>Total</u>
			107,000
<u>NEW SECTION, Sec. 753. FOR WASHINGTON STATE UNIVERSITY</u>			
Todd Hall addition (88-1-011)		Reappropriation	Appropriation
St Bldg Constr Acct		4,904,000	
<u>Prior Biennia</u>	<u>Future Biennia</u>		<u>Total</u>
428,000			5,332,000
<u>NEW SECTION, Sec. 754. FOR WASHINGTON STATE UNIVERSITY</u>			
Fine arts mechanical renovation (88-1-012)		Reappropriation	Appropriation
WSU Bldg Acct		240,000	
<u>Prior Biennia</u>	<u>Future Biennia</u>		<u>Total</u>
2,713,000			2,953,000
<u>NEW SECTION, Sec. 755. FOR WASHINGTON STATE UNIVERSITY</u>			
Carpenter Hall renewal (88-2-005)		Reappropriation	Appropriation
H Ed Constr Acct		3,029,400	
WSU Bldg Acct		2,685,000	
<u>Prior Biennia</u>	<u>Future Biennia</u>		<u>Total</u>
485,600			6,200,000
<u>NEW SECTION, Sec. 756. FOR WASHINGTON STATE UNIVERSITY</u>			
Dairy forage facility (88-3-007)		Reappropriation	Appropriation
WSU Bldg Acct		1,100,000	
<u>Prior Biennia</u>	<u>Future Biennia</u>		<u>Total</u>
82,000			1,182,000
<u>NEW SECTION, Sec. 757. FOR WASHINGTON STATE UNIVERSITY</u>			
Veterinary research diagnostic center (88-5-006)		Reappropriation	Appropriation
St Bldg Constr Acct		225,000	
<u>Prior Biennia</u>	<u>Future Biennia</u>		<u>Total</u>
25,000	3,172,600		3,422,600
<u>NEW SECTION, Sec. 758. FOR WASHINGTON STATE UNIVERSITY</u>			
Minor capital improvements (90-1-001)			
The appropriation in this section is subject to the following conditions and limitations: The appropriation is provided solely for minor repairs, fixtures, and improvements to state buildings and facilities and shall not be used for computer equipment, land acquisition, or for other expenses that normally would be funded from the state operating budget.			
WSU Bldg Acct		Reappropriation	Appropriation
			5,000,000

	<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
			8,233,000
<u>NEW SECTION. Sec. 759. FOR WASHINGTON STATE UNIVERSITY</u>			
Hazardous, pathological, radioactive waste handling facilities (90-1-004)			
		Reappropriation	Appropriation
WSU Bldg Acct			152,000
	<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
		11,000,000	11,152,000
<u>NEW SECTION. Sec. 760. FOR WASHINGTON STATE UNIVERSITY</u>			
Nuclear radiation center study (90-1-011)			
		Reappropriation	Appropriation
WSU Bldg Acct			53,000
	<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
		4,000,000	4,053,000
<u>NEW SECTION. Sec. 761. FOR WASHINGTON STATE UNIVERSITY</u>			
Expansion of east campus electrical substation (90-1-014)			
		Reappropriation	Appropriation
WSU Bldg Acct			533,000
	<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
			533,000
<u>NEW SECTION. Sec. 762. FOR WASHINGTON STATE UNIVERSITY</u>			
Smith Gym electrical system renewal (90-1-018)			
		Reappropriation	Appropriation
WSU Bldg Acct			648,000
	<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
			648,000
<u>NEW SECTION. Sec. 763. FOR WASHINGTON STATE UNIVERSITY</u>			
Holland Library addition (90-2-013)			
		Reappropriation	Appropriation
St Bldg Constr Acct			33,400,000
WSU Bldg Acct		184,000	
	<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
	87,000		33,671,000
<u>NEW SECTION. Sec. 764. FOR WASHINGTON STATE UNIVERSITY</u>			
Veterinary Teaching Hospital (90-2-016)			
		Reappropriation	Appropriation
St Bldg Constr Acct			1,300,000
WSU Bldg Acct			200,000
	<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
	327,000	29,438,000	31,265,000
<u>NEW SECTION. Sec. 765. FOR WASHINGTON STATE UNIVERSITY</u>			
Food—Human nutrition building, phase 2 (90-2-020)			
		Reappropriation	Appropriation
General Fund—Federal			12,688,000
	<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
			12,688,000
<u>NEW SECTION. Sec. 766. FOR WASHINGTON STATE UNIVERSITY</u>			
Minor capital renewal (90-3-002)			
The appropriation in this section is subject to the following conditions and limitations: The appropriation is provided solely for minor repairs, fixtures, and improvements to state buildings and facilities and shall not be used for computer equipment, land acquisition, or for other expenses that normally would be funded from the state operating budget.			
		Reappropriation	Appropriation
St Bldg Constr Acct			5,000,000
	<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
			5,000,000
<u>NEW SECTION. Sec. 767. FOR WASHINGTON STATE UNIVERSITY</u>			
Todd Hall renewal (90-3-003)			
		Reappropriation	Appropriation
WSU Bldg Acct			182,000
	<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
			182,000
<u>NEW SECTION. Sec. 768. FOR WASHINGTON STATE UNIVERSITY</u>			
WSU Tri-Cities University Center (90-5-901)			
		Reappropriation	Appropriation
St Bldg Constr Acct			420,000
	<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
	300,000		720,000

NEW SECTION, Sec. 769. FOR EASTERN WASHINGTON UNIVERSITY
Mathematical science and technology remodel (81-1-002)

	Reappropriation	Appropriation
St Bldg Constr Acct	74,000	82,900
<u>Prior Biennia</u>		<u>Total</u>
273,000	<u>Future Biennia</u>	6,219,600
	5,789,700	

NEW SECTION, Sec. 770. FOR EASTERN WASHINGTON UNIVERSITY
Science building addition/remodel (83-1-001)

	Reappropriation	Appropriation
St Bldg Constr Acct	6,250,000	6,784,500
<u>Prior Biennia</u>		<u>Total</u>
2,778,000	<u>Future Biennia</u>	18,765,100
	2,952,600	

NEW SECTION, Sec. 771. FOR EASTERN WASHINGTON UNIVERSITY
Electrical system renewal (86-1-002)

	Reappropriation	Appropriation
St Bldg Constr Acct	1,905,000	
St Fac Renew Acct	709,000	
<u>Prior Biennia</u>		<u>Total</u>
813,000	<u>Future Biennia</u>	3,427,000
	1,500,000	

NEW SECTION, Sec. 772. FOR EASTERN WASHINGTON UNIVERSITY
Roof replacement (86-1-003)

	Reappropriation	Appropriation
St Bldg Constr Acct	500,000	
<u>Prior Biennia</u>		<u>Total</u>
915,000	<u>Future Biennia</u>	2,915,000
	1,500,000	

NEW SECTION, Sec. 773. FOR EASTERN WASHINGTON UNIVERSITY
Water storage and distribution (86-1-004)

	Reappropriation	Appropriation
St H Ed Constr Acct	207,000	
<u>Prior Biennia</u>		<u>Total</u>
963,000	<u>Future Biennia</u>	1,170,000
	1,500,000	

NEW SECTION, Sec. 774. FOR EASTERN WASHINGTON UNIVERSITY
Minor works projects (86-1-010)

The appropriation in this section is subject to the following conditions and limitations: The appropriation is provided solely for minor repairs, fixtures, and improvements to state buildings and facilities and shall not be used for computer equipment, land acquisition, or for other expenses that normally would be funded from the state operating budget.

	Reappropriation	Appropriation
EWU Cap Proj Acct	403,000	2,100,000
<u>Prior Biennia</u>		<u>Total</u>
1,497,000	<u>Future Biennia</u>	12,536,000
	8,536,000	

NEW SECTION, Sec. 775. FOR EASTERN WASHINGTON UNIVERSITY
Small repairs projects (86-1-011)

	Reappropriation	Appropriation
EWU Cap Proj Acct	155,000	1,000,000
<u>Prior Biennia</u>		<u>Total</u>
478,000	<u>Future Biennia</u>	4,833,000
	3,200,000	

NEW SECTION, Sec. 776. FOR EASTERN WASHINGTON UNIVERSITY
Energy conservation (86-2-006)

	Reappropriation	Appropriation
St H Ed Constr Acct	424,000	
St Bldg Constr Acct	30,000	
<u>Prior Biennia</u>		<u>Total</u>
102,000	<u>Future Biennia</u>	556,000
	1,000,000	

NEW SECTION, Sec. 777. FOR EASTERN WASHINGTON UNIVERSITY
Life/safety and code compliance: Asbestos (88-1-001)

	Reappropriation	Appropriation
St Bldg Constr Acct	1,900,000	
EWU Cap Proj Acct	170,000	
<u>Prior Biennia</u>		<u>Total</u>
513,000	<u>Future Biennia</u>	6,583,000
	4,000,000	

NEW SECTION, Sec. 778. FOR EASTERN WASHINGTON UNIVERSITY
Fire suppression (88-1-005)

	Reappropriation	Appropriation
St Bldg Constr Acct	215,000	
<u>Prior Biennia</u>		<u>Total</u>
361,000	<u>Future Biennia</u>	2,734,000
	2,158,000	

NEW SECTION, Sec. 779. FOR EASTERN WASHINGTON UNIVERSITY

Kennedy Library addition/HVAC—Preplanning (90-5-003)		
	Reappropriation	Appropriation
EWU Cap Proj Acct		165,000
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
		165,000
NEW SECTION, Sec. 780. FOR EASTERN WASHINGTON UNIVERSITY		
Telecommunications cable replacement (90-2-005)		
	Reappropriation	Appropriation
EWU Cap Proj Acct		1,080,000
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
		1,080,000
NEW SECTION, Sec. 781. FOR CENTRAL WASHINGTON UNIVERSITY		
Energy savings projects (86-2-005)		
	Reappropriation	Appropriation
CWU Cap Proj Acct		725,000
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
183,818		908,818
NEW SECTION, Sec. 782. FOR CENTRAL WASHINGTON UNIVERSITY		
Nicholson Pavilion, Phase I (86-3-001)		
	Reappropriation	Appropriation
H Ed Constr Acct		9,500
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
959,506		969,006
NEW SECTION, Sec. 783. FOR CENTRAL WASHINGTON UNIVERSITY		
Small repairs and improvements (86-3-013)		
	Reappropriation	Appropriation
CWU Cap Proj Acct		30,000
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
503,000		533,000
NEW SECTION, Sec. 784. FOR CENTRAL WASHINGTON UNIVERSITY		
Life safety-Code compliance (88-1-004)		
	Reappropriation	Appropriation
St Bldg Constr Acct		509,000
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
1,248,000		1,757,000
NEW SECTION, Sec. 785. FOR CENTRAL WASHINGTON UNIVERSITY		
Handicap modifications (88-1-007)		
	Reappropriation	Appropriation
CWU Cap Proj Acct		625,000
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
90,000		715,000
NEW SECTION, Sec. 786. FOR CENTRAL WASHINGTON UNIVERSITY		
Nicholson Pavilion phase 2 (88-2-001)		
	Reappropriation	Appropriation
St Bldg Constr Acct		3,600,000
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
263,000		3,863,000
NEW SECTION, Sec. 787. FOR CENTRAL WASHINGTON UNIVERSITY		
Life/safety (90-1-030)		
	Reappropriation	Appropriation
St Bldg Constr Acct		831,000
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
	1,000,000	1,831,000
NEW SECTION, Sec. 788. FOR CENTRAL WASHINGTON UNIVERSITY		
Asbestos abatement (90-1-040)		
	Reappropriation	Appropriation
St Bldg Constr Acct		1,000,000
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
1,735,000	1,000,000	3,735,000
NEW SECTION, Sec. 789. FOR CENTRAL WASHINGTON UNIVERSITY		
Psychology animal research facility (90-1-060)		
	Reappropriation	Appropriation
St Bldg Constr Acct		1,547,000
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
		1,547,000
NEW SECTION, Sec. 790. FOR CENTRAL WASHINGTON UNIVERSITY		
Barge Hall renovation (90-2-001)		
	Reappropriation	Appropriation

St Bldg Constr Acct		600,000
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
	7,744,800	8,344,800

NEW SECTION, Sec. 791. FOR CENTRAL WASHINGTON UNIVERSITY
Telecommunications system—Phase 2 (90-2-003)

Reappropriation	Appropriation
1,732,000	1,443,600

CWU Cap Proj Acct		
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
68,000		3,243,600

NEW SECTION, Sec. 792. FOR CENTRAL WASHINGTON UNIVERSITY
Shaw/Smyser Hall remodel (90-2-005)

Reappropriation	Appropriation
	2,405,900

St Bldg Constr Acct		
CWU Cap Proj Acct		
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
		3,705,900

NEW SECTION, Sec. 793. FOR CENTRAL WASHINGTON UNIVERSITY
Minor works projects group I (90-2-050)

The appropriations in this section are subject to the following conditions and limitations: The appropriations are provided solely for minor repairs, fixtures, and improvements to state buildings and facilities and shall not be used for computer equipment, land acquisition, or for other expenses that normally would be funded from the state operating budget.

Reappropriation	Appropriation
800,000	3,856,600

CWU Cap Proj Acct		
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
2,212,958	10,450,000	17,319,558

PART 8

EDUCATION - CONTINUED

NEW SECTION, Sec. 801. FOR THE EVERGREEN STATE COLLEGE
Life safety—Code compliance (88-1-001)

Reappropriation	Appropriation
172,000	819,000

St Bldg Constr Acct		
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
1,012,000		2,003,000

NEW SECTION, Sec. 802. FOR THE EVERGREEN STATE COLLEGE
Energy audit compliance (88-2-016)

Reappropriation	Appropriation
60,000	

St Bldg Constr Acct		
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
145,000		205,000

NEW SECTION, Sec. 803. FOR THE EVERGREEN STATE COLLEGE
Campus recreation center, Phase II: Gym (88-5-015)

Reappropriation	Appropriation
474,572	

St Bldg Constr Acct		
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
6,298,428		6,773,000

NEW SECTION, Sec. 804. FOR THE EVERGREEN STATE COLLEGE
Asbestos removal (90-1-001)

Reappropriation	Appropriation
	60,000

St Bldg Constr Acct		
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
	443,000	503,000

NEW SECTION, Sec. 805. FOR THE EVERGREEN STATE COLLEGE
Failed systems (90-2-001)

Reappropriation	Appropriation
	544,070

St Bldg Constr Acct		
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
		544,070

NEW SECTION, Sec. 806. FOR THE EVERGREEN STATE COLLEGE
Minor works (90-2-003)

Reappropriation	Appropriation
	178,720

St Bldg Constr Acct		
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
		178,720

NEW SECTION, Sec. 807. FOR THE EVERGREEN STATE COLLEGE
Emergency repairs (90-2-022)

Reappropriation	Appropriation
	81,000

TESC Cap Proj Acct

	<u>Prior Biennia</u>	<u>Future Biennia</u>	Total 81,000
<u>NEW SECTION, Sec. 808. FOR THE EVERGREEN STATE COLLEGE</u>			
Small repairs and improvements (90-2-023)			
		Reappropriation	Appropriation 162,000
TESC Cap Proj Acct			<u>Total</u> 162,000
	<u>Prior Biennia</u>	<u>Future Biennia</u>	
<u>NEW SECTION, Sec. 809. FOR WESTERN WASHINGTON UNIVERSITY</u>			
Const Tech Bldg/remodel Art Tech building phase 2 (84-3-001)			
		Reappropriation	Appropriation 100,000
St Bldg Constr Acct			<u>Total</u> 9,909,055
	<u>Prior Biennia</u> 9,809,055	<u>Future Biennia</u>	
<u>NEW SECTION, Sec. 810. FOR WESTERN WASHINGTON UNIVERSITY</u>			
Construct/equip science facility phase 1 (90-1-001)			
		Reappropriation	Appropriation 20,730,700
St Bldg Constr Acct			<u>Total</u> 21,980,700
WWU Cap Proj Acct		1,082,000	
	<u>Prior Biennia</u> 168,000	<u>Future Biennia</u>	
<u>NEW SECTION, Sec. 811. FOR WESTERN WASHINGTON UNIVERSITY</u>			
Asbestos abatement—Multiple buildings (90-1-002)			
		Reappropriation	Appropriation 3,000,000
St Bldg Constr Acct			<u>Total</u> 3,000,000
	<u>Prior Biennia</u>	<u>Future Biennia</u>	
<u>NEW SECTION, Sec. 812. FOR WESTERN WASHINGTON UNIVERSITY</u>			
Minor works request/small repairs and improvements (90-1-004)			
The appropriations in this section are subject to the following conditions and limitations: The appropriations are provided solely for minor repairs, fixtures, and improvements to state buildings and facilities and shall not be used for computer equipment, land acquisition, or for other expenses that normally would be funded from the state operating budget.			
		Reappropriation	Appropriation 3,900,000
WWU Cap Proj Acct		2,503,000	<u>Total</u> 27,351,481
	<u>Prior Biennia</u> 8,948,481	<u>Future Biennia</u> 12,000,000	
<u>NEW SECTION, Sec. 813. FOR WESTERN WASHINGTON UNIVERSITY</u>			
Science facility, phase 2 (design) (90-1-005)			
		Reappropriation	Appropriation 887,300
St Bldg Constr Acct			<u>Total</u> 20,220,100
	<u>Prior Biennia</u>	<u>Future Biennia</u> 19,332,800	
<u>NEW SECTION, Sec. 814. FOR WESTERN WASHINGTON UNIVERSITY</u>			
Institute of Wildlife Toxicology—Facility acquisition (90-2-003)			
		Reappropriation	Appropriation 1,500,000
WWU Cap Proj Acct			<u>Total</u> 1,500,000
	<u>Prior Biennia</u>	<u>Future Biennia</u>	
<u>NEW SECTION, Sec. 815. FOR THE WASHINGTON STATE HISTORICAL SOCIETY</u>			
Addition to air conditioning (86-1-002)			
		Reappropriation	Appropriation 206,000
St Bldg Constr Acct			<u>Total</u> 331,000
	<u>Prior Biennia</u> 125,000	<u>Future Biennia</u>	
<u>NEW SECTION, Sec. 816. FOR THE WASHINGTON STATE HISTORICAL SOCIETY</u>			
Museum interior remodeling (88-3-004)			
		Reappropriation	Appropriation 1,937,000
St Bldg Constr Acct			<u>Total</u> 2,242,000
	<u>Prior Biennia</u> 305,000	<u>Future Biennia</u>	
<u>NEW SECTION, Sec. 817. FOR THE WASHINGTON STATE HISTORICAL SOCIETY</u>			
Small improvement project to extend building's useful life (90-3-006)			
		Reappropriation	Appropriation 151,500
St Bldg Constr Acct			<u>Total</u> 151,500
	<u>Prior Biennia</u>	<u>Future Biennia</u>	
<u>NEW SECTION, Sec. 818. FOR THE WASHINGTON STATE HISTORICAL SOCIETY</u>			

New exhibition center at Union Station: Phase I (90-5-005)

The appropriation in this section is subject to the following conditions and limitations:

(1) These funds shall be used for land acquisition, design and engineering, and final preplanning.

(2) This appropriation is contingent on the expenditure for the same purpose of at least three dollars from nonstate sources for each seven dollars spent from this appropriation. It is the intent of the legislature that future appropriations for this project will require the same thirty percent nonstate matching ratio up to a maximum of \$18,000,000 from state moneys, including all costs for land, design, construction, and exhibits.

	Reappropriation	Appropriation
St Bldg Constr Acct		3,080,000
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
		3,080,000

NEW SECTION, Sec. 819. FOR THE EASTERN WASHINGTON STATE HISTORICAL SOCIETY
Campbell House—Restoration (86-1-002)

	Reappropriation	Appropriation
St Bldg Constr Acct		200,000
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
343,000		543,000

NEW SECTION, Sec. 820. FOR THE EASTERN WASHINGTON STATE HISTORICAL SOCIETY
Cheney Cowles Museum—Repair roof and heating/cooling (89-2-001)

	Reappropriation	Appropriation
St Bldg Constr Acct		80,100
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
		80,100

NEW SECTION, Sec. 821. FOR THE STATE CAPITAL HISTORICAL ASSOCIATION
Minor works State Museum Olympia (90-1-002)

	Reappropriation	Appropriation
St Bldg Constr Acct		27,100
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
91,000	48,000	175,100

NEW SECTION, Sec. 822. FOR THE STATE CAPITAL HISTORICAL ASSOCIATION
Energy efficiency agency headquarters—Olympia (91-1-004)

	Reappropriation	Appropriation
St Bldg Constr Acct		15,000
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
1,000		16,000

NEW SECTION, Sec. 823. FOR THE STATE CAPITAL HISTORICAL ASSOCIATION
Capital museum and parking facility preplanning (90-5-001)

	Reappropriation	Appropriation
St Bldg Constr Acct		230,000
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
		230,000

NEW SECTION, Sec. 824. FOR THE COMMUNITY COLLEGE SYSTEM

It is the intent of the legislature that the 1989-1995 six-year state facilities and capital plan continue the commitment of sixty-five million dollars per biennium to the community college system.

NEW SECTION, Sec. 825. FOR THE COMMUNITY COLLEGE SYSTEM
Minor capital improvements (83-2-002)

	Reappropriation	Appropriation
H Ed Constr Acct		4,745
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
17,969		22,714

NEW SECTION, Sec. 826. FOR THE COMMUNITY COLLEGE SYSTEM
HVAC repairs (83-2-007)

	Reappropriation	Appropriation
St H Ed Constr Acct		42,140
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
46,208		88,348

NEW SECTION, Sec. 827. FOR THE COMMUNITY COLLEGE SYSTEM
Minor works request (RMI) (86-1-001)

	Reappropriation	Appropriation
H Ed Reimb S/T Bonds Acct		97,857
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
742,708		840,565

NEW SECTION, Sec. 828. FOR THE COMMUNITY COLLEGE SYSTEM
Critical repair projects (86-1-003)

	Reappropriation	Appropriation
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H Ed Reimb S/T Bonds Acct	473,630		
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>	
613,391		1,087,021	
NEW SECTION, Sec. 829. FOR THE COMMUNITY COLLEGE SYSTEM			
General repair projects (86-1-004)	Reappropriation	Appropriation	
	.684,883		
St Fac Renew—Acct		<u>Total</u>	
<u>Prior Biennia</u>	<u>Future Biennia</u>	4,051,865	
3,366,982			
NEW SECTION, Sec. 830. FOR THE COMMUNITY COLLEGE SYSTEM			
Energy conservation projects (86-1-005)	Reappropriation	Appropriation	
	337,208		
St Fac Renew Acct		<u>Total</u>	
<u>Prior Biennia</u>	<u>Future Biennia</u>	1,379,937	
1,042,729			
NEW SECTION, Sec. 831. FOR THE COMMUNITY COLLEGE SYSTEM			
Prior hall renovation (86-1-018)	Reappropriation	Appropriation	
	5,945		
H Ed Constr Acct		<u>Total</u>	
<u>Prior Biennia</u>	<u>Future Biennia</u>	853,499	
847,554			
NEW SECTION, Sec. 832. FOR THE COMMUNITY COLLEGE SYSTEM			
Food service building: Olympic (86-3-019)	Reappropriation	Appropriation	
	159,581		
St H Ed Constr Acct		<u>Total</u>	
<u>Prior Biennia</u>	<u>Future Biennia</u>	2,320,871	
2,161,290			
NEW SECTION, Sec. 833. FOR THE COMMUNITY COLLEGE SYSTEM			
Minor renovations (86-2-006)	Reappropriation	Appropriation	
	228,366		
St Fac Renew Acct		<u>Total</u>	
<u>Prior Biennia</u>	<u>Future Biennia</u>	3,668,908	
3,440,542			
NEW SECTION, Sec. 834. FOR THE COMMUNITY COLLEGE SYSTEM			
Minor remodel projects (86-2-007)	Reappropriation	Appropriation	
	96,717		
St Fac Renew Acct		<u>Total</u>	
<u>Prior Biennia</u>	<u>Future Biennia</u>	899,418	
802,701			
NEW SECTION, Sec. 835. FOR THE COMMUNITY COLLEGE SYSTEM			
Program/plan/construct: Library/student Center, Everett (86-2-031)	Reappropriation	Appropriation	
	864,029		
St Bldg Constr Acct		<u>Total</u>	
<u>Prior Biennia</u>	<u>Future Biennia</u>	8,176,347	
7,312,318			
NEW SECTION, Sec. 836. FOR THE COMMUNITY COLLEGE SYSTEM			
Construct main storage building—Clark (86-3-009)	Reappropriation	Appropriation	
	1,626		
St H Ed Constr Acct		<u>Total</u>	
<u>Prior Biennia</u>	<u>Future Biennia</u>	177,597	
175,971			
NEW SECTION, Sec. 837. FOR THE COMMUNITY COLLEGE SYSTEM			
Minor improvements (86-3-011)	Reappropriation	Appropriation	
	26,092		
St H Ed Constr Acct		<u>Total</u>	
<u>Prior Biennia</u>	<u>Future Biennia</u>	903,120	
877,028			
NEW SECTION, Sec. 838. FOR THE COMMUNITY COLLEGE SYSTEM			
Edison North renovation II: Seattle central (86-3-013)	Reappropriation	Appropriation	
	32,663		
St H Ed Constr Acct		<u>Total</u>	
St Bldg Constr Acct		1,753,859	
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>	
6,129,790		7,916,312	
NEW SECTION, Sec. 839. FOR THE COMMUNITY COLLEGE SYSTEM			
Construct core facility and instructional space: Whatcom (86-3-015)	Reappropriation	Appropriation	
	24,099		
St H Ed Constr Acct			

	<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
	1,195,868		1,219,967
	<u>NEW SECTION. Sec. 840. FOR THE COMMUNITY COLLEGE SYSTEM</u>		
	Replace relocatable buildings: Pierce (86-3-017)		
		Reappropriation	Appropriation
St H Ed Constr Acct		46,613	
	<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
	880,787		927,400
	<u>NEW SECTION. Sec. 841. FOR THE COMMUNITY COLLEGE SYSTEM</u>		
	Vocational science facility: Wenatchee (86-3-020)		
		Reappropriation	Appropriation
St H Ed Constr Acct		159,342	
	<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
	2,083,657		2,242,999
	<u>NEW SECTION. Sec. 842. FOR THE COMMUNITY COLLEGE SYSTEM</u>		
	Gaspard Extension Facility: Puyallup (86-3-021)		
		Reappropriation	Appropriation
St Bldg Constr Acct		5,263,973	
	<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
	315,176		5,579,149
	<u>NEW SECTION. Sec. 843. FOR THE COMMUNITY COLLEGE SYSTEM</u>		
	Tech building and related remodeling: Skagit Valley (86-3-022)		
		Reappropriation	Appropriation
St Bldg Constr Acct		54,999	
	<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
	3,545,001		3,600,000
	<u>NEW SECTION. Sec. 844. FOR THE COMMUNITY COLLEGE SYSTEM</u>		
	Heavy equipment building: Grays Harbor (86-3-023)		
		Reappropriation	Appropriation
St Bldg Constr Acct		32,851	
	<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
	745,149		778,000
	<u>NEW SECTION. Sec. 845. FOR THE COMMUNITY COLLEGE SYSTEM</u>		
	Learning Resource Center: South Puget Sound CC (86-3-025)		
		Reappropriation	Appropriation
St Bldg Constr Acct		2,278,211	
	<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
	4,955,789		7,234,000
	<u>NEW SECTION. Sec. 846. FOR THE COMMUNITY COLLEGE SYSTEM</u>		
	Heavy equipment building: South Seattle (86-3-026)		
		Reappropriation	Appropriation
St Bldg Constr Acct		594,006	
	<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
	4,018,994		4,613,000
	<u>NEW SECTION. Sec. 847. FOR THE COMMUNITY COLLEGE SYSTEM</u>		
	Preplanning for 1987-89 major projects (86-4-999)		
		Reappropriation	Appropriation
St H Ed Constr Acct		12,921	
	<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
	164,068		176,989
	<u>NEW SECTION. Sec. 848. FOR THE COMMUNITY COLLEGE SYSTEM</u>		
	Minor works (RM) (88-2-001)		
		Reappropriation	Appropriation
St Bldg Constr Acct		1,331,193	
	<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
	2,168,807		3,500,000
	<u>NEW SECTION. Sec. 849. FOR THE COMMUNITY COLLEGE SYSTEM</u>		
	Repairs—Exterior walls (88-3-003)		
		Reappropriation	Appropriation
St Bldg Constr Acct		1,273,171	
	<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
	2,990,829		4,264,000
	<u>NEW SECTION. Sec. 850. FOR THE COMMUNITY COLLEGE SYSTEM</u>		
	Repairs—Mechanical/HVAC (88-3-004)		
		Reappropriation	Appropriation
St Bldg Constr Acct		2,149,189	
	<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
	1,925,811		4,075,000

<u>NEW SECTION</u> , Sec. 851. FOR THE COMMUNITY COLLEGE SYSTEM		
Minor improvements (88-3-005)		
	Reappropriation	Appropriation
St Bldg Constr Acct	5,288,563	
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
8,475,437		13,764,000
<u>NEW SECTION</u> , Sec. 852. FOR THE COMMUNITY COLLEGE SYSTEM		
Repairs—Electrical (88-3-006)		
	Reappropriation	Appropriation
St Bldg Constr Acct	743,042	
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
648,958		1,392,000
<u>NEW SECTION</u> , Sec. 853. FOR THE COMMUNITY COLLEGE SYSTEM		
Repairs—Sites and interiors (88-3-007)		
	Reappropriation	Appropriation
St Bldg Constr Acct	402,427	
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
1,523,573		1,926,000
<u>NEW SECTION</u> , Sec. 854. FOR THE COMMUNITY COLLEGE SYSTEM		
Agricultural technology building (Walla Walla) (88-3-008)		
	Reappropriation	Appropriation
St Bldg Constr Acct	166,325	
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
50,478		3,162,803
<u>NEW SECTION</u> , Sec. 855. FOR THE COMMUNITY COLLEGE SYSTEM		
Vocational shop (Wenatchee Valley) (88-3-010)		
	Reappropriation	Appropriation
St Bldg Constr Acct	60,274	
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
21,726		962,000
<u>NEW SECTION</u> , Sec. 856. FOR THE COMMUNITY COLLEGE SYSTEM		
Computer facility (Edmonds) (88-3-011)		
	Reappropriation	Appropriation
St Bldg Constr Acct	123,480	
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
124,522		3,872,002
<u>NEW SECTION</u> , Sec. 857. FOR THE COMMUNITY COLLEGE SYSTEM		
Learning Resource Center (Clark) (88-3-012)		
	Reappropriation	Appropriation
St Bldg Constr Acct	113,758	
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
233,242		6,424,000
<u>NEW SECTION</u> , Sec. 858. FOR THE COMMUNITY COLLEGE SYSTEM		
Extension center (Yakima Valley) (88-3-013)		
	Reappropriation	Appropriation
St Bldg Constr Acct	62,699	
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
61,827		1,710,526
<u>NEW SECTION</u> , Sec. 859. FOR THE COMMUNITY COLLEGE SYSTEM		
Math/science building (Spokane Falls) (88-3-015)		
	Reappropriation	Appropriation
St Bldg Constr Acct	112,990	
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
203,648		5,826,638
<u>NEW SECTION</u> , Sec. 860. FOR THE COMMUNITY COLLEGE SYSTEM		
LRC (Spokane) (88-3-016)		
	Reappropriation	Appropriation
St Bldg Constr Acct	52,067	
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
287,506		5,609,573
<u>NEW SECTION</u> , Sec. 861. FOR THE COMMUNITY COLLEGE SYSTEM		
Construct Clarkston Extension Center: (Walla Walla) (88-3-017)		
	Reappropriation	Appropriation
St Bldg Constr Acct	83,172	
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
3,392,471		3,475,643
<u>NEW SECTION</u> , Sec. 862. FOR THE COMMUNITY COLLEGE SYSTEM		

Tacoma Computer Center: TCC (88-3-018)		Reappropriation	Appropriation
St Bldg Constr Acct		1,848,278	
<u>Prior Biennia</u>	<u>Future Biennia</u>		<u>Total</u>
709,722			2,558,000
<u>NEW SECTION. Sec. 863. FOR THE COMMUNITY COLLEGE SYSTEM</u>			
Preplanning for 1989-93 major projects (88-4-014)			
		Reappropriation	Appropriation
St Bldg Constr Acct		103,159	
<u>Prior Biennia</u>	<u>Future Biennia</u>		<u>Total</u>
393,841			497,000
<u>NEW SECTION. Sec. 864. FOR THE COMMUNITY COLLEGE SYSTEM</u>			
Whidbey LRC/instruc. (Skagit Valley) (88-5-020)			
		Reappropriation	Appropriation
St Bldg Constr Acct			108,000
<u>Prior Biennia</u>	<u>Future Biennia</u>		<u>Total</u>
37,000	1,927,000		2,072,000
<u>NEW SECTION. Sec. 865. FOR THE COMMUNITY COLLEGE SYSTEM</u>			
Science/fine arts/PE (South Puget Sound) (88-5-021)			
		Reappropriation	Appropriation
St Bldg Constr Acct			256,000
<u>Prior Biennia</u>	<u>Future Biennia</u>		<u>Total</u>
72,000	5,494,000		5,822,000
<u>NEW SECTION. Sec. 866. FOR THE COMMUNITY COLLEGE SYSTEM</u>			
Early childhood education (Shoreline) (88-5-022)			
		Reappropriation	Appropriation
St Bldg Constr Acct			78,000
<u>Prior Biennia</u>	<u>Future Biennia</u>		<u>Total</u>
41,000	1,258,000		1,377,000
<u>NEW SECTION. Sec. 867. FOR THE COMMUNITY COLLEGE SYSTEM</u>			
Library remodel (Columbia Basin) (88-5-023)			
		Reappropriation	Appropriation
St Bldg Constr Acct			113,000
<u>Prior Biennia</u>	<u>Future Biennia</u>		<u>Total</u>
48,000	1,893,000		2,054,000
<u>NEW SECTION. Sec. 868. FOR THE COMMUNITY COLLEGE SYSTEM</u>			
Vocational shops (Centralia) (88-5-024)			
		Reappropriation	Appropriation
St Bldg Constr Acct			95,000
<u>Prior Biennia</u>	<u>Future Biennia</u>		<u>Total</u>
43,000	2,089,000		2,227,000
<u>NEW SECTION. Sec. 869. FOR THE COMMUNITY COLLEGE SYSTEM</u>			
LRC addition/remodel (Tacoma) (88-5-025)			
		Reappropriation	Appropriation
St Bldg Constr Acct			90,000
<u>Prior Biennia</u>	<u>Future Biennia</u>		<u>Total</u>
34,000	1,720,000		1,844,000
<u>NEW SECTION. Sec. 870. FOR THE COMMUNITY COLLEGE SYSTEM</u>			
Vocational food addition (Lower Columbia) (88-5-026)			
		Reappropriation	Appropriation
St Bldg Constr Acct			140,000
<u>Prior Biennia</u>	<u>Future Biennia</u>		<u>Total</u>
42,000	2,934,000		3,116,000
<u>NEW SECTION. Sec. 871. FOR THE COMMUNITY COLLEGE SYSTEM</u>			
Business education building (Spokane) (88-5-027)			
		Reappropriation	Appropriation
St Bldg Constr Acct			245,000
<u>Prior Biennia</u>	<u>Future Biennia</u>		<u>Total</u>
76,000	6,398,000		6,719,000
<u>NEW SECTION. Sec. 872. FOR THE COMMUNITY COLLEGE SYSTEM</u>			
Student activity/PE (Seattle Central) (88-5-028)			
		Reappropriation	Appropriation
St Bldg Constr Acct			400,000
<u>Prior Biennia</u>	<u>Future Biennia</u>		<u>Total</u>
107,000			507,000
<u>NEW SECTION. Sec. 873. FOR THE COMMUNITY COLLEGE SYSTEM</u>			
WSU Education Center: Clark (89-5-019)			
		Reappropriation	Appropriation

St Bldg Constr Acct		1,759,438	
<u>Prior Biennia</u>		<u>Future Biennia</u>	<u>Total</u>
40,562			1,800,000
NEW SECTION, Sec. 874. FOR THE COMMUNITY COLLEGE SYSTEM			
Multipurpose Child Care Center: Everett (89-5-020)			
		Reappropriation	Appropriation
St Bldg Constr Acct		557,608	
<u>Prior Biennia</u>		<u>Future Biennia</u>	<u>Total</u>
42,392			600,000
NEW SECTION, Sec. 875. FOR THE COMMUNITY COLLEGE SYSTEM			
Fire/security repairs (7) (90-1-004)			
		Reappropriation	Appropriation
St Bldg Constr Acct			947,610
<u>Prior Biennia</u>		<u>Future Biennia</u>	<u>Total</u>
			947,610
NEW SECTION, Sec. 876. FOR THE COMMUNITY COLLEGE SYSTEM			
Asbestos repairs (4) (90-1-008)			
		Reappropriation	Appropriation
St Bldg Constr Acct			1,217,200
<u>Prior Biennia</u>		<u>Future Biennia</u>	<u>Total</u>
			1,217,200
NEW SECTION, Sec. 877. FOR THE COMMUNITY COLLEGE SYSTEM			
Roof/structural repairs (20) (90-2-002)			
		Reappropriation	Appropriation
St Bldg Constr Acct			3,658,000
<u>Prior Biennia</u>		<u>Future Biennia</u>	<u>Total</u>
			3,658,000
NEW SECTION, Sec. 878. FOR THE COMMUNITY COLLEGE SYSTEM			
HVAC/mechanical repairs (15) (90-2-003)			
		Reappropriation	Appropriation
St Bldg Constr Acct			2,972,830
<u>Prior Biennia</u>		<u>Future Biennia</u>	<u>Total</u>
			2,972,830
NEW SECTION, Sec. 879. FOR THE COMMUNITY COLLEGE SYSTEM			
Electrical repairs (4) (90-2-005)			
		Reappropriation	Appropriation
St Bldg Constr Acct			371,240
<u>Prior Biennia</u>		<u>Future Biennia</u>	<u>Total</u>
			371,240
NEW SECTION, Sec. 880. FOR THE COMMUNITY COLLEGE SYSTEM			
Small repairs and improvements (90-3-001)			
		Reappropriation	Appropriation
St Bldg Constr Acct			4,200,000
<u>Prior Biennia</u>		<u>Future Biennia</u>	<u>Total</u>
			4,200,000
NEW SECTION, Sec. 881. FOR THE COMMUNITY COLLEGE SYSTEM			
LARC (Centralia) (90-3-006)			
		Reappropriation	Appropriation
St Bldg Constr Acct		61,239	4,012,000
<u>Prior Biennia</u>		<u>Future Biennia</u>	<u>Total</u>
190,731			4,263,970
NEW SECTION, Sec. 882. FOR THE COMMUNITY COLLEGE SYSTEM			
Facility repairs (18) (90-3-007)			
The appropriation in this section is subject to the following conditions and limitations: The appropriation is provided solely for minor repairs, fixtures, and improvements to state buildings and facilities and shall not be used for computer equipment or for other expenses that normally would be funded from the state operating budget.			
		Reappropriation	Appropriation
St Bldg Constr Acct			3,848,180
<u>Prior Biennia</u>		<u>Future Biennia</u>	<u>Total</u>
			3,848,180
NEW SECTION, Sec. 883. FOR THE COMMUNITY COLLEGE SYSTEM			
Technology labs (Highline) (90-3-023)			
		Reappropriation	Appropriation
St Bldg Constr Acct		140,196	2,595,000
<u>Prior Biennia</u>		<u>Future Biennia</u>	<u>Total</u>
62,942			2,798,138
NEW SECTION, Sec. 884. FOR THE COMMUNITY COLLEGE SYSTEM			

Minor improvements (50) (90-5-009)

The appropriation in this section is subject to the following conditions and limitations: The appropriation is provided solely for minor repairs, fixtures, and improvements to state buildings and facilities and shall not be used for computer equipment, land acquisition, or for other expenses that normally would be funded from the state operating budget.

	Reappropriation	Appropriation 13,292,940
St Bldg Constr Acct		Total
<u>Prior Biennia</u>	<u>Future Biennia</u>	13,292,940

NEW SECTION, Sec. 885. FOR THE COMMUNITY COLLEGE SYSTEM
Technology center (Whatcom) (90-5-010)

	Reappropriation	Appropriation 63,000
St Bldg Constr Acct		Total
<u>Prior Biennia</u>	<u>Future Biennia</u>	248,000
		185,000

NEW SECTION, Sec. 886. FOR THE COMMUNITY COLLEGE SYSTEM
PE facility (North Seattle) (90-5-011)

	Reappropriation	Appropriation 45,000
St Bldg Constr Acct		Total
<u>Prior Biennia</u>	<u>Future Biennia</u>	210,000
		165,000

NEW SECTION, Sec. 887. FOR THE COMMUNITY COLLEGE SYSTEM
Applied arts building (Spokane Falls) (90-5-012)

	Reappropriation	Appropriation 68,000
St Bldg Constr Acct		Total
<u>Prior Biennia</u>	<u>Future Biennia</u>	258,000
		190,000

NEW SECTION, Sec. 888. FOR THE COMMUNITY COLLEGE SYSTEM
Industrial technology building (Spokane) (90-5-013)

	Reappropriation	Appropriation 64,000
St Bldg Constr Acct		Total
<u>Prior Biennia</u>	<u>Future Biennia</u>	268,000
		204,000

NEW SECTION, Sec. 889. FOR THE COMMUNITY COLLEGE SYSTEM
Vocational art facility (Shoreline) (90-5-014)

	Reappropriation	Appropriation 51,000
St Bldg Constr Acct		Total
<u>Prior Biennia</u>	<u>Future Biennia</u>	176,000
		125,000

NEW SECTION, Sec. 890. FOR THE COMMUNITY COLLEGE SYSTEM
Business education building (Clark) (90-5-015)

	Reappropriation	Appropriation 73,000
St Bldg Constr Acct		Total
<u>Prior Biennia</u>	<u>Future Biennia</u>	304,000
		231,000

NEW SECTION, Sec. 891. FOR THE COMMUNITY COLLEGE SYSTEM
Student center (South Seattle) (90-5-016)

	Reappropriation	Appropriation 59,000
St Bldg Constr Acct		Total
<u>Prior Biennia</u>	<u>Future Biennia</u>	244,000
		185,000

NEW SECTION, Sec. 892. FOR THE COMMUNITY COLLEGE SYSTEM
Library addition (Skagit Valley) (90-5-017)

	Reappropriation	Appropriation 44,000
St Bldg Constr Acct		Total
<u>Prior Biennia</u>	<u>Future Biennia</u>	1,923,000
		1,879,000

PART 9

MISCELLANEOUS

NEW SECTION, Sec. 901. FOR SPECIAL APPROPRIATION TO THE GOVERNOR
Puyallup tribal settlement (90-5-001)

The appropriation in this section is subject to the following conditions and limitations: No portion of this appropriation may be spent, released, transferred, or placed into escrow until all of the following have occurred:

(1) The United States Congress has passed (and the President of the United States has signed, if necessary) legislation providing approximately \$77,250,000 to the Puyallup Indian Tribe (the 'tribe') as described in the 'Agreement between the Puyallup Tribe of Indians, local

Governments in Pierce County, the State of Washington, the United States of America, and certain private property owners,' dated August 27, 1988 (the 'agreement').

(2) The local governments of Pierce county, the city of Tacoma, the city of Fife, the city of Puyallup, and the Port of Tacoma have among them agreed to pay approximately \$52,134,000 to the tribe according to the terms of the agreement.

(3) A lease has been executed between the Port of Tacoma and the Washington state military department under conditions as required by the United States Army Corps of Engineers for property suitable for a watercraft training facility for the military department's use.

(4) Either Engrossed Substitute House Bill No. 1165 or Substitute Senate Bill No. 5648 has been enacted into law without veto.

(5) The chief clerk of the house of representatives and the secretary of the senate have certified that the Port of Tacoma, in consultation with the Port of Seattle, has reported to the legislature on a plan to cooperate with other port districts and other governments in the state in maintaining and increasing the state's share of international trade.

St Bldg Constr Acct	Reappropriation		Appropriation
	<u>Prior Biennia</u>	<u>Future Biennia</u>	Total
			9,417,000
			9,417,000

NEW SECTION. Sec. 902. (1) The capitol campus design advisory committee is established as an advisory group to the capitol committee and the department of general administration to review plans, design, landscaping, and life-cycle costs of state capitol facilities and grounds and to make recommendations that will contribute to the attainment of appropriate and cost-effective architectural, aesthetic, and functional design and maintenance of capital facilities on campus and in neighboring communities.

(2) The advisory committee shall consist of the following persons who shall be appointed by and serve at the pleasure of the governor:

- (a) Two architects;
- (b) A landscape architect; and
- (c) An urban planner.

From among these members, the governor shall appoint the chair and vice-chair of the committee from among the members specified in this subsection. The department of general administration shall provide the staff and resources necessary for the operation of the committee. The committee shall meet at least quarterly or at the call of the chair.

(3) The advisory committee shall also include the secretary of state and two members of the house of representatives, one from each caucus, who shall be appointed by the speaker of the house of representatives, and two members of the senate, one from each caucus, who shall be appointed by the president of the senate.

(4) Members of the committee shall be reimbursed for travel expenses as provided in RCW 43.03.220 and 44.04.120.

NEW SECTION. Sec. 903. The following lease development projects are authorized for the period ending June 30, 1991:

- (1) State Board for Community Colleges:
 - (a) Improvements to existing leased facility at Bellevue Community College
 - (b) Daycare facility close to Clark Community College
 - (c) Educational training center at Green River Community College
 - (d) Education extension center at Peninsula Community College
 - (e) Small business building at Highline Community College
 - (f) Instructional Center at Highline Community College
 - (g) Daycare facility close to Green River Community College
 - (h) Parking space near Green River Community College
- (2) Department of General Administration: Central Stores warehouse
- (3) Department of Ecology: Agency headquarters building
- (4) Department of Social and Health Services: Office space at the state public health lab.

NEW SECTION. Sec. 904. FOR THE ARTS COMMISSION—ART WORK ALLOWANCE
POOLING

The appropriations in this act are subject to the following conditions and limitations: One-half of one percent of moneys appropriated in this act are provided solely for the purposes of RCW 28A.58.055, 28B.10.027, and 43.17.200.

NEW SECTION. Sec. 905. The amounts shown under the headings 'Prior Biennia,' 'Future Biennia,' and 'Total' in this act are for informational purposes only and do not constitute legislative approval of these amounts.

NEW SECTION. Sec. 906. 'Reappropriations' in this act are appropriations and, unless the context clearly provides otherwise, are subject to the relevant conditions and limitations applicable to appropriations. Reappropriations shall be limited to the unexpended balances remaining June 30, 1989, in the current appropriation for each project.

NEW SECTION. Sec. 907. To carry out the provisions of this act, the governor may assign responsibility for planning, engineering, construction, and other related activities to any appropriate agency.

NEW SECTION. Sec. 908. In order to provide for consistent and comparable asbestos survey data, and to ensure that the chain-of-evidence requirements for asbestos samples and survey data are met in regard to pending asbestos manufacturer litigation:

(1) No state agency shall expend new funds appropriated in the 1989-91 biennium for asbestos surveys prior to approval by the department of general administration of the agency's asbestos survey policies and procedures. At the completion of each survey, state agencies shall submit the findings to the department in a format to be determined by the department.

(2) The department of general administration shall distribute to all state agencies chain-of-evidence requirements, as developed by the department and the office of the attorney general. State agencies expending appropriated funds for asbestos survey and abatement projects shall make every effort to conform with chain-of-evidence requirements.

NEW SECTION. Sec. 909. (1) The office of financial management shall coordinate the efforts of the department of natural resources, the department of social and health services, and the department of general administration to inventory and record all lands and other capital assets acquired or dedicated for the care of blind or deaf or otherwise disabled youth, for juvenile offenders, and for persons who are mentally ill or developmentally disabled. The inventory shall be completed by December 15, 1989.

(2) The legislature intends to contract with an independent consultant to identify strategies for more aggressive management of these lands and facilities to maximize the funds acquired through the use of these lands.

(3) No land or other capital assets described in this section may be sold, given, traded, or encumbered by a new or renewed agreement for any period of time beyond June 30, 1991, unless such agreement is specifically authorized by the legislature.

NEW SECTION. Sec. 910. As part of the annual six-year update to the State Facilities and Capital Plan, agencies shall provide information on lease development and lease purchase projects to the office of financial management.

NEW SECTION. Sec. 911. If any federal moneys appropriated by this act for capital projects are not received by the state, the department or agency to which the moneys were appropriated may replace the federal moneys with any moneys available from private or local sources. No replacement may occur under this section without the prior approval of the director of financial management in consultation with the committees on ways and means of the senate and house of representatives.

NEW SECTION. Sec. 912. Any appropriation in this act that involves appropriated and non-appropriated funds shall comply with RCW 43.88.150. The office of financial management shall report to the legislature by January 1990 all instances where compliance with RCW 43.88.150 has delayed or precluded the completion of any capital project included in this act.

NEW SECTION. Sec. 913. Notwithstanding any other provisions of law, for the 1989-91 biennium, transfers of reimbursement by the state treasurer to the general fund from the community college capital projects account for debt service payments made under the provisions of Title 28B RCW shall occur only after such debt service payment has been made and only to the extent that funds are actually available in the account. Any unpaid reimbursements shall be a continuing obligation against the community college capital projects account until paid. The state board for community college education need not accumulate any specific balance in the community college capital projects account in anticipation of transfers to reimburse the general fund.

NEW SECTION. Sec. 914. State agencies, departments, and institutions moving into new or existing office space or other facilities shall, if practical and feasible, make use of the agencies' existing furnishings and equipment and shall minimize purchases of new furnishings and equipment.

NEW SECTION. Sec. 915. State agencies, departments, and institutions receiving appropriations under this act for unanticipated or emergency repairs shall submit to the fiscal committees of the legislature by January 2, 1990, a description of each expenditure made from the appropriation during the prior eighteen months.

NEW SECTION. Sec. 916. Any capital improvements or capital project involving construction or major expansion of a state office facility, including district headquarters, detachment offices, and off-campus faculty offices, shall be reviewed by the department of general administration for possible consolidation and compliance with state office standards prior to allotment of funds. The intent of the requirement imposed by this section is to eliminate duplication and reduce total office space requirements where feasible, while ensuring proper service to the public.

NEW SECTION. Sec. 917. The governor, through the director of financial management, may authorize a transfer of appropriation authority provided for a capital project which is in excess of the amount required for the completion of such project to another capital project for which the appropriation is insufficient. No such transfer shall be used to expand the capacity of any facility beyond that intended by the legislature in making the appropriation. Such transfers may be effected only between capital appropriations to a specific department, commission, agency, or institution of higher education and only between capital projects which are funded from the same fund or account.

For the purposes of this section, the governor may find that an amount is in excess of the amount required for the completion of a project only if (1) the project as defined in the notes to the budget document is substantially complete and there are funds remaining or (2) bids have been let on a project and it appears to a substantial certainty that the project as defined in the notes to the budget document can be completed within the biennium for less than the amount appropriated herein.

For the purposes of this section, the legislature intends that each project be defined as proposed to the legislature in the governor's budget document, unless it clearly appears from the legislative history that the legislature intended to define the scope of a project in a different way.

A report of any transfer effected under this section shall be filed with the legislative fiscal committees of the senate and house of representatives by the director of financial management within thirty days of the date the transfer is effected.

NEW SECTION, Sec. 918. (1) The legislature finds:

(a) Estimates of capital project costs are prepared in a manner to ensure sufficient funds are available for the completion of projects.

(b) Actual project costs are influenced by variations in cost factors, changing unit price levels, available inventories, inflation rates, gross construction volume at the time of project bid, and other factors that cannot be predicted at the time of estimating capital project costs.

(c) Due to funding limitations, necessary capital projects are deferred to ensuing biennia.

(d) The deferral of capital projects results in increased project costs due to the effects of inflation and increased deterioration of facilities.

(e) No statutory authority currently exists to allow project cost savings to be used to implement necessary capital projects that were deferred to ensuing biennia due to lack of funds.

(2) There is hereby authorized a capital projects cost control incentive program for the 1989-91 biennium.

(3) Appropriations not required by an agency to complete capital projects authorized in this act, may be expended to implement, in priority sequence, those capital projects of the agency listed in the Governor's Six-Year Capital and Facility Plan for the 1991-93 Biennium, as that list exists in the Governor's final 1990 update of the six-year plan. Expenditures under this section are subject to the following conditions:

(a) No expenditure may be made without the prior allotment approval of the office of financial management.

(b) The office of financial management shall notify the senate ways and means and the house capital facilities and financing committees prior to authorizing any project for implementation under this section.

(c) No project may be authorized under this section by the office of financial management unless sufficient funds are available to complete a project's design phase, construction phase, or both.

(d) Appropriations in this act for a capital project shall not be expended under this section unless:

(i) All contracts associated with the performance of the project have been completed and accepted by the state of Washington;

(ii) The statutory thirty-day lien period for each project has expired;

(iii) All claims of lien against project contracts have been satisfied;

(iv) There are no outstanding claims against the state of Washington by any contracted party to the project construction contract; and

(v) Any and all negotiated settlements or settlements arising from the findings of an arbitration board or court of jurisdiction have been satisfied.

NEW SECTION, Sec. 919. The department of information services will act as lead agency in coordinating video telecommunications services for state agencies. As lead agency, the department shall develop standards and common specifications for leased and purchased telecommunications equipment and assist state agencies in developing a video telecommunications expenditure plan. No agency may spend any portion of any appropriation in this act for new video telecommunication equipment, new video telecommunication transmission, or new video telecommunication programming, or for expanding current video telecommunication systems without first complying with chapter 43.105 RCW, including but not limited to RCW 43.105.041(2), and without first submitting a video telecommunications expenditure plan, in accordance with the policies of the department of information services, for review and assessment by the department of information services under RCW 43.105.052. Prior to any such expenditure by a public school, a video telecommunications expenditure plan shall be approved by the superintendent of public instruction. The office of the superintendent of public instruction shall submit the plans to the department of information services in a form prescribed by the department. The office of the superintendent of public instruction shall coordinate the use of video telecommunications in public schools by providing educational information to local school districts and shall assist local school districts and educational service districts in telecommunications planning and curriculum development. Prior to any such expenditure by a public institution of postsecondary education, a telecommunications expenditure plan shall

be approved by the higher education coordinating board. The higher education coordinating board shall coordinate the use of video telecommunications for instruction and instructional support in postsecondary education, including the review and approval of instructional telecommunications course offerings.

NEW SECTION, Sec. 920. To ensure that major construction projects are carried out in accordance with legislative and executive intent, capital projects for renovation or additional space contained in this act that exceed two million five hundred thousand dollars for which a program document is not completed prior to September 1, 1988, shall not expend funds for planning and construction until the office of financial management has reviewed the agency's programmatic document and approved continuation of the project. The program document shall include but not be limited to projected workload, site conditions, user requirements, current space available, and an overall budget and cost estimate breakdown.

NEW SECTION, Sec. 921. The appropriations contained in this act are maximum expenditure authorizations. Pursuant to RCW 43.88.037, moneys disbursed from the treasury on the basis of a formalized loan agreement with another governmental entity shall be treated as a loan and are to be recorded as loans receivable and not as expenditures for accounting purposes. To the extent that moneys are disbursed on a loan basis, the corresponding appropriation shall be reduced by the amount of loan moneys disbursed from the treasury during the 1989-91 biennium.

NEW SECTION, Sec. 922. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION, Sec. 923. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect immediately."

On page 1, line 1 of the title, after "capital budget;" strike the remainder of the title and insert "making appropriations and authorizing expenditures for capital improvements; authorizing certain projects; and declaring an emergency."

Signed by Senators Cantu, Vognild, Sellar; Representatives H. Sommers, Braddock, Prince.

MOTION

Mr. Ebersole moved that the House adopt the Report of the Conference Committee on Substitute Senate Bill No. 5521 and grant the committee the powers of Free Conference.

Mr. Ebersole spoke in favor of the motion, and it was carried.

REPORT OF CONFERENCE COMMITTEE

May 7, 1989

Mr. Speaker:

We of your Conference Committee to whom was referred ENGROSSED SUBSTITUTE SENATE BILL NO. 5352, making appropriations for the 1989-91 biennium, have had the same under consideration and we report that we are unable to agree, and we respectfully request the powers of Free Conference to amend the bill as follows:

Reject previous amendments, and

Adopt the following amendments:

Strike everything after the enacting clause and insert the following:

"NEW SECTION, Sec. 1. (1) A budget is hereby adopted and, subject to the provisions set forth in the following sections, the several amounts specified in the following sections, or so much thereof as shall be sufficient to accomplish the purposes designated, are hereby appropriated and authorized to be incurred for salaries, wages, and other expenses of the agencies and offices of the state and for other specified purposes for the fiscal biennium beginning July 1, 1989, and ending June 30, 1991, except as otherwise provided, out of the several funds of the state hereinafter named.

(2) Unless the context clearly requires otherwise, the definitions in this section apply throughout this act.

(a) 'Fiscal year 1990' or 'FY 1990' means the fiscal year ending June 30, 1990.

(b) 'Fiscal year 1991' or 'FY 1991' means the fiscal year ending June 30, 1991.

(c) 'FTE' means full time equivalent.

(d) 'Lapse' or 'revert' means the amount shall return to an unappropriated status.

(e) 'Provided solely' means the specified amount may be spent only for the specified purpose. Unless otherwise specifically authorized in this act, any portion of an amount provided solely for a specified purpose which is unnecessary to fulfill the specified purpose shall lapse.

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PART I

GENERAL GOVERNMENT

NEW SECTION. Sec. 101. FOR THE HOUSE OF REPRESENTATIVES

General Fund Appropriation \$ 49,300,000

The appropriation in this section is subject to the following conditions and limitations:

- (1) \$150,000 is provided solely to contract for an evaluation of Seattle public schools.
- (2) \$250,000 of the general fund appropriation is provided solely for acquisition and implementation of necessary redistricting data processing systems in conjunction with the senate and the secretary of state.
- (3) \$163,000 is provided solely for the fellows program of the Washington state institute for public policy.

NEW SECTION. Sec. 102. FOR THE SENATE

General Fund Appropriation \$ 36,751,000

The appropriation in this section is subject to the following conditions and limitations:

- (1) \$250,000 is provided solely for acquisition and implementation of necessary redistricting data processing systems in conjunction with the house of representatives and the secretary of state.
- (2) \$163,000 is provided solely for the fellows program of the Washington state institute for public policy.

NEW SECTION. Sec. 103. FOR THE LEGISLATIVE BUDGET COMMITTEE

General Fund Appropriation \$ 1,864,000

NEW SECTION. Sec. 104. FOR THE LEGISLATIVE EVALUATION AND ACCOUNTABILITY PROGRAM COMMITTEE

General Fund Appropriation \$ 2,712,000

NEW SECTION. Sec. 105. FOR THE OFFICE OF THE STATE ACTUARY

Department of Retirement Systems Expense Fund Appropriation \$ 1,098,000

The appropriation in this section is subject to the following conditions and limitations:

- (1) The office shall provide all necessary services for the department of retirement systems within the funds appropriated in this section.
- (2) \$100,000 is provided solely for implementation of the employee benefits communication project by the joint committee on pension policy.

NEW SECTION. Sec. 106. FOR THE JOINT LEGISLATIVE SYSTEMS COMMITTEE

General Fund Appropriation \$ 5,628,000

The appropriation in this section is subject to the following conditions and limitations: The appropriation shall be transferred to the legislative systems revolving fund.

NEW SECTION. Sec. 107. FOR THE STATUTE LAW COMMITTEE

General Fund Appropriation \$ 5,983,000

NEW SECTION. Sec. 108. FOR THE SUPREME COURT

General Fund Appropriation \$ 13,404,000

The appropriation in this section is subject to the following conditions and limitations:

\$5,013,000 is provided solely for the indigent appeals program.

NEW SECTION. Sec. 109. FOR THE LAW LIBRARY

General Fund Appropriation \$ 2,989,000

NEW SECTION. Sec. 110. FOR THE COURT OF APPEALS

General Fund Appropriation \$ 13,765,000

The appropriation in this section is subject to the following conditions and limitations:

\$354,000 is provided solely for an additional judgeship in division I of the court of appeals. If neither Senate Bill No. 5109 nor House Bill No. 1802 is enacted by June 30, 1989, this amount of the appropriation shall lapse.

NEW SECTION, Sec. 111. FOR THE COMMISSION ON JUDICIAL CONDUCT

General Fund Appropriation	\$	594,000
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NEW SECTION, Sec. 112. FOR THE ADMINISTRATOR FOR THE COURTS

General Fund Appropriation	\$	26,481,000
Public Safety and Education Account Appropriation	\$	22,850,000
Total Appropriation	\$	49,331,000

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

(1) Within the appropriations provided in this section, the administrator for the courts, in conjunction with the indigent defense task force, shall review the feasibility of implementing an indigent defense cost recovery program in order to recover state expenses for the indigent appeals program. The administrator for the courts also shall prepare recommendations regarding standards for indigency to be applied uniformly among courts throughout the state. Recommendations regarding a cost recovery program and indigency standards shall be submitted to the house of representatives appropriations and the senate ways and means committees by December 1, 1989.

(2) \$4,712,000 of the general fund appropriation is provided solely for the continuation of treatment-alternatives-to-street-crimes (TASC) programs in Pierce, Snohomish, Clark, King, Spokane, and Yakima counties. In administering TASC program contracts, the administrator for the courts shall monitor program expenditures, conduct program audits, and develop corrective action plans as necessary for contract compliance.

(3) \$15,555,000 of the general fund appropriation is provided solely for the superior court judges program.

(4) \$50,000 of the public safety and education account appropriation is provided solely for the continuation of the indigent defense task force as provided in Substitute Senate Bill No. 5960 (indigent defense services). If the bill is not enacted by June 30, 1989, the amount provided in this subsection shall lapse.

(5) \$200,000 of the public safety and education account appropriation is provided solely for implementing Substitute Senate Bill No. 5474 or Substitute House Bill No. 1119 (court interpreters). If neither bill is enacted by June 30, 1989, the amount provided in this subsection shall lapse.

(6) \$500,000 of the general fund appropriation is provided solely for a foster care review pilot project. In designing the project, the administrator for the courts shall: (a) Establish control groups, one with foster care review and one without, and (b) document the comparative impacts on court costs and foster care length-of-stay.

(7) \$5,758,000 of the public safety and education account appropriation is provided solely to implement the conversion of the district court information system (DISCIS) to a subsystem compatible with the other subsystems within the judicial information system. The amount provided in this subsection is intended to convert twenty-eight existing DISCIS sites and establish eight new sites. When providing equipment upgrades to an existing site, an equal amount of local matching funds shall be provided by the local jurisdiction. The administrator for the courts shall report to the legislature by January 15, 1990, on the reasonableness and feasibility of installing more DISCIS sites during the 1989-91 biennium.

(8) \$3,000,000 of the public safety and education account appropriation shall be held in reserve by the administrator for the courts until July 1, 1990.

(9) The administrator for the courts shall prepare a five-year plan for the judicial information system in conformance with the guidelines of the department of information services. The administrator for the courts shall submit the plan to the house of representatives committee on appropriations and the senate committee on ways and means by January 15, 1990. The five-year plan shall include but not be limited to the following items: Long range goals, objectives, and priorities; estimated equipment and software acquisition costs; an equipment acquisition schedule; estimated operating costs by fiscal year; a cost/benefit analysis of planned system modifications; an analysis of the revenue impact of implementing accounts receivable modules; current and projected debt service costs; descriptions of the services provided to each court jurisdiction; and a plan for requiring local matching funds.

NEW SECTION, Sec. 113. FOR THE OFFICE OF THE GOVERNOR

General Fund Appropriation—State	\$	11,894,000
General Fund Appropriation—Federal	\$	27,779,000
Total Appropriation	\$	39,673,000

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

(1) \$182,000 of the general fund—state appropriation is provided solely for mansion maintenance.

(2) \$421,000 of the general fund—state appropriation is provided solely for extradition expenses to carry out RCW 10.34.030, providing for the return of fugitives by the governor, including prior claims, and for extradition-related legal services as determined by the attorney general.

(3) \$225,000 of the general fund—state appropriation is provided solely for the administration and activities of a governor's commission on African-American affairs.

NEW SECTION, Sec. 114. FOR THE LIEUTENANT GOVERNOR

General Fund Appropriation	\$	492,000
<u>NEW SECTION, Sec. 115. FOR THE PUBLIC DISCLOSURE COMMISSION</u>		
General Fund Appropriation	\$	1,289,000
<u>NEW SECTION, Sec. 116. FOR THE SECRETARY OF STATE</u>		
General Fund Appropriation	\$	8,042,000
Archives and Records Management Account Appropriation	\$	2,571,000
Department of Personnel Service Fund Appropriation	\$	447,000
Total Appropriation	\$	11,060,000

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

(1) \$200,000 of the general fund appropriation is provided solely for acquisition and implementation of necessary redistricting data processing systems in conjunction with the house of representatives and the senate.

(2) \$1,074,000 of the general fund appropriation is provided solely to reimburse counties for the state's share of primary and general election costs and the costs of conducting mandatory recounts on state measures.

(3) \$2,542,000 of the general fund appropriation is provided solely for the verification of initiative and referendum petitions and the maintenance of related voter registration records, legal advertising of state measures, and the publication and distribution of the voters and candidates pamphlet.

(4) \$123,000 of the general fund appropriation is provided solely for expansion of the oral history program recently instituted by the archives and records management division.

NEW SECTION, Sec. 117. FOR THE GOVERNOR'S OFFICE OF INDIAN AFFAIRS

General Fund Appropriation	\$	290,000
<u>NEW SECTION, Sec. 118. FOR THE COMMISSION ON ASIAN-AMERICAN AFFAIRS</u>		
General Fund Appropriation	\$	312,000

NEW SECTION, Sec. 119. FOR THE STATE TREASURER

Motor Vehicle Fund Appropriation	\$	46,000
State Treasurer's Service Fund Appropriation	\$	9,082,000
Higher Education Construction Account Appropriation	\$	39,000
State Convention and Trade Center Account Appropriation	\$	76,000
State and Local Improvements Revolving Account—Waste Disposal Facilities Appropriation	\$	58,000
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State and Local Improvements Revolving Account—Waste Disposal Facilities, 1980 Appropriation	\$	200,000
State Higher Education Construction Account Appropriation	\$	25,000
State Building Construction Account Appropriation	\$	588,000
Higher Education Reimbursable Short-Term Bond Account Appropriation	\$	14,000
Outdoor Recreation Account Appropriation	\$	7,000
State and Local Improvements Revolving Account (Water Supply Facilities) Appropriation	\$	71,000
State and Local Improvements Revolving Account (Social and Health Services Facilities) Appropriation	\$	25,000
Economic Development Account Appropriation	\$	11,000
State Facilities Renewal Account Appropriation	\$	14,000
Puget Sound Capital Construction Account Appropriation	\$	35,000
Urban Arterial Trust Account Appropriation	\$	43,000
Total Appropriation	\$	10,344,000

The appropriations in this section, with the exception of the motor vehicle fund and state treasurer's service fund appropriations, are subject to the following conditions and limitations: The provisions of sections 807 and 808 of this act apply to the appropriations in this section.

NEW SECTION, Sec. 120. FOR THE STATE AUDITOR

General Fund Appropriation	\$	902,000
Motor Vehicle Fund Appropriation	\$	225,000
Municipal Revolving Fund Appropriation	\$	16,262,000
Auditing Services Revolving Fund Appropriation	\$	10,338,000
Total Appropriation	\$	27,727,000

NEW SECTION, Sec. 121. FOR THE CITIZENS' COMMISSION ON SALARIES FOR ELECTED

OFFICIALS

General Fund Appropriation	\$	76,000
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NEW SECTION, Sec. 122. FOR THE ATTORNEY GENERAL

General Fund Appropriation—State	\$	6,188,000
General Fund Appropriation—Federal	\$	1,664,000
Legal Services Revolving Fund Appropriation	\$	70,713,000
Motor Vehicle Fund Appropriation	\$	761,000
New Motor Vehicle Arbitration Account Appropriation	\$	1,716,000
Total Appropriation	\$	81,042,000

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

(1) \$761,000 of the motor vehicle fund appropriation is provided solely to pursue highway bid-rigging anti-trust litigation and shall be expended only after the office of financial management approves plans for any expenditures.

(2) No part of the appropriations provided in this section may be used to move any attorney co-located with an agency for which the attorney provides legal services away from the agency without prior approval of the agency and the office of financial management.

(3) \$181,000 of the general fund—state appropriation is provided solely for expanding the computerized homicide information and tracking system. The attorney general shall report to the legislature, no later than January 14, 1991, on the homicide information and tracking system, as well as on the feasibility of expanding the system to include the violent crimes of rape, robbery, and arson. The report shall include a local agency financial participation analysis, a systems analysis that includes use of the incident-based reporting system (IBR) of the Washington association of sheriffs and police chiefs and of the criminal information system of the Washington state patrol, and a full-cost purchase analysis. The attorney general shall coordinate the preparation of this report with the office of financial management, the Washington association of sheriffs and police chiefs, and the Washington state patrol.

NEW SECTION, Sec. 123. FOR THE OFFICE OF FINANCIAL MANAGEMENT

General Fund Appropriation	\$	22,519,000
Hospital Commission Account Appropriation	\$	844,000
Motor Vehicle Fund Appropriation	\$	101,000
Total Appropriation	\$	23,464,000

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

(1) The director of financial management, in consultation with the department of general administration, shall report to the house of representatives appropriations and senate ways and means committees by July 1, 1990, on the savings resulting from the implementation of the report of the motor pool review team of the governor's commission for efficiency and accountability in government. The report shall provide recommendations on how the identified savings should be programmed into state agency budgets. Periodically during the biennium, the director of financial management shall direct agencies affected by the implementation of the report to place appropriated moneys in reserve status to reflect the resulting savings. By June 30, 1991, at least \$3,200,000 from the general fund—state appropriation shall be placed in reserve status under this subsection.

(2) \$845,000 of the general fund appropriation and \$844,000 of the hospital commission account appropriation are provided solely for fiscal year 1991 and are subject to the following conditions:

(a) If, by June 30, 1989, Substitute Senate Bill No. 5385 (hospital data collection) is enacted and a department of health is created, the amounts provided in this subsection shall be transferred to the department of health solely for the purposes of Substitute Senate Bill No. 5385.

(b) If, by June 30, 1989, Substitute Senate Bill No. 5385 is not enacted and a department of health is created, the amounts provided in this subsection shall be transferred to the department of health solely for the purposes of data collection previously performed by the hospital commission.

(c) If, by June 30, 1989, Substitute Senate Bill No. 5385 is not enacted and a department of health is not created, the amounts provided in this subsection shall be retained by the office of financial management solely for the purposes of data collection previously performed by the hospital commission.

(3) In conjunction with the common school enrollment forecast, the office of financial management shall forecast the enrollment of the K-12 handicapped program.

(4) \$200,000 of the general fund appropriation is provided solely to examine the state's program for handicapped education in the common schools. The study shall be conducted by a committee including representatives of the office of financial management, appointed by the director, and representatives of the staffs of the appropriations committee of the house of representatives and the ways and means committee of the senate, appointed by the respective committee chairmen. The director of financial management may also appoint to the committee professionals in the field of handicapped assessments. The committee shall conduct research and make recommendations in the areas of forecasting methodology, enrollment growth, assessment practices, severity classifications, state funding methods, and the needs of unique populations. The committee may contract for professional assistance as necessary and shall submit its report to the ways and means committee and the appropriations committee by December 1, 1989.

(5) To the extent motor vehicle funds appropriated for the 1989-91 biennium are not sufficient to provide for funding of the master license center of the department of licensing, the office of financial management shall transfer the amounts associated with savings due to the operations of the master license center from agencies that benefit from the consolidation of licensing operations at the department of licensing.

(6) \$130,000 of the general fund—state appropriation is provided solely for an architectural or structural cost specialist for evaluation and technical analysis related to the capital budget.

(7) The office of financial management shall study the effect on county revenues resulting from the designation of timber for processing within the state as specified under section 2 of Substitute Senate Bill No. 5911. The study shall determine the magnitude of revenue changes and shall include recommendations on methods to determine whether county forest board revenues declined, the amount of any decline, and possible methods to compensate counties for any decrease in revenue. The office shall report its findings to the appropriate committees of the senate and house of representatives by December 1, 1990.

NEW SECTION, Sec. 124. FOR THE OFFICE OF ADMINISTRATIVE HEARINGS
 Administrative Hearings Revolving Fund Appropriation \$ 10,031,000

NEW SECTION, Sec. 125. FOR THE DEPARTMENT OF PERSONNEL
 Department of Personnel Service Fund Appropriation \$ 14,498,000

The appropriation in this section is subject to the following conditions and limitations:

(1) \$80,000 of this amount is provided solely for the establishment of the new leadership fellowship program with Hyogo prefecture in Japan.

(2) \$670,000 is provided solely for implementation of Engrossed House Bill No. 1360, House Bill No. 2236, or the career executive management program portion of Substitute Senate Bill No. 5140. If none of these bills is enacted by June 30, 1989, the amount provided in this subsection shall lapse.

(3) The department of personnel shall survey the compensation practices of comparable in-state and out-of-state law enforcement agencies. The survey shall consider the degree to which duties, skills, and working conditions are shared by classifications such as wildlife agents, fisheries agents, and members of the Washington state patrol, all of whom have full police powers. The department shall report on the survey findings to the legislature by January 1, 1990.

(4) The speaker of the house of representatives and the majority leader of the senate shall each designate a legislative staff person who shall consult with and make recommendations to the department of personnel on all matters relating to the conduct of the salary survey. Persons designated under this section shall have expertise on policy or budget matters relating to state employee salaries.

NEW SECTION, Sec. 126. FOR THE COMMITTEE FOR DEFERRED COMPENSATION
 General Fund Appropriation \$ 529,000

The appropriation in this section is subject to the following conditions and limitations: This appropriation is provided solely for the administration of a state employee salary reduction plan for dependent care assistance.

NEW SECTION, Sec. 127. FOR THE WASHINGTON STATE LOTTERY
 Lottery Administrative Account Appropriation \$ 17,108,000

NEW SECTION, Sec. 128. FOR THE COMMISSION ON HISPANIC AFFAIRS
 General Fund Appropriation \$ 343,000

NEW SECTION, Sec. 129. FOR THE PERSONNEL APPEALS BOARD
 Department of Personnel Service Fund Appropriation \$ 831,000

NEW SECTION, Sec. 130. FOR THE DEPARTMENT OF RETIREMENT SYSTEMS—OPERATIONS
 Department of Retirement Systems Expense Fund Appropriation \$ 22,381,000

The appropriation in this section is subject to the following conditions and limitations:

(1) \$908,000 is provided solely for information systems projects named in this section for which work will commence or continue in this biennium. Authority to expend these funds is conditioned upon compliance with section 802 of this act. For the purposes of this subsection, 'information systems projects' means the projects known by the following names or successor names: Transmittals, member account ledgers, account receivables, billing, and disbursements.

(2) \$871,000 is provided solely for reduction of the agency's backlogs.

(3) \$184,000 is provided solely for development of data security and program library management.

(4) \$50,000 is provided solely for the preparation of information on disability benefit for members of the retirement systems. In preparing this information, the department shall coordinate with the joint committee on pension policy regarding the committee's employee communications project.

(5) The department shall be divided into three program areas of administration, data processing, and retirement operations.

NEW SECTION, Sec. 131. FOR THE STATE INVESTMENT BOARD
 State Investment Board Expense Account Appropriation \$ 2,015,000

NEW SECTION, Sec. 132. FOR THE DEPARTMENT OF REVENUE
 General Fund Appropriation \$ 75,729,000

Timber Tax Distribution Account Appropriation \$ 3,382,000

State Toxics Control Account Appropriation \$ 100,000

Solid Waste Management Account Appropriation \$ 92,000

Pollution Liability Reinsurance Trust Account Appropriation	\$	286,000
Vehicle Tire Recycling Account Appropriation	\$	122,000
Total Appropriation	\$	79,711,000

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

(1) \$286,000 of the pollution liability reinsurance trust account appropriation is provided solely for implementation of Second Substitute House Bill No. 1180. If the bill is not enacted by June 30, 1989, the amount provided in this subsection shall lapse.

(2) \$122,000 of the vehicle tire recycling account appropriation is provided solely for implementation of Engrossed Substitute House Bill No. 1671. If the bill is not enacted by June 30, 1989, the amount provided in this subsection shall lapse.

(3) \$92,000 of the solid waste management account appropriation is provided solely for implementing the provisions of Engrossed Substitute House Bill No. 1671. If the bill is not enacted by June 30, 1989, the amount provided in this subsection shall lapse.

NEW SECTION, Sec. 133. FOR THE BOARD OF TAX APPEALS

General Fund Appropriation	\$	1,329,000
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NEW SECTION, Sec. 134. FOR THE MUNICIPAL RESEARCH COUNCIL

General Fund Appropriation	\$	2,212,000
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NEW SECTION, Sec. 135. FOR THE UNIFORM LEGISLATION COMMISSION

General Fund Appropriation	\$	37,000
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NEW SECTION, Sec. 136. FOR THE OFFICE OF MINORITY AND WOMEN'S BUSINESS

ENTERPRISES

General Fund Appropriation	\$	2,076,000
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NEW SECTION, Sec. 137. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION

General Fund Appropriation—State	\$	8,576,000
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General Fund Appropriation—Federal	\$	1,715,000
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General Fund Appropriation—Private/Local	\$	99,000
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Motor Vehicle Fund Appropriation	\$	330,000
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State Patrol Highway Account Appropriation	\$	228,000
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Motor Transport Account Appropriation	\$	10,712,000
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General Administration Facilities and Services Revolving Fund

Appropriation	\$	21,498,000
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Total Appropriation	\$	43,158,000
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The appropriations in this section are subject to the following conditions and limitations:

(1) The motor vehicle fund appropriation and state patrol highway account appropriation are provided solely for risk management activities related to the motor vehicle fund and the state patrol highway account.

(2) \$471,000 of the motor transport account appropriation is provided solely to establish the office of motor vehicle services as provided in chapter 57, Laws of 1989.

NEW SECTION, Sec. 138. FOR THE DEPARTMENT OF INFORMATION SERVICES

Data Processing Revolving Fund Appropriation	\$	2,392,000
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NEW SECTION, Sec. 139. FOR THE INSURANCE COMMISSIONER

Insurance Commissioner's Regulatory Account Appropriation	\$	12,126,000
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NEW SECTION, Sec. 140. FOR THE BOARD OF ACCOUNTANCY

General Fund Appropriation	\$	443,000
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Certified Public Accountant Examination Account Appropriation	\$	655,000
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Total Appropriation	\$	1,098,000
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NEW SECTION, Sec. 141. FOR THE DEATH INVESTIGATION COUNCIL

Death Investigations Account Appropriation	\$	11,000
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NEW SECTION, Sec. 142. FOR THE BOXING COMMISSION

General Fund Appropriation	\$	139,000
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NEW SECTION, Sec. 143. FOR THE HORSE RACING COMMISSION

Horse Racing Commission Fund Appropriation	\$	4,544,000
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The appropriation in this section is subject to the following conditions and limitations:

(1) If there are more than seven hundred thirty-two racing days during the fiscal biennium ending June 30, 1991, the governor is authorized to allocate such additional moneys from the horse racing commission fund as may be required.

(2) No horse racing commission funds may be used for the purpose of certifying Washington-bred horses under RCW 67.16.075.

NEW SECTION, Sec. 144. FOR THE LIQUOR CONTROL BOARD

Liquor Revolving Fund Appropriation	\$	95,098,000
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NEW SECTION, Sec. 145. FOR THE PHARMACY BOARD

General Fund Appropriation	\$	1,423,000
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NEW SECTION, Sec. 146. FOR THE UTILITIES AND TRANSPORTATION COMMISSION

Public Service Revolving Fund Appropriation	\$	26,245,000
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Grade Crossing Protective Fund Appropriation	\$	320,000
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Total Appropriation	\$	26,565,000
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The appropriations in this section are subject to the following conditions and limitations:

\$347,000 of the public service revolving fund appropriation is contingent on the enactment of

Engrossed Substitute House Bill No. 1671. If the bill is not enacted by June 30, 1989, the amount provided in this subsection shall lapse.

NEW SECTION. Sec. 147. FOR THE BOARD FOR VOLUNTEER FIREMEN

Volunteer Firefighter's Relief and Pension Administrative Fund Appropriation	\$	315,000
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NEW SECTION. Sec. 148. FOR THE MILITARY DEPARTMENT

General Fund Appropriation—State	\$	8,087,000
General Fund Appropriation—Federal	\$	6,425,000
Total Appropriation	\$	14,512,000

NEW SECTION. Sec. 149. FOR THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

General Fund Appropriation	\$	1,819,000
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PART II

HUMAN SERVICES

NEW SECTION. Sec. 201. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

(1) Appropriations made in this act to the department of social and health services shall initially be allotted as required by this act. Subsequent allotment modifications shall not include transfers of moneys between sections of this act except as expressly provided in this act, nor shall allotment modifications permit moneys that are provided solely for a specified purpose to be used for other than that purpose.

(2) The department of social and health services shall not initiate any services that will require expenditure of state general fund moneys unless expressly authorized in this act or other law, or unless the services were provided on March 1, 1989. The department may seek, receive, and spend, under RCW 43.79.260 through 43.79.282, federal moneys not anticipated in this act as long as the federal funding does not require expenditure of state moneys for the program in excess of amounts anticipated in this act. If the department receives unanticipated unrestricted federal moneys, except maternal and child health block grant moneys, those moneys shall be spent for services authorized in this act, and an equal amount of appropriated state general fund moneys shall lapse. As used in this subsection, 'unrestricted federal moneys' includes block grants and other funds that federal law does not require to be spent on explicitly defined projects or matched on a formula basis by state funds.

(3) The department of social and health services is authorized to expend federal funds made available by the federal immigration reform and control act, P.L. 99-603, for the purposes contained in that act.

NEW SECTION. Sec. 202. GENERAL VENDOR RATE INCREASES

In granting the vendor rate increases funded by appropriations in sections 201 through 219 of this act which reference this section, the department may vary percentage increases among vendor groups. In order to determine the percentage increases for each vendor group, the department may consider the gap between the vendor group's costs or market rates and department rates, and the extent to which a disproportionate share of the vendor group's revenue or activity is dependent on department clients. The department shall ensure that the overall average rate increase on January 1, 1990, does not exceed three percent and that the average overall increase on January 1, 1991, does not exceed two percent. The department may transfer funds among appropriations for the purposes of this section. In no case may transfers out of a section exceed the amounts appropriated for the purposes of this section. This section does not apply to rates for hospitals and nursing homes reimbursed under chapter 74.46 RCW.

NEW SECTION. Sec. 203. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—CHILDREN AND FAMILY SERVICES PROGRAM

General Fund Appropriation—State	\$	262,488,000
General Fund Appropriation—Federal	\$	161,172,000
Public Safety and Education Account Appropriation	\$	400,000
Total Appropriation	\$	424,060,000

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

(1) \$4,152,000 of the general fund—state appropriation and \$293,000 of the general fund—federal appropriation are provided solely for reduction of the average caseloads for child protective and child welfare casework staff to a standard of thirty-two cases per staff.

(2) \$5,812,000 of the general fund—state appropriation is provided solely to expand services to families to reduce the need for family or group foster care. Of the amount provided in this subsection, \$2,560,000 is provided solely for additional homemakers; \$982,000 is provided solely for family reconciliation services (level II); \$1,000,000 is provided solely for home-based services or treatment for families receiving child protective services; and \$1,270,000 is provided solely for increased child care services.

(3) \$400,000 of the public safety and education account appropriation is provided solely to continue training programs under chapter 70.125 RCW for medical personnel regarding victims of sexual abuse. Training provided under this subsection shall be designed to develop regional expertise on identification, verification, and retention of evidence in cases of child sexual abuse.

(4) \$5,090,000 of the general fund—state appropriation and \$591,000 of the general fund—federal appropriation are provided solely to increase rates and services as follows: \$3,210,000 of the general fund—state appropriation and \$591,000 of the general fund—federal appropriation are provided solely for increased treatment and rates for family foster care and child placement agencies; \$500,000 of the general fund—state appropriation is provided solely for increased grants to domestic violence shelter programs; \$200,000 of the general fund—state appropriation is provided solely for increased grants to victims of sexual assault programs; and \$1,180,000 of the general fund—state appropriation is provided solely for increased rates for therapeutic child care.

(5) \$3,926,000 of the general fund—state appropriation is provided solely to increase the number of children served in the employment child care subsidy program.

(6) \$694,000 of the general fund—state appropriation is provided solely for expansion of the homebuilders program in Thurston, King, Skagit, and Jefferson counties.

(7) \$300,000 of the general fund—state appropriation is provided solely for grants for the operation of community-based family support centers. Grants shall be administered and evaluated by the council for prevention of child abuse and neglect. Grantees shall be part of a community interagency team that provides support to families, which support may include, but is not limited to, parenting education and support groups, child development assessments, and information and referral services. As a condition of receiving a grant, grantees shall provide twenty-five percent of the funding for family support centers.

(8) Any federal funds not anticipated in this act received for the purpose of maternal and child health services may be spent to increase county health department services to families with young children, including home visits, preventive health care, nutrition, and other services.

(9) \$5,133,000 of the general fund—state appropriation and \$2,559,000 of the general fund—federal appropriation are provided solely for vendor rate increases for vendors providing services to the children and family services program, as specified in section 202 of this act.

(10) \$2,020,000 of the general fund—state appropriation is provided solely for foster care diversion projects established under section 203(15), chapter 289, Laws of 1988. The department shall continue or expand those projects showing positive outcomes in both benefits to families and cost neutrality. The department shall report to the appropriate committees of the legislature by January 8, 1990, on these projects. The reports shall include a description of each project, the cost of each project, and an assessment of its effectiveness.

(11) \$250,000 of the general fund—state appropriation is provided solely for employer-related child care activities, including outreach and technical assistance to employers, by the department of social and health services or community-based child care resource and referral agencies as outlined in Engrossed Substitute House Bill No. 1133 and Second Substitute Senate Bill No. 6051. No moneys provided in this subsection may be spent for grants or loans to employers.

(12) \$500,000 of the general fund—state appropriation is provided solely for continuation of the 'continuum of care' projects as provided for in section 203(15), chapter 289, Laws of 1988, through June 30, 1990.

NEW SECTION, Sec. 204. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES— JUVENILE REHABILITATION PROGRAM

(1) COMMUNITY SERVICES

General Fund Appropriation—State	\$	33,512,000
General Fund Appropriation—Federal	\$	134,000
Total Appropriation	\$	33,646,000

The appropriations in this subsection are subject to the following conditions and limitations:

(a) \$418,000 of the general fund—state appropriation is provided solely for vendor rate increases for vendors providing service to the juvenile rehabilitation program, as specified in section 202 of this act.

(b) \$554,000 of the general fund—state appropriation is provided solely to accommodate offender population increases resulting from the policies of the juvenile disposition standards board.

(2) INSTITUTIONAL SERVICES

General Fund Appropriation—State	\$	47,370,000
General Fund Appropriation—Federal	\$	871,000
Total Appropriation	\$	48,241,000

The appropriations in this section are subject to the following conditions and limitations: The department shall develop a long-range plan for the future status of institutional programs and facilities. The plan shall be presented to the appropriate policy and fiscal committees of the senate and house of representatives by January 8, 1990, and shall address in detail:

- (a) Offenders who can be diverted to community programs;
- (b) Community programs necessary to successfully divert offenders from state facilities;
- (c) Programs and facilities most appropriate for offenders requiring incarceration in state facilities;

(d) The costs to state and local organizations to accomplish the plan; and

(e) Policy changes necessary to accomplish the plan.

(3) PROGRAM SUPPORT

General Fund Appropriation	\$	2,905,000
NEW SECTION, Sec. 205. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—		
MENTAL HEALTH PROGRAM		

(1) COMMUNITY SERVICES

General Fund Appropriation—State	\$	168,222,000
General Fund Appropriation—Federal	\$	91,552,000
General Fund Appropriation—Local	\$	3,360,000
Total Appropriation	\$	263,134,000

The appropriations in this subsection are subject to the following conditions and limitations:

(a) A maximum of \$33,012,000 of the general fund—state appropriation and \$16,057,000 of the general fund—federal appropriation are provided for approved regional network plans through contracts negotiated with the secretary of social and health services.

(i) It is the intent of the legislature to implement mental health reform on a multi-year schedule. Dramatic escalation of costs for new programs would impair the state's ability to proceed with subsequent expansion. The contracts shall contain a fiscal plan that will ensure that the increased cost of maintaining fiscal year 1991 programs in fiscal year 1992 will not unduly exceed the rate of inflation. Of the amounts provided in this subsection, a maximum of \$500,000 from the general fund—state appropriation may be used for planning and technical assistance grants to counties or regions wishing to form networks. The amounts in this subsection include moneys needed to implement the federal omnibus budget and reconciliation act of 1987 ('OBRA'). First priority for necessary mental health services shall be given to individuals transferred from nursing homes because of OBRA. Such services shall be consistent with an individual's discharge plan and shall include residential services, if needed. Assumptions regarding the number of transfers from the nursing homes shall be incorporated into each contract and shall be consistent with the state-wide plan. The department shall coordinate OBRA transfers consistent with the provisions of each contract. The secretary shall negotiate contracts with networks from areas comprising no more than two-thirds of the state's population. Contracts shall be negotiated in at least two competitive rounds. The first round of contracts shall be effective no later than January 1, 1990. The last round of contracts shall be effective no later than March 1, 1990.

(ii) The department shall continue contracting directly for the Kitsap mental health services residential care alternative project until such time as Kitsap county becomes or joins a regional support network. The reimbursement rate per available bed-day shall not exceed \$206 in fiscal year 1990 and \$210 in fiscal year 1991. During the contract period, all eligible involuntary treatment referrals for Kitsap county residents shall be made to the project. No involuntary referrals shall be made to western state hospital unless the Kitsap residential treatment facility is filled to capacity and the mental health division and the Kitsap county mental health coordinator concur with the referral. Priority for referral to western state hospital shall be given to individuals under ninety-day or one hundred eighty-day commitments and individuals who have exhausted all community placement options.

(iii) The department may continue to contract directly with Chartley house until King county joins or becomes a regional support network.

(b) \$2,000,000 of the general fund—state appropriation is provided solely for a mental health housing reserve. The secretary of social and health services shall transfer funds from the reserve to the state hospitals in any quarter in which hospital census exceeds the December 1988 forecast adjusted to eliminate the bed contract assumption. Any amount remaining after March 1991 may be used for one-time grants. In making grants, the secretary shall give priority to proposals that facilitate network development, demonstrate integration with other mental health services, and are designed to reduce involuntary treatment.

(c) \$5,500,000 of the general fund—state appropriation is provided solely for increases for involuntary treatment act administration, including costs associated with involuntary medication hearings.

(d) \$2,200,000 of the general fund—state appropriation is provided solely for information system requirements associated with chapter 205, Laws of 1989.

(e) \$600,000 of the general fund—state appropriation and \$400,000 of the general fund—federal appropriation are provided solely for increasing local hospital outlier payments.

(f) \$1,400,000 of the general fund—state appropriation and \$500,000 of the general fund—federal appropriation are for community mental health services for children. Priority for the remaining moneys shall be given to maintaining Title XIX eligibility for children's outpatient services at risk of losing federal financial participation because of lack of state match.

(g) \$3,509,000 of the general fund—state appropriation and \$1,322,000 of the general fund—federal appropriation are for vendor rate increases for vendors providing services to the mental health program, as specified in section 202 of this act.

(2) INSTITUTIONAL SERVICES

General Fund Appropriation—State	\$	205,687,000
General Fund Appropriation—Federal	\$	10,809,000
Total Appropriation	\$	216,496,000

The appropriations in this subsection are subject to the following conditions and limitations: \$9,026,000 of the general fund—state appropriation and \$560,000 of the general fund—federal appropriation are provided for improvements at state mental hospitals. Of these amounts, it is intended that:

- (a) \$56,000 is for start-up of an employee day care facility to enhance staff recruitment and retention.
- (b) \$500,000 is for staff recruitment, retention, and development activities which includes but is not limited to continuing education, inservice training, and scholarships for staff training to become registered nurses.
- (c) \$2,920,000 is for improving housekeeping and maintenance.
- (d) \$2,750,000 is for improved staffing at the state hospitals.
- (e) \$2,550,000 is for research and teaching activities in cooperation with universities, colleges, community colleges, and vocational technical institutes. In developing these relationships, the secretary shall give highest priority to activities which improve staff recruitment, retention, and development and contribute to improving quality of care.

(f) \$100,000 is for the nurses conditional scholarship program established in chapter 242, Laws of 1988. The department shall transfer \$100,000 to the higher education coordinating board for the purposes of this section. The moneys transferred to the board shall be used only for nurses who agree to serve at the state hospitals or who agree to serve community mental health providers in underserved areas.

(3) PROGRAM SUPPORT

General Fund Appropriation—State	\$	3,347,000
General Fund Appropriation—Federal	\$	1,379,000
Total Appropriation	\$	4,726,000

(4) SPECIAL PROJECTS

General Fund Appropriation—State	\$	1,258,000
General Fund Appropriation—Federal	\$	2,966,000
Total Appropriation	\$	4,224,000

The appropriation in this subsection is subject to the following conditions and limitations: \$600,000 of the general fund—state appropriation is provided solely to expand the primary intervention program to ten additional school districts beginning in 1989-90.

NEW SECTION. Sec. 206. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—DEVELOPMENTAL DISABILITIES PROGRAM

(1) COMMUNITY SERVICES

General Fund Appropriation—State	\$	104,169,000
General Fund Appropriation—Federal	\$	85,326,000
Total Appropriation	\$	189,495,000

The appropriations in this subsection are subject to the following conditions and limitations:

- (a) \$992,000 of the general fund—state appropriation and \$669,000 of the general fund—federal appropriation are provided solely to provide additional funding for the Sunrise group homes congregate care facilities and the St. Margaret's Hall congregate care facility, and to establish a pilot group home project for the Special Homes organization. The department may transfer up to \$238,000 of the general fund—state appropriation provided in the long-term care services program to this subsection to provide additional funding for Sunrise group homes.
- (b) \$417,000 of the general fund—state appropriation and \$477,000 of the general fund—federal appropriation are provided solely to transfer twenty-eight residents of the united cerebral palsy program to community-based residential programs.
- (c) \$2,785,000 of the general fund—state appropriation and \$1,413,000 of the general fund—federal appropriation are provided solely for vendor rate increases for vendors providing services to the developmental disabilities program, as specified in section 202 of this act.
- (d) To the extent feasible, the department shall enable at least twenty-two developmentally disabled persons, initially from Clark county, who have been transferred from residential habilitation centers due to downsizing to receive residential and day programming services in Clark county.

(2) INSTITUTIONAL SERVICES

General Fund Appropriation—State	\$	104,849,000
General Fund Appropriation—Federal	\$	117,487,000
Total Appropriation	\$	222,336,000

The appropriations in this subsection are subject to the following conditions and limitations:

- (a) \$1,000,000 of the general fund—state appropriation and \$675,000 of the general fund—federal appropriation are provided solely to fund the provisions of Engrossed Substitute House Bill No. 1051. If Engrossed Substitute House Bill No. 1051 is not enacted by June 30, 1989, the amounts provided in this subsection shall lapse.

(b) \$150,000 of the general fund—state appropriation may be used to provide day programming services to residents of the Frances Haddon Morgan Center.

(3) PROGRAM SUPPORT

General Fund Appropriation—State	\$	3,879,000
General Fund Appropriation—Federal	\$	626,000
Total Appropriation	\$	4,505,000

NEW SECTION, Sec. 207. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—

LONG-TERM CARE SERVICES

General Fund Appropriation—State	\$	445,753,000
General Fund Appropriation—Federal	\$	499,185,000
General Fund Appropriation—Local	\$	296,000
Total Appropriation	\$	945,234,000

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

(1) Nursing home rates shall be adjusted for inflation under RCW 74.46.495 by 4.7 percent on July 1, 1989, and 4.7 percent on July 1, 1990.

(2) \$3,200,000 of the general fund—state appropriation is provided solely to enhance respite care services.

(3) The department shall provide personal care services for Title XIX categorically eligible persons, effective July 1, 1989. Personal care services shall be provided to eligible persons with one or more personal care needs who meet program eligibility standards established by rule pursuant to chapter 34.05 RCW.

(4) \$2,100,000 of the general fund—state appropriation and \$700,000 of the general fund—federal appropriation are provided solely to increase medical benefits for contracted chore service workers, contracted personal care workers, and contracted COPES workers.

(5) The department shall request an amendment to its community options program entry system waiver under section 1905(c) of the federal social security act to include respite services as a service available under the waiver.

(6) At least \$16,050,420 of the general fund—state appropriation shall initially be allotted for implementation of the senior citizens services act. However, at least \$1,265,000 of this amount shall be used solely for programs that use volunteer workers for the provision of chore services to persons whose need for chore services is not being met by the chore services program.

(7) \$2,179,000 of the general fund—state appropriation and \$2,464,000 of the general fund—federal appropriation are provided solely for expansion of the community options entry program.

(8) \$700,000 of the general fund—state appropriation is provided for new and expanded volunteer chore services.

(9) \$4,270,000 of the general fund—state appropriation and \$813,000 of the general fund—federal appropriation are provided solely for vendor rate increases for vendors providing services to long-term care services, as specified in section 202 of this act.

(10) \$500,000 of the general fund—state appropriation is provided solely to enhance quality assurance for adult family homes through enhanced survey, licensing, and contracted consultation activities. If House Bill No. 1968 is not enacted by June 30, 1989, the amount provided in this subsection shall lapse.

(11) In addition to the adjustments for inflation set forth in subsection (1) of this section, \$1,410,000 of the general fund—state appropriation and \$1,590,000 of the general fund—federal appropriation are provided solely for a special prospective inflation adjustment for the nursing services cost center. The special adjustment shall go into effect July 1, 1989, and shall be set at a level to ensure that the amount provided in this subsection is sufficient to fund the special adjustment through June 30, 1991. The special adjustment shall be used only to fund wages and benefits and shall not be used to fund nursing pool expenses. The legislature finds that medicaid reimbursement rates, in every cost center and rate period, are and have been adequate, without enhancements, to meet costs that must be incurred by economically operated nursing care in compliance with all state or federal health and safety standards.

(12) \$3,686,000, of which \$1,596,000 is from the general fund—state appropriation, is provided solely for the maximum needs allowance for at-home spouses of nursing home residents as provided in chapter 87, Laws of 1989. The maximum needs allowance is set at \$1,000 per month per at-home spouse.

NEW SECTION, Sec. 208. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—
INCOME ASSISTANCE PROGRAM

General Fund Appropriation—State	\$	374,337,000
General Fund Appropriation—Federal	\$	406,084,000
Total Appropriation	\$	780,421,000

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

(1) \$8,661,000 of the general fund—state appropriation and \$10,026,000 of the general fund—federal appropriation are provided solely for a two percent standard increase beginning January 1, 1990, for the aid to families with dependent children, noncontinuing general assistance, and refugee assistance programs.

(2) Payment levels in the programs for aid to families with dependent children, general assistance, and refugee assistance shall contain an energy allowance to offset the costs of energy. The allowance shall be excluded from consideration as income for the purpose of determining eligibility and benefit levels of the food stamp program to the maximum extent such exclusion is authorized under federal law and RCW 74.08.046. To this end, up to \$200,000,000 of the income assistance payments is so designated for exemptions of the following amounts:

Family size:	1	2	3	4	5	6	7	8 or more
Exemption:	\$36	47	56	67	77	87	101	111

(3) No funds are provided under this section for the consolidated emergency assistance program. The department of social and health services shall eliminate the program as of July 1, 1989.

(4) \$250,000 of the general fund—state appropriation and \$117,000 of the general fund—federal appropriation are provided solely for vendor rate increases for vendors providing services for the income assistance program, as specified in section 202 of this act.

(5) The department shall expand the family independence program by four sites to a total of fifteen sites.

(6) Moneys from these appropriations may be spent for general assistance programs not included in section 209 of this act.

NEW SECTION. Sec. 209. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—GENERAL ASSISTANCE—UNEMPLOYABLE PROGRAM

General Fund Appropriation—State	\$	69,550,000
General Fund Appropriation—Federal	\$	418,000
Total Appropriation	\$	69,968,000

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

(1) The department shall conserve the moneys from this appropriation so that assistance is available throughout the 1989-91 biennium.

(2) \$1,379,000 of the general fund—state appropriation is provided solely for a two percent standard increase beginning January 1, 1990, for the general assistance—unemployable program.

NEW SECTION. Sec. 210. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—COMMUNITY SOCIAL SERVICES PROGRAM

General Fund Appropriation—State	\$	28,872,000
General Fund Appropriation—Federal	\$	17,651,000
Total Appropriation	\$	46,523,000

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

(1) \$1,204,000 of the general fund—state appropriation and \$32,000 of the general fund—federal appropriation are provided solely for vendor rate increases for vendors providing services for the community social service program, as specified in section 202 of this act.

(2) \$700,000 of the general fund—state appropriation is provided solely to expand refugee assistance services.

(3) In order to achieve a more equitable rate structure, the department, in consultation with affected parties, shall revise its rates for vendors providing services for the alcohol and drug addiction treatment and support program by reducing outpatient treatment rates and increasing inpatient treatment rates.

NEW SECTION. Sec. 211. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—ALCOHOL AND DRUG TREATMENT AND SUPPORT PROGRAM—ASSESSMENT AND TREATMENT

General Fund Appropriation—State	\$	17,116,000
General Fund Appropriation—Federal	\$	9,948,000
Total Appropriation	\$	27,064,000

The appropriation in this section is subject to the following conditions and limitations: This appropriation is provided solely for assessment and treatment services under the alcohol and drug addiction treatment and support act and is the maximum amount that may be spent for those services. First priority for receipt of inpatient and outpatient treatment services shall be given to pregnant women and parents of young children. The department shall conserve the moneys from this appropriation so that services are available throughout the 1989-91 biennium.

NEW SECTION. Sec. 212. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—ALCOHOL AND DRUG TREATMENT AND SUPPORT PROGRAM—SHELTER

General Fund Appropriation	\$	10,639,000
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The appropriation in this section is subject to the following conditions and limitations:

(1) This appropriation is provided solely for shelter services under the alcohol and drug addiction treatment and support act and is the maximum amount that may be spent for those services. The department shall conserve the moneys from this appropriation so that services are available throughout the 1989-91 biennium.

(2) A person is eligible for shelter services provided by this appropriation only if he or she:

(a) Meets the financial eligibility requirements contained in RCW 74.04.005;

(b) Is incapacitated from gainful employment due to a condition contained in (c) of this subsection, which incapacity will likely continue for a minimum of sixty days; and

(c) (i) Suffers from active addiction to alcohol or drugs manifested by physiological or organic damage resulting in functional limitation, based on documented evidence from a physician, psychologist, or alcohol or drug treatment professional who is determined by the department to be qualified to make this finding; or

(ii) Suffers from active addiction to alcohol or drugs to the extent that impairment of the applicant's cognitive ability will not dissipate with sobriety or detoxification, based on documented evidence from a physician, psychologist, or alcohol or drug treatment professional who is determined by the department to be qualified to make this finding.

(3) Any rule by the department pursuant to section 2, chapter 3, Laws of 1989, as amended, shall be consistent with these conditions and limitations.

(4) Consistent with RCW 74.50.010(7), the department shall aggressively develop and contract for shelter services, including dormitory-style shelters.

**NEW SECTION. Sec. 213. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—
MEDICAL ASSISTANCE PROGRAM**

General Fund Appropriation—State	\$	688,479,000
General Fund Appropriation—Federal	\$	666,599,000
Total Appropriation	\$	1,355,078,000

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

(1) The department is authorized under 42 U.S.C. Sec. 1396b(a)(1) to pay third-party health insurance premiums for categorically needy medical assistance recipients upon a determination that payment of the health insurance premium is cost effective. In determining cost effectiveness, the department shall compare the amount, duration, and scope of coverage offered under the medical assistance program.

(2) The senate committee on ways and means and the house of representatives committee on appropriations shall jointly contract for a management and financial study of Harborview medical center, for the purpose of determining whether the cause of the actual and projected operating losses experienced by Harborview medical center are attributable to management practices within the hospital itself, or whether they are fundamentally attributable to the context in which the hospital operates.

(3) The department shall continue variable ratable reductions for the medically indigent and general assistance—unemployable programs in effect November 1, 1988.

(4) \$7,014,000 of the general fund—state appropriation and \$6,928,000 of the general fund—federal appropriation are provided solely for vendor rate increases for vendors providing services to the medical assistance program, as specified in section 202 of this act.

(5) In order to increase coordination and visibility of the state's overall mental health effort, a maximum of \$37,158,000 of the general fund—state appropriation, and a maximum of \$39,921,000 of the general fund—federal appropriation may be transferred to the mental health program. The department shall report to the house of representatives committee on appropriations and senate ways and means committee on any adjustments needed to this act to implement this subsection. It is the intent of the legislature that providers providing services funded by the amounts provided in this subsection shall receive the vendor increases provided in this section.

(6) \$14,473,000 of the general fund—state appropriation and \$17,566,000 of the general fund—federal appropriation are provided solely for the adult dental program for Title XIX categorically eligible and medically needy persons.

(7) The department of social and health services shall not provide payment for chiropractic services under chapter 74.09 RCW.

(8) \$12,200,000 of the general fund—state appropriation and \$14,254,000 of the general fund—federal appropriation are provided solely to increase medicaid disproportionate share payments to eligible hospitals. The department shall expend fifty-seven percent of the combined appropriations in fiscal year 1990. The remainder shall be for payments during fiscal year 1991. The department may use a hospital's low-income utilization rate, as defined in 42 U.S.C.A. § 1396a (a)(13)(A) sec. 4112 (b)(c), as the variable for determining disproportionate share payments. The department shall continue to provide vendor payment advances to Harborview medical center. A total of at least \$28,162,000 in disproportionate share payments shall be provided to Harborview medical center.

**NEW SECTION. Sec. 214. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—
PUBLIC HEALTH PROGRAM**

General Fund Appropriation—State	\$	60,308,000
General Fund Appropriation—Federal	\$	14,468,000
General Fund Appropriation—Local	\$	10,951,000
Public Safety and Education Account Appropriation	\$	200,000
State Toxics Control Account Appropriation	\$	828,000
Total Appropriation	\$	86,755,000

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

(1) \$1,600,000 of the general fund—state appropriation is provided solely for continuation of the state drinking water program.

(2) \$4,000,000 of the general fund—state appropriation is provided solely to enhance funding for AIDS education, high-risk intervention, counseling and testing, case management, continuum of care, and coordination and planning activities through the regional AIDSNET program established by chapter 70.24 RCW. State moneys provided for AIDSNET activities may not be used to supplant other funds. The office on AIDS, established by RCW 70.24.250, shall require AIDSNET lead counties to develop regional service plans which meet state standards for uniformity and consistency. The state standards shall ensure that all the provisions of RCW 70.24.400(3) are implemented uniformly throughout the state.

(3) \$1,000,000 of the general fund—state appropriation is provided solely to increase in equal percentages medical and dental services provided through community health clinics. A maximum of \$100,000 of the amount provided in this subsection may be used to contract with new providers. \$900,000 of this amount shall be allocated to contractors who were contractors in fiscal year 1989, prorated according to the percentage of total fiscal year 1989 contract funds received by each contractor.

(4) In allocating money to community health clinics, the department shall ensure that each clinic receives at least ninety-five percent of the amount received in the prior fiscal year. The department shall promulgate rules under chapter 34.05 RCW to develop an allocation formula for distributing money to community health clinics, and to develop eligibility criteria for receipt of program moneys.

(5) \$150,000 of the state toxics control account appropriation is provided solely to contract with the University of Washington for toxicology research, evaluation, and technical assistance regarding health risks of toxic substances.

(6) \$200,000 of the public safety and education account is provided solely for a study of the trauma care system.

**NEW SECTION, Sec. 215. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—
VOCATIONAL REHABILITATION PROGRAM**

General Fund Appropriation—State	\$	13,114,000
General Fund Appropriation—Federal	\$	51,032,000
Total Appropriation	\$	64,146,000

The appropriations in this section are subject to the following conditions and limitations: \$75,000 of the general fund—state appropriation is provided solely for vendor rate increases for vendors providing services to the vocational rehabilitation program, as specified in section 202 of this act.

**NEW SECTION, Sec. 216. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—
ADMINISTRATION AND SUPPORTING SERVICES PROGRAM**

General Fund Appropriation—State	\$	55,295,000
General Fund Appropriation—Federal	\$	36,264,000
Institutional Impact Account Appropriation	\$	80,000
Total Appropriation	\$	91,639,000

The appropriations in this section are subject to the following conditions and limitations: \$666,000 of the general fund—state appropriation is provided solely to enhance the department's accounting system.

**NEW SECTION, Sec. 217. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—
COMMUNITY SERVICES ADMINISTRATION PROGRAM**

General Fund Appropriation—State	\$	165,471,000
General Fund Appropriation—Federal	\$	188,304,000
Total Appropriation	\$	353,775,000

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

(1) \$3,178,000 of the general fund—state appropriation is provided solely to expand the supplemental security income pilot project state-wide.

(2) \$454,000 of the general fund—state appropriation and \$840,000 of the general fund—federal appropriation are provided solely to expand the patient-requiring-regulation program and provider review program of the division of medical assistance.

(3) \$1,000,000 of the general fund—state appropriation and \$1,000,000 of the general fund—federal appropriation are provided solely for transfer by interagency agreement to the Washington state institute for public policy to continue to conduct a longitudinal study of public assistance recipients, pursuant to section 14, chapter 434, Laws of 1987.

(4) \$600,000 of the general fund—state appropriation and \$1,149,000 of the general fund—federal appropriation are provided solely for transfer by July 1, 1989, by interagency agreement to the legislative budget committee for the purpose of an independent evaluation of the family independence program as required by section 14, chapter 434, Laws of 1987.

(5) \$102,000 of the general fund—state appropriation and \$306,000 of the general fund—federal appropriation are provided solely for the department of social and health services and the employment security department for costs associated with the evaluation of the family independence program.

(6) \$137,000 of the general fund—state appropriation is provided solely for vendor rate increases for vendors providing services to the community services program, as specified in section 202 of this act.

(7)(a) \$668,000 of the general fund—state appropriation and \$518,000 of the general fund—federal appropriation are provided solely to continue the complaint backlog project to investigate and process backlogged public assistance and food stamp fraud complaints. The department shall assign additional staff under this subsection with the goals of (i) eliminating the complaint backlog existing as of June 30, 1989, by March 1990, and (ii) maximizing over-payment recoveries during the biennium ending June 30, 1991.

(b) Expenditures for the purposes of this subsection shall be charged to a unique identifier in the department's accounting system. The department shall collect necessary data on the backlogged complaints and report to the legislative budget committee on December 1, 1989, and December 1, 1990, regarding the utilization, performance, and cost-effectiveness of the additional funding provided for complaint backlog work by this section.

NEW SECTION. Sec. 218. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—REVENUE COLLECTIONS PROGRAM

General Fund Appropriation—State	\$	39,600,000
General Fund Appropriation—Federal	\$	70,728,000
General Fund Appropriation—Local	\$	949,000
Total Appropriation	\$	111,277,000

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

(1) \$2,391,000 of the general fund—state appropriation and \$4,696,000 of the general fund—federal appropriation are provided solely for the enforcement of health insurance provisions of child support orders pursuant to Substitute House Bill No. 1547 (medical support enforcement). If the bill is not enacted by June 30, 1989, the amounts provided in this subsection shall lapse.

(2) \$3,419,000 of the general fund—state appropriation and \$6,786,000 of the general fund—federal appropriation are provided solely to implement the requirements of the family support act.

(3) \$1,800,000 of the general fund—state appropriation, \$4,940,000 of the general fund—federal appropriation, and \$706,000 of the general fund—local appropriation are provided solely to implement recommendations made to the office of support enforcement by the efficiency commission. Authority to expend \$1,115,000 of the general fund—state appropriation, \$3,059,000 of the general fund—federal appropriation, and \$438,000 of the general fund—local appropriation for information projects named in this subsection is conditioned on compliance with section 802 of this act. For the purposes of this subsection, 'information systems projects' means the projects known by the following name or successor names: Office of support enforcement case tracking and collection.

(4) \$1,429,000 of the general fund—state appropriation, \$828,000 of the general fund—federal appropriation, and \$43,000 of the general fund—local appropriation are provided solely for information systems projects named in this subsection for which work will commence or continue in this biennium. Authority to expend these funds is conditioned upon compliance with section 802 of this act. For the purposes of this subsection, 'information systems projects' means the projects known by the following names or successor names: Office of financial recovery accounts receivable management system.

(5) \$207,000 of the general fund—state appropriation and \$403,000 of the general fund—federal appropriation are provided solely for the implementation of the employer reporting amendments to RCW 26.23.040 contained in House Bill No. 1635 (support enforcement). If these amendments are not enacted by June 30, 1989, the amounts provided in this subsection shall lapse.

(6) \$273,000 of the general fund—state appropriation is provided solely for increased foster care support collections. In an effort to provide assistance, protection, and temporary care for children who require out-of-home placement, and to recognize the responsibility and ability of some parents to participate financially in such care, the department shall establish a financial participation plan including at least the following components:

(a) A financial participation schedule for use in assessing natural or adoptive parents of minor children receiving out-of-home residential care that is provided or funded by the department, as follows: The maximum amount of annual financial participation by parent(s) for services received shall be determined by subtracting one-half of the state median income adjusted for family size from annual gross income for the previous calendar year, and multiplying the result by a percentage based on the following sliding scale:

ANNUAL GROSS INCOME	PERCENT
Less than \$16,000	10
\$16,000 to \$21,000	12
\$21,000 to \$26,000	14
\$26,000 to \$31,000	16
\$31,000 to \$36,000	18
\$36,000 or more	20

(b) Family size for the purpose of this section is that number of exemptions for the minor's family allowed by federal income tax regulations.

(c) Persons assessed under this section may include parents, adoptive parents, or other responsible parties. A representative payee, fiduciary, or legal guardian of the recipient minor is a responsible party only to the extent of the benefits received, assets of the estate, or both.

(d) No services to minor children shall be denied due to the inability or refusal of a responsible party to pay for services previously provided.

**NEW SECTION, Sec. 219. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—
PAYMENTS TO OTHER AGENCIES PROGRAM**

General Fund Appropriation—State	\$	38,187,000
General Fund Appropriation—Federal	\$	17,041,000
Total Appropriation	\$	55,228,000

**NEW SECTION, Sec. 220. FOR THE WASHINGTON STATE HEALTH CARE AUTHORITY
State Employees Insurance Administrative Account Appropriation**

State Employees Insurance Administrative Account Appropriation	\$	6,203,000
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NEW SECTION, Sec. 221. FOR THE DEPARTMENT OF COMMUNITY DEVELOPMENT

General Fund Appropriation—State	\$	58,487,000
General Fund Appropriation—Federal	\$	124,725,000
General Fund Appropriation—Private/Local	\$	269,000
Building Code Council Account Appropriation	\$	809,000
Public Works Assistance Account Appropriation	\$	933,000
Fire Service Training Account Appropriation	\$	750,000
State Toxics Control Account Appropriation	\$	519,000
Low Income Weatherization Account Appropriation	\$	8,007,000
Washington Housing Trust Fund Appropriation	\$	3,500,000
Total Appropriation	\$	197,999,000

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

(1) \$400,000 of the general fund—state appropriation is provided solely for a state-wide stabilization program for arts organizations that have annual budgets exceeding \$200,000. No portion of this amount may be expended for a grant without a match of an equal portion from nonstate sources. No organization shall be eligible for such a grant unless it has operated without a deficit for at least the previous two years. A maximum of \$200,000 of this appropriation may be expended for grants in any single county.

(2) \$200,000 of the general fund—state appropriation is provided solely for development of a state-wide food stamp assistance outreach program. No portion of this amount may be expended without a match of an equal amount from federal funds.

(3) \$3,500,000 of the general fund—state appropriation is provided solely for security costs associated with the goodwill games, subject to the following conditions and limitations:

(a) A maximum of \$1,500,000 may be expended by the department to develop, in consultation with the Washington state patrol, local governments, the Seattle goodwill games organizing committee, and appropriate federal authorities, a coordinated security plan for the 1990 goodwill games.

(b) The security plan shall contain an assessment of the security requirements for the goodwill games; a definition of the policy goals; and a description of the roles and responsibilities of federal, state, and local agencies in preparing and implementing the plan. The plan shall contain a detailed security plan element for the athletes village and for each of the local event venues. The plan shall provide a detailed budget that outlines how federal, state, local government resources, and Seattle goodwill games organizing committee resources will be used to meet the financial requirements of the plan. The plan shall consider the experiences of other states in providing security for such events. The plan shall be completed no later than November 1, 1989, and shall be submitted to the appropriate committees of the legislature no later than January 8, 1990.

(c) Other than expenditures for developing the plan, no portion of the amount provided in this subsection may be expended unless the plan has been completed and the expenditure complies with the plan and with the following conditions and limitations:

(i) The department shall provide in full for the entire budget requirement from the amount provided in this subsection contained in the plan for the Washington state patrol.

(ii) No more than \$200,000 of the amount provided in this subsection may be expended for administration of the plan.

(iii) The remainder of the amount provided in this subsection shall be allocated to local governments.

(iv) Only direct personnel costs related to event security shall be eligible for general fund—state reimbursement. Local revenue losses and expenses for reducing normal workloads shall not be eligible for reimbursement.

(v) No amount shall be expended for local governments prior to an agreement by the Seattle goodwill games organizing committee to contribute at least \$2,000,000 to local governments to help defray the costs of preparing and implementing the security plan. The agreement by the Seattle goodwill games organizing committee shall also indemnify the state from any liability resulting from the games.

(4) \$3,000,000 of the general fund—state appropriation is provided solely for grants to emergency shelters.

(5) \$526,000 of the general fund—state appropriation is provided solely for the department's emergency food assistance program.

(6) \$250,000 of the general fund—state appropriation is provided solely for providing representation to indigent persons in dependency proceedings under chapter 13.34 RCW.

(7) \$13,900,000 of the general fund—state appropriation is provided solely to increase the number of children enrolled in the early childhood education program.

(8) \$120,000 is provided solely for the department to provide grants to nonprofit organizations for the purpose of locating at least one additional reemployment center in areas of the state adversely impacted by reductions in timber harvested from federal lands. Each center shall provide direct and referral services to the unemployed. These services may include but are not limited to reemployment assistance, medical services, social services including marital counseling, mortgage foreclosure and utility problem counseling, drug and alcohol abuse counseling, credit counseling, and other services deemed appropriate. These services shall not supplant the on-going efforts of any reemployment centers existing on the effective date of this act. Not more than five percent of this amount may be used for administrative costs of the department.

(9) By January 8, 1990, the department shall report to the legislature on the distribution and amount of grants to bordertowns. It is intended that the level of funding provided for this purpose under RCW 66.08.190 through 66.08.195 to bordertowns shall remain substantially equal to the current level of expenditures.

(10) \$307,000 of the general fund—state appropriation is provided solely for the department to continue homeport activities.

(11) \$200,000 of the general fund—state appropriation is provided solely to assist Okanogan county with planning activities to address impacts associated with major tourism developments.

(12) \$475,000 of the general fund—state appropriation is provided solely for the Lewis county technology demonstration project. This amount constitutes the final state contribution to the project.

(13) \$75,000 of the general fund—state appropriation is provided solely for increased grants to public radio and television stations, consistent with RCW 43.63A.410 through 43.63A.420. In determining the allocation of grants to stations, the department shall strive to provide rural stations equitable access to these funds.

(14) \$200,000 of the general fund—state appropriation is provided solely for a pilot rural revitalization program.

(15) \$150,000 of the general fund—state appropriation is provided solely for the department to contract with the University of Washington for development and continuation of the children's telecommunication project.

(16) \$200,000 of the general fund—state appropriation is provided solely to enhance the long-term care ombudsman program.

(17) \$400,000 of the general fund—state appropriation is provided solely for a pilot demonstration project for high-risk youth pursuant to Engrossed Second Substitute Senate Bill No. 5624. On or before November 1, 1990, the department shall report to the senate children and family services committee and the house of representatives human services committee on the status of this project. If the bill is not enacted by June 30, 1989, the amount provided in this subsection shall lapse.

(18) \$350,000 of the general fund—state appropriation is provided solely for the department to establish a temporary commission on Washington state growth strategies. The purpose of the commission is to develop a specific growth strategy for the state which focuses on the Puget Sound region and fast-growing counties having a population exceeding one hundred thousand persons. The strategy shall promote linkage between transportation and land use decisions and shall include specific recommendations to the legislature on ways to enhance regional planning and coordinate state and local decision-making processes. The commission shall consist of seventeen members appointed by the president of the senate and the speaker of the house of representatives representing a balance of the growing geographic regions of the state. Six members shall be from the legislature, including two members from each of the majority caucuses and one member from each of the minority caucuses. The commission shall submit to the legislature by January 1, 1990, a set of preliminary findings, including but not limited to growth planning goals. The commission shall submit its final report to the legislature by January 1, 1991.

NEW SECTION. Sec. 222. FOR THE HUMAN RIGHTS COMMISSION

General Fund Appropriation—State	\$	3,830,000
General Fund Appropriation—Federal	\$	864,000
Total Appropriation	\$	4,694,000

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

(1) \$227,414 of the general fund—state appropriation is provided solely for combined federal and state jurisdiction case management to ensure continuance of current level federal contract reimbursement to the state.

(2) \$550,000 of the general fund—state appropriation is provided solely for legal services provided by the attorney general's office.

NEW SECTION, Sec. 223. FOR THE BOARD OF INDUSTRIAL INSURANCE APPEALS

Public Safety and Education Account Appropriation	\$	324,000
Worker and Community Right-to-Know Account Appropriation	\$	32,000
Accident Fund Appropriation	\$	6,459,000
Medical Aid Fund Appropriation	\$	6,459,000
Total Appropriation	\$	13,274,000

NEW SECTION, Sec. 224. FOR THE CRIMINAL JUSTICE TRAINING COMMISSION

Death Investigations Account Appropriation	\$	35,000
Public Safety and Education Account Appropriation	\$	8,643,000
Total Appropriation	\$	8,678,000

NEW SECTION, Sec. 225. FOR THE DEPARTMENT OF LABOR AND INDUSTRIES

General Fund Appropriation	\$	9,277,000
Public Safety and Education Account Appropriation—State	\$	18,334,000
Public Safety and Education Account Appropriation—Federal	\$	2,000,000
Accident Fund Appropriation	\$	100,104,000
Electrical License Fund Appropriation	\$	11,882,000
Farm Labor Revolving Account Appropriation	\$	30,000
Medical Aid Fund Appropriation	\$	119,330,000
Asbestos Account Appropriation	\$	1,314,000
Plumbing Certificate Fund Appropriation	\$	696,000
Pressure Systems Safety Fund Appropriation	\$	1,476,000
Worker and Community Right-to-Know Fund Appropriation	\$	2,406,000
Total Appropriation	\$	266,849,000

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

(1) \$6,596,793 from the accident fund appropriation and \$12,953,328 from the medical aid fund appropriation are provided solely for information systems projects named in this section. Authority to expend these funds is conditioned on compliance with section 802 of this act. For the purposes of this section, 'information systems projects' means the projects known by the following names or successor names: Document image processing, improved service level, electronic data interchange, interactive system, and integrated system.

(2) \$300,000 of the general fund—state appropriation is provided solely to fund the provisions of Engrossed Substitute House Bill No. 1581. If the bill is not enacted by June 30, 1989, the amount provided in this subsection shall lapse.

(3) \$216,000 of the worker and community right-to-know appropriation, \$575,000 of the accident fund appropriation, and \$101,000 of the medical fund appropriation are provided to fund the provisions of House Bill No. 2222 (chapter ---, Laws of 1989). If the bill is not enacted by June 30, 1989, the amounts provided in this subsection shall lapse.

NEW SECTION, Sec. 226. FOR THE INDETERMINATE SENTENCE REVIEW BOARD

General Fund Appropriation	\$	3,236,000
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NEW SECTION, Sec. 227. FOR THE DEPARTMENT OF VETERANS AFFAIRS

General Fund Appropriation—State	\$	20,229,000
General Fund Appropriation—Federal	\$	5,726,000
General Fund Appropriation—Local	\$	7,802,000
Total Appropriation	\$	33,757,000

NEW SECTION, Sec. 228. FOR THE DEPARTMENT OF CORRECTIONS

(1) COMMUNITY SERVICES

General Fund Appropriation	\$	74,807,000
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The appropriation in this subsection is subject to the following conditions and limitations: To the extent feasible, the department shall increase the daily board and room charges authorized under RCW 72.65.050 for work release participants to \$15.00.

(2) INSTITUTIONAL SERVICES

General Fund Appropriation	\$	300,806,000
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The appropriation in this subsection is subject to the following conditions and limitations: \$556,000 of the general fund appropriation is provided for offender population increases associated with increased penalties for residential burglaries established in Engrossed Senate Bill No. 5233. If the bill is not enacted by June 30, 1989, this amount shall lapse.

(3) ADMINISTRATION AND PROGRAM SUPPORT

General Fund Appropriation	\$	22,531,000
Institutional Impact Account Appropriation	\$	332,000
Total Appropriation	\$	22,863,000

(4) INSTITUTIONAL INDUSTRIES

General Fund Appropriation	\$	2,622,000
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NEW SECTION, Sec. 229. FOR THE DEPARTMENT OF SERVICES FOR THE BLIND

General Fund Appropriation—State	\$	2,472,000
General Fund Appropriation—Federal	\$	6,987,000
Total Appropriation	\$	9,459,000

NEW SECTION, Sec. 230. FOR THE HOSPITAL COMMISSION

General Fund Appropriation	\$	864,000
Hospital Commission Account Appropriation	\$	821,000
Total Appropriation	\$	1,685,000

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

(1) These appropriations are provided solely for fiscal year 1990.

(2) If Substitute Senate Bill No. 5385 (hospital data collection) is enacted by June 30, 1989, \$432,000 of the general fund appropriation and \$411,000 of the hospital commission account appropriation are provided solely for the purposes of Substitute Senate Bill No. 5385 during fiscal year 1990 and are subject to the following conditions:

(a) If a department of health is created by June 30, 1989, the amounts provided in this subsection shall be transferred to the department of health for the purposes specified in this subsection;

(b) If a department of health is not created by June 30, 1989, the amounts provided in this subsection shall be transferred to the office of financial management for the purposes specified in this subsection.

NEW SECTION, Sec. 231. FOR THE WASHINGTON BASIC HEALTH PLAN

General Fund Appropriation	\$	27,215,000
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The appropriation in this section is subject to the following conditions and limitations: The plan may enroll up to 25,000 individuals during the 1989-91 biennium.

NEW SECTION, Sec. 232. FOR THE SENTENCING GUIDELINES COMMISSION

General Fund Appropriation	\$	573,000
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NEW SECTION, Sec. 233. FOR THE EMPLOYMENT SECURITY DEPARTMENT

General Fund Appropriation—State	\$	129,000
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General Fund Appropriation—Federal	\$	162,308,000
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General Fund Appropriation—Local	\$	12,489,000
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Administrative Contingency Fund		
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Appropriation—Federal	\$	8,953,000
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Unemployment Compensation Administration Fund Appropriation—Federal	\$	118,169,000
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Employment Service Administration Account Appropriation—Federal	\$	790,000
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Employment Service Administration Account Appropriation—State	\$	6,823,000
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Federal Interest Payment Fund Appropriation	\$	2,100,000
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Total Appropriation	\$	311,761,000
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The appropriations in this section are subject to the following conditions and limitations:

(1) \$152,000 of the administrative contingency fund—federal appropriation and \$2,100,000 of the federal interest payment fund appropriation are provided solely for transfer through interagency agreement to the department of social and health services for family independence program employment services.

(2) The department shall provide job placement services for the department of natural resources' forest land management activities. These services shall include widely disseminating information on the availability of work on state forest lands and information on the procedures for bidding on contracts for such work. Priority for these services shall be given to unemployed individuals who have been employed in the timber industry. The department shall record the number of unemployed timber workers who obtain employment through the department of natural resources' forest land management activities and shall report its findings to the governor and to the appropriate legislative committees on January 1, 1990, and January 1, 1991.

NEW SECTION, Sec. 234. FOR THE EMPLOYMENT SECURITY DEPARTMENT

\$300,000 from the administrative contingency fund—federal appropriation is appropriated solely for a study of the impact of the state minimum wage increase under chapter 1, Laws of 1989 (Initiative 518). The department shall contract with the northwest policy center at the University of Washington and shall cooperate in supplying data to the center for purposes of the study. The center shall choose an advisory committee to advise the center on the design of the study. The committee shall consist of an equal number of economists who supported the minimum wage initiative and who opposed the initiative, and an equal number of representatives of labor and of business. The minimum wage study shall include the identification of the affected population of employers and employees, and a survey of a sample of the affected population. The survey instrument shall include questions regarding the longitudinal impact of the initiative on wages, employment, employee hours, employee benefits, tip income, productivity, prices, business closures and openings, social welfare payments, and the demographic characteristics of the affected population. To the extent feasible, the study shall attempt to verify the information provided by survey respondents. The study shall also include a report on minimum wage claims filed with the department of labor and industries. A report of findings shall be presented to the governor and legislature by December 1, 1990.

NEW SECTION. Sec. 235. FOR THE EMPLOYMENT SECURITY DEPARTMENT

\$1,175,000 from the administrative contingency fund—federal is appropriated solely for an interagency agreement with the department of trade and economic development to promote employer involvement in the development of child care services and facilities as provided in Second Substitute Senate Bill No. 6051. Of this amount, \$1,000,000 shall be deposited in the child care expansion grant fund. If the bill is not enacted by June 30, 1989, the amount provided in this section shall lapse.

NEW SECTION. Sec. 236. FOR THE 1991 HUMAN RESOURCES RESERVE ACCOUNT

\$25,839,000, of which \$14,094,000 is from federal funds, is appropriated from the general fund to the 1991 human resources reserve account, which account is hereby created in the state treasury. This appropriation represents the fiscal year 1991 costs to operate the family independence program. All moneys in the 1991 human resources reserve account not appropriated by law for the family independence program by June 30, 1990, may be expended to implement the job opportunities/basic skills mandate of the federal family support act of 1988 or for the transition of family independence program clients to the aid to families with dependent children program.

**PART III
NATURAL RESOURCES**

NEW SECTION. Sec. 301. FOR THE STATE ENERGY OFFICE

General Fund Appropriation—State	\$	2,086,000
General Fund Appropriation—Federal	\$	10,832,000
General Fund Appropriation—Private/Local	\$	260,000
Geothermal Account Appropriation—Federal	\$	22,000
Building Code Council Account Appropriation	\$	40,000
Solid Waste Management Account Appropriation	\$	150,000
Total Appropriation	\$	13,390,000

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

(1) The entire solid waste management account appropriation is provided solely to implement the energy-related provisions of Engrossed Substitute House Bill No. 1671. If the bill is not enacted by June 30, 1989, the solid waste management account appropriation is null and void.

(2) \$153,000 of the general fund—state appropriation is provided solely to implement Substitute Senate Bill No. 5174 (state hydropower plan). If the bill is not enacted by June 30, 1989, the amount provided in this subsection shall lapse.

NEW SECTION. Sec. 302. FOR THE WASHINGTON CENTENNIAL COMMISSION

General Fund Appropriation	\$	1,044,000
State Centennial Commission Account Appropriation	\$	302,000
Total Appropriation	\$	1,346,000

The appropriations in this section are subject to the following conditions and limitations: The general fund appropriation is intended to be the final state contribution to the funding of the centennial commission.

NEW SECTION. Sec. 303. FOR THE COLUMBIA RIVER GORGE COMMISSION

General Fund Appropriation—State	\$	570,000
General Fund Appropriation—Private/Local	\$	580,000
Total Appropriation	\$	1,150,000

NEW SECTION. Sec. 304. FOR THE DEPARTMENT OF ECOLOGY

General Fund Appropriation—State	\$	59,767,000
General Fund Appropriation—Federal	\$	27,024,000
General Fund Appropriation—Private/Local	\$	432,000
Flood Control Assistance Account Appropriation	\$	3,852,000
Special Grass Seed Burning Research Account Appropriation	\$	41,000
Reclamation Revolving Account Appropriation	\$	474,000
Emergency Water Project Revolving Account Appropriation: Appropriated pursuant to chapter 1, Laws of 1977 ex. sess.	\$	389,000
Litter Control Account Appropriation	\$	6,755,000
State and Local Improvements Revolving Account—Waste Disposal Facilities: Appropriated pursuant to chapter 127, Laws of 1972 ex. sess. (Referendum 26)	\$	2,627,000
State and Local Improvements Revolving Account—Waste Disposal Facilities 1980: Appropriated pursuant to chapter 159, Laws of 1980 (Referendum 39)	\$	1,187,000
State and Local Improvements Revolving Account—Water Supply Facilities: Appropriated pursuant to chapter 234, Laws of 1979 ex. sess. (Referendum 38)	\$	1,586,000
Stream Gaging Basic Data Fund Appropriation	\$	142,000
Vehicle Tire Recycling Account Appropriation	\$	6,494,000
Water Quality Account Appropriation	\$	2,551,000
Wood Stove Education Account Appropriation	\$	232,000
Worker and Community Right-to-Know Fund Appropriation	\$	285,000

State Toxics Control Account	\$	26,173,000
Local Toxics Control Account	\$	23,847,000
Water Quality Permit Account Appropriation	\$	7,135,000
Solid Waste Management Account Appropriation	\$	5,600,000
Underground Storage Tank Account Appropriation	\$	3,658,000
Total Appropriation	\$	180,251,000

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

(1) \$344,000 of the general fund—state appropriation is provided solely for costs associated with the development of a single headquarters building.

(2) \$1,010,000 of the general fund—state appropriation is provided solely as an enhancement to the water resources program.

(3) \$250,000 of general fund—state appropriation is provided solely for the initial development of a cost accounting system. Authority to expend these funds is conditioned on compliance with the requirements set forth in section 802 of this act.

(4) A maximum of \$2,209,000 of the general fund—state appropriation may be expended for the auto emissions inspection and maintenance program. If Engrossed Substitute House Bill No. 1104 is not enacted by June 30, 1989, the amount provided in this subsection shall lapse.

(5) The entire underground storage tank account appropriation is contingent on enactment of Engrossed Substitute House Bill No. 1086. If the bill is not enacted by June 30, 1989, the underground storage tank account appropriation is null and void. In implementing Engrossed Substitute House Bill No. 1086, the department shall use, to the greatest extent possible, local government and private sector expertise in meeting installation, closure, testing, and monitoring requirements.

(6) The entire solid waste management account appropriation is contingent on enactment of Engrossed Substitute House Bill No. 1671. If the bill is not enacted by June 30, 1989, the solid waste management account appropriation and the amounts provided in subsections (7), (8), (9), and (10) are null and void.

(7) \$1,000,000 of the solid waste management account appropriation is provided solely to assist local governments in developing materials to promote waste reduction and recycling pursuant to section 7, chapter . . . , Laws of 1989 (Engrossed Substitute House Bill No. 1671).

(8) \$1,000,000 of the solid waste management account appropriation is provided solely for assisting local governments in establishing the feasibility of food and yard waste composting.

(9) \$150,000 of the solid waste management account appropriation is provided solely for pilot projects to recycle disposable diapers.

(10) \$1,300,000 of the solid waste management account appropriation is provided solely to implement sections 6(2), 9, 13, 54, 96, 99, 102, and 104 of chapter . . . , Laws of 1989 (Engrossed Substitute House Bill No. 1671).

(11) \$231,000 of the state toxics control account appropriation is provided solely for the office of waste reduction.

(12) \$200,000 of the general fund—state appropriation is provided solely for the purpose of implementing the Nisqually river management plan activities and projects outlined in the Nisqually river council report to the legislature dated December 1988. No more than half of this amount may be spent until twenty percent of the total project costs have been provided as matching funds from private or other government participants represented on the Nisqually river council.

(13) \$2,654,000 of the state toxics control account appropriation is contingent on enactment of Engrossed House Bill No. 2168. If the bill is not enacted by June 30, 1989, the amount provided in this subsection shall lapse.

(14) \$389,000 of the emergency water project revolving account appropriation is provided solely for drought relief activities. If Substitute Senate Bill No. 5196 is enacted by June 30, 1989, \$321,000 of the amount provided in this subsection may be spent only if a drought order is issued pursuant to section 2, chapter . . . , Laws of 1989 (Substitute Senate Bill No. 5196).

(15) \$427,000 of the state and local improvement revolving account—water supply facilities (Referendum 38) appropriation is provided solely for the implementation of Substitute House Bill No. 1397. If the bill is not enacted by June 30, 1989, the amount provided in this subsection shall lapse.

(16) \$250,000 of the general fund—state appropriation is provided solely for oil and chemical spill activities in implementing legislative requirements regarding damage assessments and vessel financial responsibility.

(17) \$70,000 of the general fund—state appropriation is provided solely to implement Substitute Senate Bill No. 5174 (state hydropower plan). If the bill is not enacted by June 30, 1989, the amount provided in this subsection shall lapse.

(18) \$200,000 of the general fund—state appropriation is provided solely for the implementation of chapter 47, Laws of 1988.

NEW SECTION. Sec. 305. FOR THE ENERGY FACILITY SITE EVALUATION COUNCIL

General Fund Appropriation—Federal	\$	40,000
General Fund Appropriation—Private/Local	\$	4,093,000

Total Appropriation	\$	4,133,000
NEW SECTION, Sec. 306. FOR THE STATE PARKS AND RECREATION COMMISSION		
General Fund Appropriation—State	\$	41,132,000
General Fund Appropriation—Federal	\$	1,208,000
General Fund Appropriation—Private/Local	\$	822,000
Trust Land Purchase Account Appropriation	\$	10,542,000
Winter Recreation Parking Account Appropriation	\$	348,000
ORV (Off-Road Vehicle) Account Appropriation	\$	173,000
Snowmobile Account Appropriation	\$	963,000
Public Safety and Education Account Appropriation	\$	10,000
Motor Vehicle Fund Appropriation	\$	1,100,000
Total Appropriation	\$	56,298,000

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

(1) \$60,000 of the general fund—state appropriation is provided solely for a contract with the marine science center at Fort Worden state park.

(2) \$1,100,000 of the general fund—state appropriation is provided solely to implement Second Substitute Senate Bill No. 5372 (recreational boating). If the bill is not enacted by June 30, 1989, the amount provided in this subsection shall lapse.

NEW SECTION, Sec. 307. FOR THE INTERAGENCY COMMITTEE FOR OUTDOOR RECREATION

Outdoor Recreation Account Appropriation—State	\$	1,900,000
Outdoor Recreation Account Appropriation—Federal	\$	26,000
Total Appropriation	\$	1,926,000

The appropriations in this section are subject to the following conditions and limitations: \$63,000 of the outdoor recreation account—state appropriation is provided solely for a state-wide needs assessment and action plan for land acquisition for long-term outdoor recreation, wildlife, and conservation purposes. The agency shall oversee the preparation of the needs assessment and action plan and it may contract with a nonprofit organization representing these interests, subject to a requirement that private matching funding on a one-for-one basis be provided. The agency members of the interagency committee shall participate in the formulation of the plan and shall provide relevant information as needed. The report and plan shall be submitted to the legislature by January 15, 1990.

NEW SECTION, Sec. 308. FOR THE ENVIRONMENTAL HEARINGS OFFICE

General Fund Appropriation	\$	901,000
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NEW SECTION, Sec. 309. FOR THE DEPARTMENT OF TRADE AND ECONOMIC DEVELOPMENT

General Fund Appropriation	\$	30,068,000
Motor Vehicle Fund Appropriation	\$	553,000
Solid Waste Management Account Appropriation	\$	312,000
Total Appropriation	\$	30,933,000

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

(1) \$450,000 of the general fund appropriation is provided solely for the purpose of implementing either Engrossed Second Substitute Senate Bill No. 5339 or Engrossed Substitute House Bill No. 1553. If neither bill is enacted by June 30, 1989, the amount provided in this subsection shall lapse. In addition:

(a) The department shall spend the amount provided in this subsection solely for development of programs to be administered by the Washington economic development finance authority (the 'authority') and shall not spend any amount for implementation or administration of the programs.

(b) On or before January 8, 1990, the department shall submit to the house of representatives appropriations committee and the senate ways and means committee a plan outlining how state employees and state resources are expected to be used with respect to the authority and describing procedures under which the lending of credit provisions of the state Constitution will be observed.

(c) The amount provided in this subsection is intended to be a one-time appropriation from state-revenue sources to support the initial development of programs of the Washington economic development finance authority.

(d) No state funds from state revenue sources and no state funds from federal revenue sources, except federal revenue sources provided expressly for the authority or its programs may be used for a reserve fund for the authority's programs, and no public funds subject to either appropriation or allotment control may be used for a reserve account without prior consultation with the house of representatives appropriations committee and the senate ways and means committee.

(2) \$350,000 of the general fund appropriation is provided solely for the Washington marketplace program as provided for in Second Substitute House Bill No. 1476. If the bill is not enacted by June 30, 1989, the amount in this subsection shall lapse.

(3) \$550,000 of the general fund appropriation is provided solely for the department to develop and implement a business and job retention program as follows:

(a) The program shall provide technical assistance to firms and workforces in which there is a risk of plant closure, mass layoff, or business failure. This technical assistance shall include

turn-around assistance to firms at risk of closure to identify management activities and other actions, including diversification, that would permit continued operation. The department may contract for specialized services to provide turn-around assistance.

(b) The department shall establish a business and job retention advisory committee. The governor shall appoint eight members of whom four shall be from business and four from labor. The directors, or their designees, of the departments of trade and economic development, community development, financial management, revenue, and employment security shall serve as ex officio members of the committee. The president of the senate and the speaker of the house of representatives shall each appoint one member from each of the major caucuses to serve as ex officio members of the committee.

(c) The department shall select, in consultation with the advisory committee, locally based development organizations to undertake local business and job retention activities. Such local activities shall include the identification of firms in which there is a risk of plant closure, mass layoff, or business failure; initial assessment of firms and their workforces; the provision of technical assistance; and referrals for additional resources. A maximum of \$275,000 of the appropriation may be expended for contracts with locally based development organizations for local business and job retention activities.

(d) The department, in consultation with the advisory committee, shall provide grants to study the feasibility of various options for continuing or renewing the operation of industrial facilities that are threatened with closure or that have already closed. Grants shall also be made for proposals to implement a system to identify firms at risk of closure, layoff, or relocation. Grants may not exceed \$35,000 and may be made to: Local governments, ports, local associate development organizations, local labor organizations, or local nonprofit community organizations. The department may require that grant money be matched at least dollar for dollar with nonstate money.

(e) The department shall establish an early warning program within the business and job retention program. The program shall obtain information currently available within state agencies to identify firms and industrial facilities at risk of closure, consistent with the confidentiality requirements of chapter 50.13 RCW.

(4) \$150,000 of the general fund appropriation is provided solely for the targeted sectors program as provided for in Engrossed Substitute House Bill No. 2137. If the bill is not enacted by June 30, 1989, the amount in this subsection shall lapse.

(5) \$200,000 of the general fund appropriation is provided solely for the Washington village project. No portion of this amount may be expended unless matched by an equal portion of nonstate money.

(6) \$700,000 of the general fund appropriation is provided solely for tourism enhancement. Of this amount: (a) \$400,000 is provided solely for market research and analysis; (b) \$190,000 is provided solely for tourism facility development to encourage private sector development in Washington tourism facilities; (c) \$35,000 is provided solely for the development of a tourism advisory committee; and (d) \$75,000 is provided solely for additional staff and costs associated with the film and video division within the department.

(7) \$1,614,000 of the general fund appropriation is provided solely for the Tri-Cities diversification program. This amount is intended to be the final state contribution toward Tri-Cities diversification. Of this amount:

(a) \$331,000 is provided solely for the department of agriculture, by interagency agreement, for continuation of its contractual relationship with TRIDEC and for development of local diversification agricultural projects;

(b) \$206,000 is provided solely for the department of community development, by interagency agreement, for social service impact mitigation, and for loan packaging assistance;

(c) \$260,000 is provided solely for transfer to the employment security department, by interagency agreement, for a state-funded employment and training project;

(d) \$250,000 is provided solely for transfer to the employment security department, by interagency agreement, for public works related employment;

(e) \$383,000 is provided solely for contracts with local organizations for specific diversification projects;

(f) \$184,000 is provided solely for necessary staff to implement and coordinate the Tri-Cities diversification program.

(8) \$367,000 of the general fund appropriation is provided solely for the purpose of implementing a timber industrial extension service. The department shall provide technical and financial assistance to businesses for the purpose of identifying new markets, developing new technologies and products, and assisting production and marketing efforts. This program shall provide specialized expertise on issues affecting forest products companies, including the provision of assistance to firms experiencing supply problems, and shall provide industry perspective on proposed state and federal policies and programs impacting the forest industry. The department may contract for services provided under this chapter.

(9) \$8,195,000 of the general fund appropriation is provided solely for the Washington high technology center.

(10) \$305,000 of the general fund appropriation is provided solely for the center for international trade in forest products (CINTRAFOR).

(11) The general fund appropriation in this section includes moneys for higher education salary increases for the Washington high technology center and CINTRAFOR in the manner provided in section 601 of this act.

(12) It is the intent of the legislature that the department shall continue to provide grants of at least current level amounts to associate development organizations located in counties of at least classes three through eight.

(13) \$400,000 may be allocated to the Washington research foundation. The state auditor shall conduct an audit of the foundation by December 1, 1989.

NEW SECTION, Sec. 310. FOR THE CONSERVATION COMMISSION

General Fund Appropriation	\$	1,340,000
Water Quality Account Appropriation	\$	179,000
Total Appropriation	\$	1,519,000

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

(1) No more than eight percent of the water quality account moneys administered by the commission may be used by the commission for administration and program activities related to the grant and loan program.

(2) \$521,000 of the general fund appropriation is provided solely to provide operational funds for conservation districts. Moneys may be expended under this subsection only to the extent that the conservation districts provide an equal amount of matching funds.

(3) \$85,000 of the general fund appropriation is provided solely for a one-time allocation to Stevens county.

NEW SECTION, Sec. 311. FOR THE WINTER RECREATION COMMISSION

General Fund Appropriation	\$	27,000
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NEW SECTION, Sec. 312. FOR THE PUGET SOUND WATER QUALITY AUTHORITY

General Fund Appropriation—State	\$	3,489,000
General Fund Appropriation—Federal	\$	202,000
Water Quality Account Appropriation	\$	1,100,000
Total Appropriation	\$	4,791,000

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

(1) \$400,000 of the general fund—state appropriation is provided solely for the Puget Sound water quality management plan's monitoring program. Of this amount:

(a) \$200,000 is provided solely for transfer to the department of fisheries, by interagency agreement, to monitor levels of toxins in fish;

(b) \$160,000 is provided solely for transfer to the department of social and health services, by interagency agreement, to monitor levels of toxins in shellfish;

(c) \$20,000 is provided solely for the authority to implement a citizen monitoring program; and

(d) \$20,000 is provided solely for for program coordination and data management.

(2) \$100,000 of the general fund—state appropriation is provided solely for public education and information programs.

NEW SECTION, Sec. 313. FOR THE DEPARTMENT OF FISHERIES

General Fund Appropriation—State	\$	54,022,000
General Fund Appropriation—Federal	\$	16,496,000
General Fund Appropriation—Private/Local	\$	5,284,000
Aquatic Lands Enhancement Account Appropriation	\$	1,076,000
Total Appropriation	\$	76,878,000

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

(1) \$320,000 of the general fund—state appropriation is provided so that patrol officers, in the course of duty, emphasize vessel registration.

(2) \$100,000 of the general fund—state appropriation is provided solely for monitoring of Navy homeport dredging and dumping.

(3) \$250,000 of the general fund—state appropriation is provided solely for a grant for shellfish studies to the sea grant program at the University of Washington.

(4) \$276,000 of the general fund—state appropriation is provided solely for maintenance of current operations of the Simpson hatchery. Of this amount, \$138,000 shall be expended during fiscal year 1990. The remainder of this amount shall lapse if the results of the study of the Grays Harbor watershed, to be completed by March 1, 1990, show that the hatchery production is seriously jeopardized by environmental conditions beyond control of the department.

(5) \$1,810,000 of the general fund—state appropriation is provided solely for recreational salmon enhancement projects.

(6) \$41,000 of the general fund—state appropriation is provided to implement Substitute Senate Bill No. 5174 (state hydropower plan).

NEW SECTION, Sec. 314. FOR THE DEPARTMENT OF WILDLIFE

General Fund Appropriation	\$	9,385,000
ORV (Off-Road Vehicle) Account Appropriation	\$	265,000
Aquatic Lands Enhancement Account Appropriation	\$	1,081,000

Public Safety and Education Account Appropriation	\$	566,000
Wildlife Fund Appropriation—State	\$	41,441,000
Wildlife Fund Appropriation—Federal	\$	15,717,000
Wildlife Fund Appropriation—Private/Local	\$	2,135,000
Game Special Wildlife Account Appropriation	\$	466,000
Total Appropriation	\$	71,056,000

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

(1) \$45,000 of the general fund appropriation is provided solely to implement Substitute Senate Bill No. 5174 (state hydropower plan). If the bill is not enacted by June 30, 1989, the amount provided in this subsection shall lapse.

(2) \$68,000 of the general fund appropriation is provided solely for contracting for fire protection on agency lands.

(3) \$100,000 of the wildlife fund appropriation—state is provided solely for a study of the impact of elk in the Blue Mountains.

NEW SECTION, Sec. 315. FOR THE DEPARTMENT OF NATURAL RESOURCES

General Fund Appropriation—State	\$	44,540,000
General Fund Appropriation—Federal	\$	639,000
General Fund Appropriation—Private/Local	\$	12,000
ORV (Off-Road Vehicle) Account Appropriation—Federal	\$	3,266,000
Geothermal Account Appropriation—Federal	\$	16,000
Forest Development Account Appropriation	\$	23,074,000
Survey and Maps Account Appropriation	\$	860,000
Natural Resources Conservation Area Stewardship Account Appropriation	\$	364,000
Aquatic Lands Enhancement Account Appropriation	\$	635,000
Landowner Contingency Forest Fire Suppression Account Appropriation	\$	2,119,000
Resource Management Cost Account Appropriation	\$	68,432,000
Aquatic Land Dredged Material Disposal Site Account Appropriation	\$	286,000
Total Appropriation	\$	144,243,000

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

(1) \$4,654,000 of the general fund—state appropriation is provided solely for the emergency fire suppression subprogram.

(2) \$2,297,000, of which \$372,000 is from the general fund—state appropriation, \$1,448,000 is from the resource management cost account appropriation, and \$477,000 is from the forest development account appropriation, is provided solely for information systems projects named in this subsection for which work will commence or continue in this biennium. Authority to expend these funds is conditioned upon compliance with the requirements set forth in section 802 of this act. For the purposes of this section, information systems projects shall mean the projects known by the following name or successor names: Department of natural resources revenue system.

(3) \$110,000 from the general fund—state appropriation is provided solely for a fire investigator.

(4) \$1,500,000 of the general fund—state appropriation is provided solely for cooperative monitoring, evaluation, and research projects related to implementation of the timber-fish-wildlife agreement.

(5) \$400,000 of the aquatic lands enhancement account appropriation is provided solely for conducting an inventory of state wetlands.

(6) \$122,000 of the natural resources conservation area stewardship account appropriation is provided solely for operations and maintenance costs associated with natural area preserves.

(7) \$242,000 of the natural resources conservation area stewardship account appropriation is provided solely for operations and maintenance costs associated with natural resources conservation areas.

(8) No portion of these appropriations may be expended for spreading sludge on state trust lands without first completing an environmental impact statement with respect to the sludge spreading operations. \$75,000 of the resource management cost account appropriation is provided solely for the costs of the environmental impact statement performed pursuant to this subsection.

(9) The department shall contract for labor-intensive forest land management activities in areas of the state adversely impacted by reductions in timber sales from federal lands. Contracts provided for under this section shall be in addition to and shall not supplant or displace activities normally administered by the department. The department shall, to the extent feasible, offer the additional contracts in sizes that do not discourage participation by small enterprises. The department shall cooperate with the employment security department in disseminating information on forest land management contracts to unemployed individuals who have been employed in the timber industry, and others adversely affected by reductions

in timber sales from federal lands. \$2,800,000 of the resource management cost account appropriation is provided solely for this purpose.

(10) \$125,000 of the general fund—state appropriation is provided solely to implement Engrossed Senate Bill No. 5364 or Engrossed House Bill No. 1249 (marine debris).

(11) Based on schedules submitted by the director of financial management, the state treasurer shall transfer from the general fund—state or such other funds as the state treasurer deems appropriate to the Clarke McNary fund such amounts as are necessary to meet unbudgeted forest fire fighting expenses. All amounts borrowed under the authority of this section shall be repaid to the appropriate fund, together with interest at a rate determined by the state treasurer to be equivalent to the return on investments of the state treasury during the period the amounts are borrowed.

NEW SECTION. Sec. 316. FOR THE DEPARTMENT OF NATURAL RESOURCES—COMMON SCHOOL CONSTRUCTION

The following amounts are appropriated for the acquisition in fee of common school trust lands and timber throughout the state as determined by the board of natural resources:

General Fund Appropriation for fiscal year 1990	\$ 35,750,000
General Fund Appropriation for the period April 15, 1990, through June 30, 1991	\$ 35,750,000
Total Appropriation	\$ 71,500,000

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

(1) Lands and timber purchased by the department shall be based on a finding by the board of natural resources, in consultation with the appropriations committee of the house of representatives and the ways and means committee of the senate, that, in the interest of the state, the timber on such lands should not be harvested.

(2) The lands and timber purchased under this section shall be managed under either chapter 79.70 or 79.71 RCW, as determined by the board of natural resources.

(3) The land and timber shall be appraised and purchased at full market value.

(4) The proceeds of the sales of timber shall be deposited by the department in the same manner as timber revenues from other common school trust lands except that no deductions shall be made for the resource management cost account under RCW 79.64.040.

(5) The proceeds of the sales of land shall be used by the department to acquire replacement timber land of equal value to be managed as common school trust land and to maintain a sustainable yield.

NEW SECTION. Sec. 317. FOR THE DEPARTMENT OF AGRICULTURE

General Fund Appropriation—State	\$ 18,780,000
General Fund Appropriation—Federal	\$ 795,000
State Toxics Control Account Appropriation	\$ 299,000
Total Appropriation	\$ 19,874,000

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

(1) Authority to expend funds from any source for AIM 2000, the agency information system, is conditioned on compliance with section 802 of this act.

(2) \$1,624,000 of the general fund—state appropriation is provided solely for the implementation of House Bill No. 2222 regarding the regulation of agricultural chemicals. If the bill is not enacted by June 30, 1989, the amount provided in this subsection shall lapse. \$1,224,000 of the amount provided in this subsection shall be supported by increased fees deposited into the general fund in accordance with chapter 15.58 RCW.

NEW SECTION. Sec. 318. FOR THE STATE CONVENTION AND TRADE CENTER

State Convention/Trade Center Account Appropriation	\$ 22,119,000
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The appropriation in this section is subject to the following conditions and limitations: \$3,453,000 is provided solely for marketing the facilities and services of the convention center, for promoting the locale as a convention and visitor destination, and for related activities. Of this amount, the center shall not expend more than is projected to be received from revenue generated by the special excise tax that is deposited in the state convention and trade center operations account under RCW 67.40.090(3). Projections of such revenue shall be as determined and updated by the department of revenue.

PART IV

TRANSPORTATION

NEW SECTION. Sec. 401. FOR THE STATE PATROL

General Fund Appropriation—State	\$ 25,718,000
General Fund Appropriation—Federal	\$ 161,000
General Fund Appropriation—Private/Local	\$ 164,000
Death Investigations Account Appropriation	\$ 24,000
Total Appropriation	\$ 26,067,000

The appropriations in this section are subject to the following conditions and limitations: The staff of the Washington state patrol crime laboratory shall not provide tests for marijuana to cities or counties except: (1) To verify weight for criminal cases where weight is a factor, or (2) for criminal cases that the prosecuting attorney and field administrator of the crime laboratory agree are likely to go to trial.

NEW SECTION, Sec. 402. FOR THE DEPARTMENT OF LICENSING

General Fund Appropriation	\$	19,349,000
Architects' License Account Appropriation	\$	623,000
Cemetery Account Appropriation	\$	157,000
Health Professions Account Appropriation	\$	15,059,000
Medical Disciplinary Account Appropriation	\$	1,586,000
Professional Engineers' Account Appropriation	\$	1,527,000
Real Estate Commission Account Appropriation	\$	5,603,000
Total Appropriation	\$	43,904,000

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

(1) If uniform commercial code filing fees are increased such that the increase is expected to yield at least \$1,000,000 in additional revenues, then up to \$1,000,000 of the general fund—state appropriation may be expended for department purposes.

(2) If any of the following bills are not enacted by June 30, 1989, a corresponding amount, shown below, from the health professions account appropriation shall lapse:

House Bill No. 1896	\$	9,000
House Bill No. 2126	\$	42,000

(3) Of the general fund—state appropriation, the following amounts are provided solely for the purposes of the following bills. The general fund shall be reimbursed by June 30, 1991, through an assessment of fees sufficient to cover all costs associated with enacting the purposes of the following legislation. If any of the following bills is not enacted by June 30, 1989, a corresponding amount, shown below, from the general fund—state appropriation in this section shall lapse:

House Bill No. 1096	\$	130,000
Engrossed House Bill No. 1917	\$	450,000
Substitute Senate Bill No. 5085	\$	153,000

PART V
EDUCATION

NEW SECTION, Sec. 501. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR STATE ADMINISTRATION

General Fund Appropriation—State	\$	19,774,000
General Fund Appropriation—Federal	\$	9,074,000
Public Safety and Education Account Appropriation	\$	409,000
Total Appropriation	\$	29,257,000

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

(1) The entire public safety and education account appropriation is provided solely for administration of the traffic safety education program, including in-service training related to instruction in the risks of driving while under the influence of alcohol and other drugs.

(2) \$336,000 of the general fund—state appropriation is provided solely for the continuation of the international education and teacher exchange programs.

(3) \$19,000 of the general fund—state appropriation is provided solely for the continuation of the environmental education program.

(4) \$54,000 of the general fund—state appropriation is provided solely for Hispanic drop-out prevention and retrieval.

(5) \$200,000 of the general fund—state appropriation is provided solely for purchase and dissemination to school districts of innovative or multicultural curriculum materials, and for training to implement innovative curricula such as a schools and architecture program. The superintendent of public instruction shall select materials based on unusual potential for stimulating new instructional methods, student interest and understanding of academic subjects, or cultural and ethnic awareness.

(6) \$25,000 of the general fund—state appropriation is provided solely for continued development of educational outcomes measures and field testing in local school districts, including: Development of a model writing assessment program at three grade levels; definitions of measurements for academic skills and mastery of key curriculum concepts; a follow-up survey of high school graduates; uniform reporting forms for data collection and display; and an instrument for identifying successful schools. In performing these activities, the superintendent shall consult with an advisory committee on outcomes-based education, comprising one representative of each of the selected field test projects, one representative of each twenty-first century schools project that has selected the outcomes measures as its evaluative tool, and two members who participated in the temporary committee on the assessment and accountability of educational outcomes.

NEW SECTION, Sec. 502. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR GENERAL APPORTIONMENT (BASIC EDUCATION)

General Fund Appropriation	\$	4,323,885,000
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The appropriation in this section is subject to the following conditions and limitations:

(1) \$414,003,000 of the general fund appropriation is provided solely for the remaining months of the 1988-89 school year.

(2) Allocations for certificated staff salaries for the 1989-90 and 1990-91 school years shall be determined using formula-generated staff units calculated pursuant to this subsection. Small school enrollments in kindergarten through grade six shall generate funding under (a) of this subsection, and shall not generate allocations under (d) and (e) of this subsection, if the staffing allocations generated under (a) of this subsection exceed those generated under (d) and (e) of this subsection. The certificated staffing allocations shall be as follows:

(a) On the basis of average annual full time equivalent enrollments, excluding full time equivalent enrollment otherwise recognized for certificated staff unit allocations under (c) through (f) of this subsection:

(i) Four certificated administrative staff units for each one thousand full time equivalent kindergarten through twelfth grade students excluding full time equivalent handicapped enrollment as recognized for funding purposes under section 510 of this act;

(ii) Fifty-one certificated instructional staff units for each one thousand full time equivalent students in kindergarten through third grade, excluding full time equivalent handicapped students ages six through eight; and

(iii) Forty-six certificated instructional staff units for each one thousand full time equivalent students in grades four through twelve, excluding full time equivalent handicapped students ages nine and above;

(b) For school districts with a minimum enrollment of 250 full time equivalent students, whose full time equivalent student enrollment count in a given month exceeds the first of the month full time equivalent enrollment count by 5 percent, an additional state allocation of 110 percent of the share that such increased enrollment would have generated had such additional full time equivalent students been included in the normal enrollment count for that particular month.

(c) On the basis of full time equivalent enrollment in vocational education programs approved by the superintendent of public instruction, 0.92 certificated instructional staff units and 0.08 certificated administrative staff units for each 17.5 full time equivalent vocational students, except that for skills center programs the allocation ratios shall be 0.92 certificated instructional staff units and 0.08 certificated administrative staff units for each 16.67 full time equivalent vocational students;

(d) For districts enrolling not more than twenty-five average annual full time equivalent students in kindergarten through grade eight, and for small school plants within any school district which have been judged to be remote and necessary by the state board of education and enroll not more than twenty-five average annual full time equivalent students in kindergarten through grade eight:

(i) For those enrolling no students in grades seven and eight, 1.76 certificated instructional staff units and 0.24 certificated administrative staff units for enrollment of not more than five students, plus one-twentieth of a certificated instructional staff unit for each additional student enrolled; and

(ii) For those enrolling students in grades seven or eight, 1.68 certificated instructional staff units and 0.32 certificated administrative staff units for enrollment of not more than five students, plus one-tenth of a certificated instructional staff unit for each additional student enrolled.

(e) For specified enrollments in districts enrolling more than twenty-five but not more than one hundred average annual full time equivalent students in kindergarten through grade eight, and for small school plants within any school district which enroll more than twenty-five average annual full time equivalent kindergarten through eighth grade students and have been judged to be remote and necessary by the state board of education:

(i) For enrollment of up to sixty average annual full time equivalent students in kindergarten through grade six, 2.76 certificated instructional staff units and 0.24 certificated administrative staff units; and

(ii) For enrollment of up to twenty average annual full time equivalent students in grades seven and eight, 0.92 certificated instructional staff units and 0.08 certificated administrative staff units.

(f) For districts operating no more than two high schools with enrollments of less than three hundred average annual full time equivalent students, for enrollment in grades nine through twelve in each such school, other than alternative schools:

(i) For remote and necessary schools enrolling students in any grades nine through twelve but no more than twenty-five average annual full time equivalent kindergarten through twelfth grade students, four and one-half certificated instructional staff units and one-quarter of a certificated administrative staff unit;

(ii) For all other small high schools under this subsection, nine certificated instructional staff units and one-half of a certificated administrative staff unit for the first sixty average annual full time equivalent students, and additional staff units based on a ratio of 0.8732 certificated instructional staff units and 0.1268 certificated administrative staff units per each additional forty-three and one-half average annual full time equivalent students.

Units calculated under (f)(i) of this subsection shall be reduced by certificated staff units at the rate of forty-six certificated instructional staff units and four certificated administrative staff units per thousand vocational and handicapped full time equivalent students.

(g) For each nonhigh school district having an enrollment of more than seventy annual average full time equivalent students and less than one hundred eighty students, operating a grades K-8 program or a grades 1-8 program, an additional one-half of a certificated instructional staff unit.

(h) For each nonhigh school district having an enrollment of more than fifty annual average full time equivalent students and less than one hundred eighty students, operating a grades K-6 program or a grades 1-6 program, an additional one-half of a certificated instructional staff unit.

(3) Allocations for classified salaries for the 1989-90 and 1990-91 school years shall be calculated using formula-generated classified staff units determined as follows:

(a) For enrollments generating certificated staff unit allocations under subsections (2) (d) through (h) of this section, one classified staff unit for each three certificated staff units allocated under such subsections.

(b) For all other enrollment in grades kindergarten through twelve, including vocational but excluding handicapped full time equivalent enrollments, one classified staff unit for each sixty average annual full time equivalent students.

(c) For each nonhigh school district with an enrollment of more than fifty annual average full time equivalent students and less than one hundred eighty students, an additional one-half of a classified staff unit.

(4) Fringe benefit allocations shall be calculated at a rate of 19.80 percent in the 1989-90 school year and 19.85 percent in the 1990-91 school year of certificated salary allocations provided under subsection (2) of this section, and a rate of 17.32 percent in the 1989-90 school year and 17.37 percent in the 1990-91 school year of classified salary allocations provided under subsection (3) of this section.

(5) Insurance benefit allocations shall be calculated at the rates specified in section 505 of this act, based on:

(a) The number of certificated staff units determined in subsection (2) of this section; and

(b) The number of classified staff units determined in subsection (3) of this section multiplied by 1.152. This factor is intended to adjust allocations so that, for the purposes of distributing insurance benefits, full time equivalent classified employees may be calculated on the basis of 1440 hours of work per year, with no individual employee counted as more than one full time equivalent.

(6)(a) For nonemployee related costs associated with each certificated staff unit allocated under subsection (2) (a), (b), and (d) through (h) of this section, there shall be provided a maximum of \$6,355 per certificated staff unit in the 1989-90 school year and a maximum of \$6,654 per certificated staff unit in the 1990-91 school year.

(b) For nonemployee related costs associated with each certificated staff unit allocated under subsection (2)(c) of this section, there shall be provided a maximum of \$12,110 per certificated staff unit in the 1989-90 school year and a maximum of \$12,679 per certificated staff unit in the 1990-91 school year.

(7) Allocations for substitute costs for classroom teachers shall be distributed at a maximum rate of \$290 per year for allocated classroom teachers. Solely for the purposes of this subsection, allocated classroom teachers shall be equal to the number of certificated instructional staff units allocated under subsection (2) of this section, multiplied by the ratio between the number of actual basic education certificated teachers and the number of actual basic education certificated instructional staff reported state-wide for the 1987-88 school year.

(8) The superintendent may distribute a maximum of \$9,925,000 outside the basic education formula during fiscal years 1990 and 1991 as follows:

(a) For fire protection for school districts located in a fire protection district as now or hereafter established pursuant to chapter 52.04 RCW, a maximum of \$358,000 may be expended in fiscal year 1990 and a maximum of \$375,000 in fiscal year 1991.

(b) For summer vocational programs at skills centers, a maximum of \$1,321,000 may be expended in fiscal year 1990 and a maximum of \$1,599,000 may be expended in fiscal year 1991.

(c) A maximum of \$272,000 may be expended for school district emergencies.

(d) A maximum of \$6,000,000 is provided solely for the purchase of new and replacement equipment for use in approved vocational-secondary and skill center programs. These moneys shall be allocated to school districts during the 1989-90 school year on the basis of full time equivalent enrollment in vocational programs.

(9) For the purposes of RCW 84.52.0531, the increase per full time equivalent student in state basic education appropriations provided under this act, including appropriations for salary and benefits increases, is 6.07 percent from the 1988-89 school year to the 1989-90 school year, and 5.74 percent from the 1989-90 school year to the 1990-91 school year.

(10) (a) The superintendent of public instruction shall revise personnel reporting systems to include information on grade level assignments of basic education certificated instructional staff, by grade level groupings of K-3, 4-6, and 7-12. The superintendent of public instruction shall collect such information from school districts beginning in the 1989-90 school year. School

districts may submit supplemental information on changes in staffing levels after the initial personnel report for each school year. Staffing ratios calculated under this subsection may recognize additional staff reported, prorated by the number of months of employment during the academic year.

(b) For each school year, the funding provided under subsection (2)(a) of this section shall be based on a ratio of fifty-one certificated instructional staff per thousand students in kindergarten through grade three only if the district documents an actual ratio of at least fifty-one full time basic education certificated instructional staff per thousand full time equivalent students at those grade levels. For any school district documenting a lower ratio, the funding provided under this section shall be based on the district's actual K-3 ratio achieved in that school year, or the statutory minimum ratio established under RCW 28A.41.140(2)(c), if greater.

(c) School districts that had a ratio of fifty-one basic education certificated instructional staff per thousand students in kindergarten through grade three in the 1988-89 school year shall expend additional funding generated by the increase in staffing ratios provided in this section solely to improve staffing ratios in kindergarten through grade twelve.

NEW SECTION. Sec. 503. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—BASIC EDUCATION EMPLOYEE COMPENSATION INCREASES

General Fund Appropriation \$ 196,128,000

The appropriation in this section is subject to the following conditions and limitations:

(1) The following calculations determine the salaries used in the general fund allocations for certificated instructional, certificated administrative, and classified staff units under section 502 of this act:

(a) Salary allocations for certificated instructional staff units shall be determined for each district by multiplying the district's certificated instructional derived base salary shown on LEAP Document 12 by the district's average staff mix factor for basic education certificated instructional staff in that school year, computed using LEAP Document 1.

(b) Salary allocations for certificated administrative staff units and classified staff units shall be determined for each district by the district's certificated administrative and classified salary allocation amounts shown on LEAP Document 12.

(2)(a) Districts shall certify to the superintendent of public instruction such information as may be necessary regarding the years of service and educational experience of basic education certificated instructional employees for the purposes of calculating certificated instructional staff salary allocations pursuant to this section. Any change in information previously certified, on the basis of years of experience or educational credits, shall be reported and certified to the superintendent of public instruction at the time such change takes place.

(b) For the purposes of this section, 'basic education certificated instructional staff' is defined as provided in RCW 28A.41.110.

(c) 'LEAP Document 1' means the computerized tabulation establishing staff mix factors for basic education certificated instructional staff according to education and years of experience, as developed by the legislative evaluation and accountability program committee on August 18, 1987, at 13:26 hours.

(d) 'LEAP Document 1R' means the computerized tabulation establishing staff mix factors for basic education certificated instructional staff according to education and years of experience, as developed on May 7, 1989, at 11:00 hours.

(e) 'LEAP Document 12' means the computerized tabulation of 1988-89 salary allocations for basic education certificated administrative staff and basic education classified staff and 1988-89 derived base salaries for basic education certificated instructional staff as developed on April 20, 1989, at 14:15 hours.

(f) The incremental fringe benefits factors applied to salary increases in this section shall be 1.1916 for certificated salaries and 1.1379 for classified salaries in the 1989-90 school year, and 1.1921 for certificated salaries and 1.1384 for classified salaries in the 1990-91 school year.

(3) \$7,492,000 is provided solely to increase allocations for certificated administrative staff units provided under section 502 of this act, pursuant to this subsection. For the 1989-90 and 1990-91 school years, the allocation for each certificated administrative staff unit shall be increased by 2.5 percent of the 1988-89 state-wide average certificated administrative salary shown on LEAP Document 12, multiplied by incremental fringe benefits.

(4) \$27,903,000 is provided solely to increase allocations for classified staff units provided under section 502 of this act, pursuant to this subsection. For the 1989-90 and 1990-91 school years, the allocation for each classified staff unit shall be increased by 4.0 percent of the 1988-89 state-wide average classified salary shown on LEAP Document 12, multiplied by incremental fringe benefits. For the 1990-91 school year, the allocation for each classified staff unit shall be further increased by an additional 3.12 percent of the 1988-89 state-wide average classified salary shown on LEAP Document 12, multiplied by incremental fringe benefits.

(5) \$160,733,000 is provided solely to increase allocations for certificated instructional staff units provided under section 502 of this act, pursuant to this subsection:

(a) For any district with a derived base salary of \$17,600 on LEAP Document 12, the allocation for each certificated instructional staff unit in the 1989-90 school year shall be increased by the difference between:

(i) The district's salary allocation per certificated instructional staff unit computed under subsection (1)(a) of this section, adjusted for incremental fringe benefits; and

(ii) The district's 1989-90 average certificated instructional staff allocation salary as determined by placing the district's actual full time equivalent basic education certificated instructional staff on the state-wide salary allocation schedule established in subsection (6) of this section, adjusted for incremental fringe benefits.

(b) For any district with a derived base salary greater than \$17,600 on LEAP Document 12, the allocation for each certificated instructional staff unit in the 1989-90 school year shall be increased by 4.0 percent of the district's salary allocation per certificated instructional staff unit computed under subsection (1)(a) of this section, adjusted for incremental fringe benefits.

(c) For any district with a derived base salary of \$17,600 on LEAP Document 12, the allocation for each certificated instructional staff unit in the 1990-91 school year shall be increased by the difference between:

(i) The district's salary allocation per certificated instructional staff unit computed under subsection (1)(a) of this section, adjusted for incremental fringe benefits; and

(ii) The district's 1990-91 average certificated instructional staff allocation salary as determined by placing the district's actual full time equivalent basic education certificated instructional staff on the state-wide salary allocation schedule established in subsection (7) of this section, adjusted for incremental fringe benefits.

(d) For any district with a derived base salary greater than \$17,600 on LEAP Document 12, the allocation for each certificated instructional staff unit in the 1990-91 school year shall be increased by the difference between:

(i) The district's salary allocation per certificated instructional staff unit computed under subsection (1)(a) of this section, adjusted for incremental fringe benefits; and

(ii) The district's salary allocation per certificated instructional staff unit computed under subsection (1)(a) of this section multiplied by the compounded increase provided in this subsection, adjusted for incremental fringe benefits. The compounded increase for each district shall be 7.12 percent, compounded by the percentage difference between the district's average staff mix factor for actual 1990-91 full time equivalent basic education certificated instructional employees computed using LEAP Document 1R and such factor for the same 1990-91 employees computed using LEAP Document 1.

(6)(a) Pursuant to RCW 28A.41.112, the following state-wide salary allocation schedule for certificated instructional staff is established for basic education salary allocations for the 1989-90 school year:

1989-90 STATE-WIDE SALARY ALLOCATION SCHEDULE
FOR INSTRUCTIONAL STAFF

Years of Service	BA	BA+15	BA+30	BA+45
0	18,304	18,798	19,311	19,823
1	18,981	19,494	20,025	20,574
2	19,677	20,208	20,757	21,361
3	20,409	20,958	21,526	22,166
4	21,159	21,745	22,331	23,008
5	21,946	22,551	23,155	23,887
6	22,770	23,374	24,015	24,802
7	23,612	24,234	24,893	25,735
8	24,472	25,131	25,809	26,724
9		26,065	26,779	27,731
10			27,767	28,792
11				29,890
12				
13				
14 or more				

1989-90 STATE-WIDE SALARY ALLOCATION SCHEDULE
FOR INSTRUCTIONAL STAFF

Years of Service	BA+90	BA+135	MA	MA+45	MA+90 or PHD
0	21,471	22,532	21,471	22,770	23,887
1	22,276	23,356	22,276	23,612	24,765
2	23,100	24,216	23,100	24,491	25,681
3	23,942	25,113	23,942	25,388	26,632
4	24,839	26,047	24,839	26,321	27,621
5	25,754	27,017	25,754	27,310	28,627
6	26,706	28,005	26,706	28,316	29,689

1989-90 STATE-WIDE SALARY ALLOCATION SCHEDULE
FOR INSTRUCTIONAL STAFF

Years of Service	BA+90	BA+135	MA	MA+45	MA+90 or PHD
7	27,694	29,048	27,694	29,360	30,787
8	28,719	30,128	28,719	30,440	31,940
9	29,781	31,245	29,781	31,574	33,112
10	30,879	32,398	30,879	32,746	34,338
11	32,032	33,588	32,032	33,954	35,601
12	33,222	34,833	33,222	35,217	36,919
13	34,448	36,114	34,448	36,516	38,292
14 or more		37,450	35,711	37,871	39,701

(b) As used in this subsection, '+' (N)' means the number of credits earned since receiving the highest degree.

(7)(a) Pursuant to RCW 28A.41.112, the following state-wide salary allocation schedule for certificated instructional staff is established for basic education salary allocations for the 1990-91 school year:

1990-91 STATE-WIDE SALARY ALLOCATION SCHEDULE
FOR INSTRUCTIONAL STAFF

Years of Service	BA	BA+15	BA+30	BA+45
0	20,001	20,541	21,101	21,661
1	20,656	21,214	21,792	22,389
2	21,325	21,900	22,495	23,150
3	22,027	22,620	23,232	23,923
4	22,742	23,372	24,001	24,729
5	23,490	24,136	24,783	25,566
6	24,269	24,913	25,596	26,435
7	25,061	25,721	26,421	27,314
8	25,864	26,561	27,277	28,244
9		27,431	28,182	29,184
10			29,098	30,172
11				31,189
12				
13				
14 or more				

1990-91 STATE-WIDE SALARY ALLOCATION SCHEDULE
FOR INSTRUCTIONAL STAFF

Years of Service	BA+90	BA+135	MA	MA+45	MA+90 or PHD
0	23,461	24,621	23,980	25,780	26,940
1	24,242	25,417	24,708	26,561	27,736
2	25,034	26,245	25,469	27,353	28,563
3	25,840	27,104	26,242	28,159	29,423
4	26,696	27,995	27,048	29,015	30,314
5	27,565	28,916	27,885	29,884	31,235
6	28,464	29,849	28,754	30,783	32,168
7	29,393	30,831	29,633	31,712	33,150
8	30,352	31,842	30,563	32,671	34,161
9	31,341	32,882	31,502	33,660	35,201
10	32,358	33,950	32,491	34,677	36,269
11	33,423	35,047	33,508	35,742	37,366
12	34,516	36,189	34,566	36,835	38,508
13	35,636	37,359	35,659	37,955	39,678
14 or more		38,573	36,786	39,154	40,892

(b) As used in this subsection, the column headings 'BA+ (N)' refer to the number of credits earned since receiving the baccalaureate degree.

(c) For credits earned after the baccalaureate degree but before the masters degree, any credits in excess of forty-five credits may be counted after the masters degree. Thus, as used in this subsection, the column headings 'MA+ (N)' refer to the total of:

(f) Credits earned since receiving the masters degree; and

(ii) Any credits in excess of forty-five credits that were earned after the baccalaureate degree but before the masters degree.

(8) For the purposes of this section:

(a) 'BA' means a baccalaureate degree.

(b) 'MA' means a masters degree.

(c) 'PHD' means a doctorate degree.

(d) 'Years of service' shall be calculated under the same rules used by the superintendent of public instruction for salary allocations in the 1988-89 school year.

(e) 'Credits' means college quarter hour credits and equivalent inservice credits computed in accordance with RCW 28A.71.110.

(9) The salary allocation schedules established in subsections (5) and (6) of this section are for allocation purposes only.

(10) The legislature finds that, during the 1987-89 biennium, actual salary increases provided to school administrators substantially exceeded the state-funded increases granted for administrative staff. The legislature intends that increases granted to administrators during the 1989-91 biennium be limited to the percentage increase provided in administrative salary allocations under this section. School districts shall annually submit documentation to the superintendent of public instruction on any increases in average administrative salaries that exceed the increase provided in this section, pursuant to instructions issued by the superintendent. The superintendent of public instruction shall forward such data and documentation to the appropriations committee of the house of representatives and the ways and means committee of the senate. The documentation shall include an explanation of amount of the excess increases provided by each district and the justification or reasons for such increases.

NEW SECTION. Sec. 504. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—CATEGORICAL PROGRAM SALARY INCREASES

General Fund Appropriation \$ 38,730,000

The appropriation in this section is subject to the following conditions and limitations:

(1) The incremental fringe benefits factors applied to salary increases in subsection (3) of this section shall be 1.1916 for certificated salaries and 1.1379 for classified salaries in the 1989-90 school year, and 1.1921 for certificated salaries and 1.1384 for classified salaries in the 1990-91 school year.

(2) A maximum of \$13,400,000 is provided to implement salary increases for each school year for state-supported school employees in the following categorical programs: Transitional bilingual instruction, learning assistance, education of highly capable students, vocational technical institutes, and pupil transportation. Moneys provided by this subsection include costs of incremental fringe benefits and shall be distributed by increasing allocation rates for each school year by the amounts specified:

(a) Transitional bilingual instruction: The rates specified in section 520 of this act shall be increased by \$16.04 per pupil for the 1989-90 school year and by \$40.13 per pupil for the 1990-91 school year.

(b) Learning assistance: The rates specified in section 521 of this act shall be increased by \$12.91 per pupil for the 1989-90 school year and by \$22.99 per pupil for the 1990-91 school year.

(c) Education of highly capable students: The rates specified in section 516 of this act shall be increased by \$9.50 per pupil for the 1989-90 school year and by \$23.78 per pupil for the 1990-91 school year.

(d) Vocational technical institutes: The rates for vocational programs specified in section 508 of this act shall be increased by \$86.33 per full time equivalent student for the 1989-90 school year, and by \$205.01 per full time equivalent student for the 1990-91 school year.

(e) Pupil transportation: The rates provided under section 507 of this act shall be increased by \$0.66 per weighted pupil-mile for the 1989-90 school year, and by \$1.18 per weighted pupil-mile for the 1990-91 school year.

(3) A maximum of \$25,330,000 is provided for salary increases and incremental fringe benefits for state-supported staff unit allocations in the handicapped program, section 510, and for state-supported staff in institutional education programs, section 515, and in educational service districts, section 512. The superintendent of public instruction shall distribute salary increases for these programs not to exceed the percentage salary increases provided for basic education staff under section 503 of this act.

(4) While this section and section 509 of this act do not provide specific allocations for salary increases for school food services employees, nothing in this act is intended to preclude or discourage school districts from granting increases that are equivalent to those provided for other classified staff.

NEW SECTION. Sec. 505. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR SCHOOL EMPLOYEE INSURANCE BENEFIT INCREASES

General Fund Appropriation \$ 21,111,000

The appropriation in this section is subject to the following conditions and limitations:

(1) Allocations for insurance benefits from general fund appropriations provided under section 502 of this act shall be calculated at a rate of \$224.75 per month for each certificated staff unit, and for each classified staff unit adjusted pursuant to section 502(5)(b).

(2) The appropriation in this section is provided solely to increase insurance benefit allocations for state-funded certificated and classified staff in the 1989-90 and 1990-91 school years, effective October 1, 1989, to a rate of \$239.86 per month, as distributed pursuant to this section.

(3) A maximum of \$16,939,000 may be expended to increase general fund allocations for insurance benefits for basic education staff units under section 502(5) of this act by \$15.11 per month.

(4) A maximum of \$2,226,000 may be expended to increase insurance benefit allocations for handicapped program staff units as calculated under section 510 of this act by \$15.11 per month.

(5) A maximum of \$108,000 may be expended to increase insurance benefit allocations for state-funded staff in educational service districts and institutional education programs by \$15.11 per month.

(6) A maximum of \$1,838,000 may be expended to fund insurance benefit increases in the following categorical programs by increasing annual state funding rates by the amounts specified in this subsection. For the 1989-90 school year, due to the October implementation, school districts shall receive eleven-twelfths of the annual rate increases specified. On an annual basis, the maximum rate adjustments provided under this section are:

- (a) For pupil transportation, an increase of \$0.14 per weighted pupil-mile;
- (b) For learning assistance, an increase of \$3.78 per pupil;
- (c) For education of highly capable students, an increase of \$1.29 per pupil;
- (d) For transitional bilingual education, an increase of \$2.44 per pupil;
- (e) For vocational-technical institutes, an increase of \$10.05 per full time equivalent pupil.

NEW SECTION, Sec. 506. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—RETIREMENT CONTRIBUTIONS

General Fund Appropriation \$ 33,141,000

The appropriation in this section is subject to the following conditions and limitations:

(1) \$13,056,000 for the teachers' retirement system and \$2,147,000 for the public employees' retirement system, or so much thereof as may be necessary, shall be distributed to local districts to increase state retirement system contributions resulting from Engrossed Substitute House Bill No. 1322. If the bill is not enacted by June 30, 1989, the amounts provided in this subsection shall lapse.

(2) \$14,587,000 for the teachers' retirement system and \$3,351,000 for the public employees' retirement system, or so much thereof as may be necessary, shall be distributed to local districts to increase state retirement system contributions resulting from Substitute Senate Bill No. 5418. If the bill is not enacted by June 30, 1989, the amounts provided in this subsection shall lapse.

NEW SECTION, Sec. 507. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR PUPIL TRANSPORTATION

General Fund Appropriation \$ 250,821,000

The appropriation in this section is subject to the following conditions and limitations:

(1) \$22,695,000 is provided solely for distribution to school districts for the remaining months of the 1988-89 school year.

(2) A maximum of \$111,468,000 may be distributed for pupil transportation operating costs in the 1989-90 school year.

(3) A maximum of \$857,000 may be expended for regional transportation coordinators.

(4) A maximum of \$64,000 may be expended for bus driver training.

(5) For eligible school districts, the small fleet maintenance factor shall be funded at a rate of \$1.53 per weighted pupil-mile in the 1989-90 school year and \$1.60 per weighted pupil-mile in the 1990-91 school year.

NEW SECTION, Sec. 508. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR VOCATIONAL-TECHNICAL INSTITUTES AND ADULT EDUCATION AT VOCATIONAL-TECHNICAL INSTITUTES

General Fund Appropriation \$ 82,884,000

The appropriation in this section is subject to the following conditions and limitations:

(1) Funding for vocational programs during the 1989-90 school year shall be distributed at a rate of \$3,267 per student for a maximum of 12,655 full time equivalent students. This amount includes \$154 per student solely to replace out-of-date or worn-out equipment.

(2) Funding for vocational programs during the 1990-91 school year shall be distributed at a rate of \$3,268 per student for a maximum of 12,655 full time equivalent students. This amount includes \$154 per student solely to replace out-of-date or worn-out equipment.

(3) Funding for adult basic education programs during the 1989-90 school year shall be distributed at a rate of \$1.46 per hour of student service for a maximum of 288,690 hours.

(4) Funding for adult basic education programs during the 1990-91 school year shall be distributed at a rate of \$1.48 per hour of student service for a maximum of 288,690 hours.

NEW SECTION. Sec. 509. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR SCHOOL FOOD SERVICE PROGRAMS

General Fund Appropriation—State	\$	6,000,000
General Fund Appropriation—Federal	\$	85,000,000
Total Appropriation	\$	91,000,000

NEW SECTION. Sec. 510. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR HANDICAPPED EDUCATION PROGRAMS

General Fund Appropriation—State	\$	503,593,000
General Fund Appropriation—Federal	\$	59,000,000
Total Appropriation	\$	562,593,000

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

(1) \$48,111,000 of the general fund—state appropriation is provided solely for the remaining months of the 1988-89 school year.

(2) The superintendent of public instruction shall distribute state funds for the 1989-90 and 1990-91 school years in accordance with districts' actual handicapped enrollments and the allocation model established in LEAP Document 13 as developed on March 25, 1989, at 13:45 hours.

(3) A maximum of \$440,000 may be expended from the general fund—state appropriation to fund 4.66 full time equivalent teachers and one aide at Children's orthopedic hospital and medical center. This amount is in lieu of money provided through the home and hospital allocation and the handicapped program.

(4) \$272,000 of the general fund—state appropriation is provided solely for the early childhood home instruction program for hearing impaired infants and their families. \$80,000 of the amount provided in this subsection is a one-time grant to replace lost federal support and maintain program continuity until other nonstate resources to support existing service levels can be identified.

(5) \$150,000 of the general fund—state appropriation is provided solely for development and implementation of a process for school districts to bill medical assistance for eligible services included in handicapped education programs, pursuant to Substitute House Bill No. 2014. If the bill is not enacted by June 30, 1989, the amount provided in this subsection shall lapse. \$50,000 of the amount provided in this subsection is solely for interagency reimbursement for administrative and planning costs of the department of social and health services. \$100,000 of the amount provided in this subsection is solely for contracts with educational service districts for development and implementation of billing systems.

(6) A maximum of \$1,500,000 of the general fund—state appropriation may be granted to school districts for pilot programs for prevention of learning problems established under section 13 of Engrossed Substitute House Bill No. 1444. A district's grant for a school year under this subsection shall not exceed:

(a) The total of state allocations for general apportionment and handicapped education programs that the district would have received for that school year with specific learning disabled enrollment at the prior school year's level; minus

(b) The total of the district's actual state allocations for general apportionment and handicapped education programs for that school year.

NEW SECTION. Sec. 511. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR TRAFFIC SAFETY EDUCATION PROGRAMS

Public Safety and Education Account Appropriation	\$	14,067,000
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The appropriation in this section is subject to the following conditions and limitations: Not more than \$596,000 may be expended for regional traffic safety education coordinators.

NEW SECTION. Sec. 512. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR EDUCATIONAL SERVICE DISTRICTS

General Fund Appropriation	\$	10,654,000
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The appropriation in this section is subject to the following conditions and limitations: The educational service districts shall continue to furnish financial services required by the superintendent of public instruction and RCW 28A.21.088 (3) and (4).

NEW SECTION. Sec. 513. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR LOCAL EFFORT ASSISTANCE

General Fund Appropriation	\$	82,700,000
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The appropriation in this section is subject to the following conditions and limitations: \$82,700,000 is provided for state matching funds pursuant to RCW 28A.41.155.

NEW SECTION. Sec. 514. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR THE ENUMERATED PURPOSES

General Fund Appropriation—Federal	\$	141,817,000
(1) Education Consolidation and Improvement Act	\$	138,000,000
(2) Education of Indian Children	\$	317,000
(3) Adult Basic Education	\$	3,500,000

NEW SECTION. Sec. 515. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR INSTITUTIONAL EDUCATION PROGRAMS

General Fund Appropriation—State	\$	20,566,000
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General Fund Appropriation—Federal	\$	8,006,000
Total Appropriation	\$	28,572,000

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

(1) \$3,817,000 of the general fund—state appropriation is provided solely for the remaining months of the 1988-89 school year.

(2) \$10,165,000 of the general fund—state appropriation is provided solely for the 1989-90 school year, distributed as follows:

(a) \$3,293,000 is provided solely for programs in state institutions for the handicapped or emotionally disturbed. These moneys may be distributed for that school year at a maximum rate averaged over all of these programs of \$10,903 per full time equivalent student.

(b) \$3,647,000 is provided solely for programs in state institutions for delinquent youth. These moneys may be distributed for that school year at a maximum rate averaged over all of these programs of \$6,728 per full time equivalent student.

(c) \$418,000 is provided solely for programs in state group homes for delinquent youth. These moneys may be distributed for that school year at a maximum rate averaged over all of these programs of \$5,166 per full time equivalent student.

(d) \$727,000 is provided solely for juvenile parole learning center programs. These moneys may be distributed for that school year at a maximum rate averaged over all of these programs of \$1,772 per full time equivalent student, and are in addition to moneys allocated for these students through the basic education formula established in section 502 of this act.

(e) \$2,080,000 is provided solely for programs in county detention centers. These moneys may be distributed for that school year at a maximum rate averaged over all of these programs of \$4,871 per full time equivalent student.

(3) Distribution of state funding for the 1990-91 school year shall be based upon the following overall limitations for that school year including expenditures anticipated for July and August of 1991:

(a) State funding for programs in state institutions for the handicapped or emotionally disturbed may be distributed at a maximum rate averaged over all of these programs of \$10,847 per full time equivalent student and a total allocation of no more than \$2,885,000 for that school year.

(b) State funding for programs in state institutions for delinquent youth may be distributed at a maximum rate averaged over all of these programs of \$6,741 per full time equivalent student and a total allocation of no more than \$3,701,000 for that school year.

(c) State funding for programs in state group homes for delinquent youth may be distributed in that school year at a maximum rate averaged over all of these programs of \$5,177 per full time equivalent student and a total allocation of no more than \$419,000 for that school year.

(d) State funding for juvenile parole learning center programs may be distributed at a maximum rate averaged over all of these programs of \$1,789 per full time equivalent student and a total allocation of no more than \$723,000 for that school year, excluding funds provided through the basic education formula established in section 502 of this act.

(e) State funding for programs in county detention centers may be distributed at a maximum rate averaged over all of these programs of \$4,882 per full time equivalent student and a total allocation of no more than \$2,080,000 for that school year.

(4) \$167,000 of the general fund—state appropriation is provided solely to maintain the increased teacher/student ratio for programs at mentally ill offender units within the state institutions for delinquent youth.

(5) Notwithstanding any other provision of this section, the superintendent of public instruction may transfer funds between the categories of institutions identified in subsections (2) and (3) of this section if the maximum expenditures per full time equivalent student for each category of institution are not thereby exceeded.

(6) State funding provided under this section is based on salaries and other expenditures for a 220-day school year. The superintendent of public instruction shall monitor school district expenditure plans for institutional education programs to ensure that districts plan for a full-time summer program.

(7) The superintendent of public instruction shall conduct a study of institutional education programs, addressing the division of administrative and budgetary responsibilities between the school districts, the department of social and health services, and, in the case of county detention centers, the juvenile court administrators. The superintendent shall consult with the department of social and health services and the institutions in designing and conducting the study, and in developing recommendations. The study shall include recommendations on methods to improve communication, decision making, and cooperation among school district and institutional staff, as well as coordination of programs and responsiveness to student needs. The superintendent shall submit a report of the study to the legislature prior to December 1, 1990, including recommendations for legislative action and changes in administrative practices.

NEW SECTION. Sec. 516. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR PROGRAMS FOR HIGHLY CAPABLE STUDENTS

General Fund Appropriation	\$	7,090,000
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The appropriation in this section is subject to the following conditions and limitations:

(1) \$534,000 is provided solely for distribution to school districts for the remaining months of the 1988-89 school year.

(2) Allocations for school district programs for highly capable students during the 1989-90 school year shall be distributed at a maximum rate of \$364 per student for up to one percent of each district's full time equivalent enrollment.

(3) Allocations for school district programs for highly capable students during the 1990-91 school year shall be distributed at a maximum rate of \$364 per student for up to one and one-half percent of each district's full time equivalent enrollment.

(4) A maximum of \$356,000 is provided to contract for gifted programs to be conducted at Fort Worden state park.

NEW SECTION. Sec. 517. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR SCHOOL DISTRICT SUPPORT

General Fund Appropriation—State	\$	5,684,000
General Fund Appropriation—Federal	\$	5,131,000
Total Appropriation	\$	10,815,000

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

(1) \$282,000 of the general fund—state appropriation is provided solely for teacher in-service training in math, science, and computer technology.

(2) \$651,000 of the general fund—state appropriation is provided solely for teacher training workshops conducted by the Pacific science center. \$496,000 of this amount is for in-service training in science to be provided to approximately ten percent of the kindergarten through eighth grade teachers each year.

(3) \$2,029,000 of the general fund—state appropriation is provided solely for operation by the educational service districts of regional computer demonstration centers and computer information centers.

(4) \$872,000 of the general fund—state appropriation and \$413,000 of the general fund—federal appropriation are provided solely for teacher training in drug and alcohol abuse education and prevention in kindergarten through grade twelve. The amount provided in this subsection includes \$300,000 from license fees collected pursuant to RCW 66.24.320 and 66.24.330 which are dedicated to juvenile drug and alcohol prevention programs under RCW 66.08.180(4).

(5) \$1,500,000 of the general fund—state appropriation is provided solely for training of paraprofessional classroom assistants and classroom teachers to whom the assistants are assigned. The funding is intended to provide a training program of at least twenty-five hours for approximately one thousand classroom assistants, and at least a one-day training program for approximately two thousand assigned teachers. A maximum of \$175,000 of this amount may be spent by the superintendent for state administrative costs of this program.

(6) \$350,000 of the general fund—state appropriation is provided solely for grants to school districts for multicultural inservice training.

NEW SECTION. Sec. 518. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR SPECIAL AND PILOT PROGRAMS

General Fund Appropriation—State	\$	15,991,000
General Fund Appropriation—Federal	\$	5,973,000
Total Appropriation	\$	21,964,000

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

(1) \$1,731,000 of the general fund—state appropriation is provided solely for a contract with the Pacific science center for travelling van programs and other educational services for public schools. \$815,000 of this amount is provided to expand the travelling van program to serve approximately 50 percent of public elementary schools annually, and to expand the on-site instruction program to serve approximately 70,000 students and teachers each year.

(2) \$88,000 of the general fund—state appropriation is provided solely for a contract with the Cispus learning center for environmental education programs.

(3) \$3,975,000 of the general fund—federal appropriation is provided solely for substance abuse prevention programs.

(4) \$5,719,000 of the general fund—state appropriation and \$1,710,000 of the general fund—federal appropriation are provided solely for the schools for the twenty-first century pilot programs established by RCW 28A.100.030 through 28A.100.068. The general fund—federal appropriation shall be expended to establish a maximum of twelve new projects in fiscal year 1991.

(5) \$3,560,000 of the general fund—state appropriation is provided solely for the beginning teachers assistance program established under RCW 28A.67.240. Moneys shall be distributed under this subsection at a maximum rate per mentor/beginning teacher team of \$1,780 per year.

(6) \$204,000 of the general fund—state appropriation is provided solely for child abuse education provisions of RCW 28A.03.512 through 28A.03.514.

(7) \$1,519,000 of the general fund—state appropriation is provided solely for grants to public or private nonprofit organizations to assist parents of children in headstart or early

childhood education and assistance programs, who are enrolled in adult literacy classes or tutoring programs under RCW 28A.130.010 through 28A.130.020. Grants provided under this subsection may be used for scholarships, costs of transportation and child care, and other support services. Moneys provided under this subsection may not be used by the superintendent of public instruction for state administrative costs.

(8) \$82,000 of the general fund—state appropriation is provided solely for in-service training and other costs associated with the development of a comprehensive K-12 health education curriculum, including an integral component relating to acquired immunodeficiency syndrome.

(9) \$250,000 of the general fund—state appropriation is provided solely for the continuation of student teaching pilot projects under Engrossed Senate Bill No. 5826. If the bill is not enacted by June 30, 1989, the amount provided in this subsection shall lapse.

(10) \$2,712,000 of the general fund—state appropriation and \$288,000 of the general fund—federal appropriation are provided solely for grants for drop-out prevention and retrieval programs established under RCW 28A.120.060 through 28A.120.072. The general fund—federal appropriation shall be allocated to school districts for projects that meet federal criteria for targeted services eligible for funding under chapter 2 of the education consolidation and improvement act, to assist in establishing new services and innovative programs for students at risk.

(11) \$126,000 of the general fund—state appropriation is provided solely to establish and operate a toll-free telephone number at the Lifeline Institute to assist school districts in youth suicide prevention.

NEW SECTION. Sec. 519. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR ENCUMBRANCES OF FEDERAL GRANTS

General Fund Appropriation—Federal \$ 36,216,000

NEW SECTION. Sec. 520. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR TRANSITIONAL BILINGUAL PROGRAMS

General Fund Appropriation \$ 14,772,000

The appropriation in this section is subject to the following conditions and limitations:

(1) \$1,476,000 is provided solely for the remaining months of the 1988-89 school year.

(2) The superintendent shall distribute funds for the 1989-90 and 1990-91 school years at a rate for each year of \$452 per eligible student.

NEW SECTION. Sec. 521. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR THE LEARNING ASSISTANCE PROGRAM

General Fund Appropriation \$ 70,417,000

The appropriation in this section is subject to the following conditions and limitations:

(1) \$5,899,000 is provided solely for the remaining months of the 1988-89 school year.

(2) Funding for school district learning assistance programs serving kindergarten through grade nine shall be distributed during the 1989-90 and 1990-91 school years at a maximum rate of \$389 per unit as calculated pursuant to this subsection. The number of units for each school district in each school year shall be the sum of: (a) The number of full time equivalent students enrolled in kindergarten through grade six in the district multiplied by the percentage of the district's students taking the fourth grade basic skills test who scored in the lowest quartile as compared to national norms, and then reduced by the number of students ages eleven and below in the district who are identified as specific learning disabled and are served through programs established pursuant to chapter 28A.13 RCW; and (b) the number of full time equivalent students enrolled in grades seven through nine in the district multiplied by the percentage of the district's students taking the eighth grade basic skills test who scored in the lowest quartile as compared to national norms, and then reduced by the number of students ages twelve through fourteen in the district who are identified as specific learning disabled and are served through programs established pursuant to chapter 28A.13 RCW. In determining these allocations, the superintendent shall use the most recent prior five-year average scores on the fourth grade and eighth grade state-wide basic skills tests.

NEW SECTION. Sec. 522. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR EDUCATIONAL CLINICS

General Fund Appropriation \$ 3,584,000

The appropriation in this section is subject to the following conditions and limitations: Not more than \$1,792,000 of the general fund appropriation may be expended during fiscal year 1990.

NEW SECTION. Sec. 523. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—LOCAL EDUCATION PROGRAM ENHANCEMENT FUNDS

General Fund Appropriation \$ 54,463,000

The appropriation in this section is subject to the following conditions and limitations:

(1) \$5,053,000 of the general fund appropriation is provided solely for the remaining months of the 1988-89 school year.

(2) A school district may be eligible to receive an allocation from this appropriation if the school district's board of directors has:

(a) Assessed the needs of the schools within the district;

(b) Prioritized the identified needs; and
 (c) Developed an expenditure plan for the allocation and an evaluation methodology to assess benefits to students.

(3) School districts receiving moneys pursuant to this section shall expend such moneys to meet educational needs identified by the district within the following program areas:

- (a) Prevention and intervention services in the elementary grades;
- (b) Reduction of class size;
- (c) Early childhood education;
- (d) Student-at-risk programs, including dropout prevention and retrieval, and substance abuse awareness and prevention;
- (e) Staff development and in-service programs;
- (f) Student logical reasoning and analytical skill development;
- (g) Programs for highly capable students;
- (h) Programs involving students in community services;
- (i) Senior citizen volunteer programs; and
- (j) Other purposes that enhance a school district's basic education program.

Program enhancements funded pursuant to this section do not fall within the definition of basic education for purposes of Article IX of the state Constitution and the state's funding duty thereunder, nor shall such funding as now or hereafter appropriated and allocated constitute levy reduction funds for purposes of RCW 84.52.0531.

(4)(a) Allocations to eligible school districts for the 1989-90 and 1990-91 school years shall be calculated on the basis of average annual full time equivalent enrollment, at an annual rate of \$35.26 per pupil. For school districts enrolling not more than one hundred average annual full time equivalent students, and for small school plants within any school district designated as remote and necessary schools, the allocations shall be determined as follows:

(i) Enrollment of not more than sixty average annual full time equivalent students in grades kindergarten through six shall generate funding based on sixty full time equivalent students;

(ii) Enrollment of not more than twenty average annual full time equivalent students in grades seven and eight shall generate funding based on twenty full time equivalent students; and

(iii) Enrollment of sixty or fewer average annual full time equivalent students in grades nine through twelve shall generate funding based on sixty full time equivalent students.

(b) Allocations shall be distributed on a school-year basis pursuant to RCW 28A.48.010.

NEW SECTION, Sec. 524. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR THE STATE SCHOOL FOR THE BLIND AND THE STATE SCHOOL FOR THE DEAF

General Fund Appropriation—State	\$	17,318,000
General Fund Appropriation—Federal	\$	48,000
Total Appropriation	\$	17,366,000

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

(1) \$5,940,000 of the general fund—state appropriation is provided to pass through directly to the state school for the blind at the request of the school's superintendent.

(2) \$10,991,000 of the general fund—state appropriation and \$48,000 of the general fund—federal appropriation is provided to pass through directly to the state school for the deaf at the request of the school's superintendent.

(3) \$387,000 of the general fund—state appropriation is provided solely for transportation of day students attending the schools. The state school for the deaf and the state school for the blind shall contract with educational service district No. 112 for the provision of pupil transportation services.

PART VI HIGHER EDUCATION

NEW SECTION, Sec. 601. The appropriations in sections 602 through 608 of this act are subject to the following conditions and limitations:

(1) For the purposes of this section and sections 602 through 608 of this act, 'institutions of higher education' means the institutions receiving appropriations pursuant to sections 602 through 608 of this act.

(2) (a) Student Quality Standard: During the 1989-91 fiscal biennium, each institution of higher education shall not spend less than the average biennial amount listed in this subsection per full time equivalent student. The amounts include total appropriated general fund—state operating expenses for the institution, less expenditures for plant maintenance and operations, with the exception of Washington State University, where cooperative extension and agriculture research are also excluded from the per student expenditures. This expenditure-per-student requirement may vary by two percent. If an institution's expenditure per student in fiscal year 1989-90 exceeds the two-percent variance, then the office of financial management shall reduce that institution's allotment for fiscal year 1990-91 by the amount above the two-percent variance.

University of Washington	\$	9,290
Washington State University	\$	7,625
Eastern Washington University	\$	5,511

Central Washington University	\$	5,649
The Evergreen State College	\$	7,076
Western Washington University	\$	5,430
State Board for Community College Education	\$	3,302

(b) Facilities Quality Standard: During the 1989-91 biennium, no institution of higher education may allow its expenditures for plant operation and maintenance to be more than five percent below the general fund—state appropriation and the general fund—local amounts allotted for this purpose.

(3)(a) The following are maximum amounts that each institution may spend from the appropriations in sections 602 through 608 and 610 of this act for faculty, graduate assistants, and exempt staff salary increases and are subject to all the limitations contained in this section. For the purpose of allocating these funds, 'faculty' includes all instructional and research faculty, teaching and research assistants, academic deans, department chairpersons, librarians, and community college counselors who are not part of the state classified service system. 'Exempt staff' includes all professional and administrative employees who are not part of the state classified service system.

University of Washington	\$	18,348,000
Washington State University	\$	9,603,000
Eastern Washington University	\$	2,864,000
Central Washington University	\$	2,553,000
The Evergreen State College	\$	1,210,000
Western Washington University	\$	3,435,000
State Board for Community College Education	\$	19,753,000
Higher Education Coordinating Board	\$	66,000

(b) The amounts listed in (a) of this subsection are intended to provide faculty, exempt staff, teaching and research assistants, and medical residents at each four-year institution and the community college system as a whole, a maximum of the average percentage increase, including increments, listed below on the effective dates indicated:

Faculty and Exempt Staff

	January 1, 1990	January 1, 1991
University of Washington	6.1%	6.1%
Washington State University	6.1%	6.1%
Eastern Washington University	6.4%	6.4%
Central Washington University	6.4%	6.4%
The Evergreen State College	6.4%	6.4%
Western Washington University	6.4%	6.4%
State Board for Community College Education	6.2%	6.2%
Exempt staff (all institutions)	2.5%	6.0%
Higher Education Coordinating Board	2.5%	6.0%

(c) Regardless of whether the maximum amounts authorized in this subsection are granted, they will be considered granted by the higher education coordinating board when comparing faculty salaries to other institutions for the purpose of determining salary increase requirements.

(d) The salary increases authorized under this subsection may be granted to state employees at Washington State University who are supported in full or in part by federal land grant formula funds.

(e) The state board for community college education shall allocate the amounts authorized in this subsection among the community college districts according to policies and guidelines established by the board that may include policies for achieving more equitable salary levels among districts and more equitable salary levels between part-time and full-time faculty.

(4) The following amounts from the appropriations in sections 602 through 608 of this act, or as much thereof as may be necessary, shall be spent to provide higher education personnel board classified employees with a 2.5 percent across-the-board salary increase effective January 1, 1990, and an additional 6.0 percent across-the-board salary increase effective January 1, 1991. These increases shall be implemented in compliance and conformity with all requirements of the comparable worth agreement ratified by 1986 Senate Concurrent Resolution No. 126. No salary increase may be paid under this subsection to any person whose salary has been Y-rated pursuant to rules adopted by the higher education personnel board.

University of Washington	\$	4,484,000
Washington State University	\$	2,950,000
Eastern Washington University	\$	747,000
Central Washington University	\$	574,000
The Evergreen State College	\$	427,000
Western Washington University	\$	792,000

State Board for Community College Education	\$	4,011,000
Higher Education Coordinating Board	\$	35,000

(5) The following amounts from the appropriations in sections 602 through 608 of this act are provided solely for student employee salary increases:

University of Washington	\$	130,000
Washington State University	\$	73,000
Eastern Washington University	\$	21,000
Central Washington University	\$	18,000
The Evergreen State College	\$	9,000
Western Washington University	\$	25,000
State Board for Community College Education	\$	142,000

(6) Any institution that grants an average salary increase in excess of the amounts authorized in subsection (3) of this section is ineligible to receive any funds appropriated for salary increases in sections 603 through 608 of this act. Any community college district that grants an average salary increase in excess of the amounts authorized in subsection (3) of this section, as allocated by the state board for community college education, is ineligible to receive any funds appropriated for salary increases in section 602 of this act. The office of financial management shall adjust an institution's allotment as necessary to enforce the restrictions imposed by this section.

(7) The office of financial management shall by November 1, 1989, develop an employee classification system for the purpose of allocating the appropriations in this act for higher education salary increases. In developing the classification system, the office of financial management shall consult with the institutions of higher education, the senate committee on ways and means, and the house of representatives committee on appropriations. The classification system shall be consistent among the institutions and shall provide for uniform application of each employee classification, including instructional and research faculty, academic and administrative deans, department chairpersons, exempt and classified staff, presidents, chancellors, vice-presidents, librarians, and counselors. An institution of higher education shall not grant any salary increase under this section unless the office of financial management determines that the increase is consistent with the classification system required by this subsection. It is the intent of the legislature to adjust the appropriations in this act during the 1990 legislative session to reflect the classification system; the appropriation adjustments shall result in a total expenditure level that is less than or equal to the total amount allocated for salary increases under this section to all institutions. The classification system shall be used solely for the purpose of salary increase allocations under this section and shall not affect any employee rights under the state higher education personnel law, chapter 28B.16 RCW.

NEW SECTION, Sec. 602. FOR THE STATE BOARD FOR COMMUNITY COLLEGE EDUCATION

General Fund Appropriation	\$	629,466,000
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The appropriation in this section is subject to the following conditions and limitations:

(1) The state board for community college education shall establish compensation guidelines for salary levels of the top administrative position at community colleges. The guidelines should take into account criteria such as institutional size, level of responsibility, experience, and longevity.

(2) Community college districts having a higher than average proportion of part-time faculty may use up to five percent of instructional support enhancement money to convert existing part-time faculty to full-time status. Community college districts having a lower than average proportion of part-time faculty shall not use instructional support enhancement money to convert existing part-time faculty to full-time status.

(3) The enrollment increases funded by this appropriation shall be distributed among all the community college districts based on the weighted percentage enrollment plan developed by the state board for community college education, and contained in the legislative budget notes.

(4) At least \$400,000 shall be spent on assessment of student outcomes. The institutions shall strive to improve the quality of instruction in areas such as instructor contact time and student writing requirements.

(5) At least \$50,000 shall be spent to fund the comparable worth salary adjustments for employees in community college childcare centers.

(6) \$5,430,000 is provided to enhance the institution's appropriation for equipment.

NEW SECTION, Sec. 603. FOR THE UNIVERSITY OF WASHINGTON

General Fund Appropriation	\$	613,671,000
Medical Aid Fund Appropriation	\$	3,518,000
Accident Fund Appropriation	\$	3,517,000
Death Investigations Account Appropriation	\$	957,000
Total Appropriation	\$	621,663,000

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

(1) At least \$6,570,000 of the general fund appropriation shall be spent to begin off-campus upper-division course offerings in Tacoma and Bothell.

(2) The University of Washington shall establish an evening degree credit program. \$391,000 of the general fund appropriation is provided to facilitate this purpose.

(3) At least \$400,000 shall be spent on assessment of student outcomes. The institution shall strive to improve the quality of instruction in areas such as professor contact time and student writing requirements.

(4) \$4,587,000 is provided to enhance the institution's appropriation for equipment.

NEW SECTION, Sec. 604. FOR WASHINGTON STATE UNIVERSITY

General Fund Appropriation \$ 337,669,000

The appropriation in this section is subject to the following conditions and limitations:

(1) At least \$2,012,000 shall be spent to expand upper-division and graduate off-campus course offerings.

(2) Washington State University shall continue funding three faculty positions associated with Tri-Cities diversification.

(3) At least \$400,000 shall be spent on assessment of student outcomes. The institution shall strive to improve the quality of instruction in areas such as professor contact time and student writing requirements.

(4) \$1,237,000 is provided to enhance the institution's appropriation for equipment.

NEW SECTION, Sec. 605. FOR EASTERN WASHINGTON UNIVERSITY

General Fund Appropriation \$ 92,656,000

The appropriation in this section is subject to the following conditions and limitations:

(1) It is intended that enrollment increases be directed to resident students and that priority be given to students seeking entrance to upper-division courses with the intent to complete a bachelor's degree.

(2) At least \$400,000 shall be spent on assessment of student outcomes. The institution shall strive to improve the quality of instruction in areas such as professor contact time and student writing requirements.

(3) \$516,000 is provided to enhance the institution's appropriation for equipment.

NEW SECTION, Sec. 606. FOR CENTRAL WASHINGTON UNIVERSITY

General Fund Appropriation \$ 78,366,000

The appropriation in this section is subject to the following conditions and limitations:

(1) It is intended that enrollment increases be directed to resident students and that priority be given to students seeking entrance to upper-division courses with the intent to complete a bachelor's degree.

(2) At least \$599,000 shall be spent to provide upper-division courses in Yakima.

(3) At least \$400,000 shall be spent on assessment of student outcomes. The institution shall strive to improve the quality of instruction in areas such as professor contact time and student writing requirements.

(4) \$316,000 is provided to enhance the institution's appropriation for equipment.

NEW SECTION, Sec. 607. FOR THE EVERGREEN STATE COLLEGE

General Fund Appropriation \$ 48,375,000

The appropriation in this section is subject to the following conditions and limitations:

(1) It is intended that enrollment increases be directed to resident students and that priority be given to students seeking entrance to upper-division courses with the intent to complete a bachelor's degree.

(2) At least \$400,000 shall be spent on assessment of student outcomes. The institution shall strive to improve the quality of instruction in areas such as professor contact time and student writing requirements.

(3) \$377,000 is provided to enhance the institution's appropriation for equipment.

NEW SECTION, Sec. 608. FOR WESTERN WASHINGTON UNIVERSITY

General Fund Appropriation \$ 102,936,000

The appropriation in this section is subject to the following conditions and limitations:

(1) It is intended that enrollment increases be directed to resident students and that priority be given to students seeking entrance to upper-division courses with the intent to complete a bachelor's degree.

(2) At least \$400,000 shall be spent on assessment of student outcomes. The institution shall strive to improve the quality of instruction in areas such as professor contact time and student writing requirements.

(3) \$805,000 is provided to enhance the institution's appropriation for equipment.

NEW SECTION, Sec. 609. FOR THE COMPACT FOR EDUCATION

General Fund Appropriation \$ 92,000

NEW SECTION, Sec. 610. FOR THE HIGHER EDUCATION COORDINATING BOARD

General Fund Appropriation—State \$ 58,248,000

General Fund Appropriation—Federal \$ 4,152,000

State Educational Grant Account Appropriation \$ 40,000

Total Appropriation \$ 62,440,000

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

(l) \$53,943,000 of the general fund—state appropriation is provided solely for student financial aid, including administrative costs. Of that amount:

- (a) At least \$18,100,000 shall be expended for work study grants;
- (b) \$31,609,000 of the general fund—state appropriation is provided solely for the state need grant program. The need grant award to any individual shall not exceed the amount received by a student attending a state research university;
- (c) \$250,000 is provided solely for additions to the conditional scholarship program for nurses;
- (d) \$300,000 is provided solely for additions to the conditional scholarship program for teachers;
- (e) \$500,000 is provided solely for the educational opportunity grant program;
- (f) \$100,000 is provided solely to make matching awards of \$2,000 to community scholarship foundations that:
 - (i) After the effective date of this act, begin a higher education scholarship program and raise at least \$2,000 for the program;
 - (ii) Obtain and maintain tax-exempt status under section 501(c)(3) of the internal revenue code for the fund supporting the scholarship program; and
 - (iii) Have not previously received a matching award from the amount provided in this subsection.

(2) \$50,000 is provided solely for the establishment of a Washington state writing project intended to enhance the skills of writing teachers in grades kindergarten through twelfth grade in Washington public schools.

NEW SECTION, Sec. 611. FOR THE WASHINGTON INSTITUTE OF APPLIED TECHNOLOGY
 General Fund Appropriation \$ 1,500,000
 The appropriation in this section is subject to the following conditions and limitations: This appropriation is provided solely for fiscal year 1990.

NEW SECTION, Sec. 612. FOR THE 1991 APPLIED TECHNOLOGY RESERVE ACCOUNT.
 (1) \$1,500,000 is appropriated from the general fund to the 1991 applied technology reserve account, which account is hereby created in the state treasury. This appropriation represents the fiscal year 1991 costs to operate the Washington institute of applied technology. All moneys in the 1991 applied technology reserve account not appropriated by law by June 30, 1990, shall revert to the general fund.

(2) The state board for vocational education within the governor's office shall conduct a study of the Washington institute of applied technology. The study shall be conducted in conjunction with the Seattle school district, Seattle community college, the superintendent of public instruction, and the office of financial management. The study shall examine the institute's role in the marketplace, its effectiveness in accomplishing its purpose, and alternative methods of operation. The results of the study, together with any recommendations, shall be submitted to the senate committee on ways and means and the house of representatives committee on appropriations by December 1, 1989.

NEW SECTION, Sec. 613. FOR THE HIGHER EDUCATION PERSONNEL BOARD
 Higher Education Personnel Board Service Fund Appropriation \$ 2,083,000

The appropriation in this section is subject to the following conditions and limitations: \$50,000 of the appropriation is provided solely for a 2.5 percent across-the-board salary increase effective January 1, 1990, and an additional 6.0 percent across-the-board salary increase effective January 1, 1991, for staff of the higher education personnel board.

NEW SECTION, Sec. 614. FOR WASHINGTON STATE LIBRARY
 General Fund Appropriation—State \$ 11,013,000
 General Fund Appropriation—Federal \$ 4,620,000
 General Fund Appropriation—Private/Local \$ 112,000
 Western Library Network Computer System Revolving Fund Approp-
 riation—Private/Local \$ 14,073,000
 Total Appropriation \$ 29,818,000

The appropriations in this section are subject to the following conditions and limitations: \$2,331,000 of the general fund—state and the general fund—federal appropriations are provided solely for a contract with the Seattle public library for library services for the blind and physically handicapped.

NEW SECTION, Sec. 615. FOR THE WASHINGTON STATE ARTS COMMISSION
 General Fund Appropriation—State \$ 4,557,000
 General Fund Appropriation—Federal \$ 772,000
 Total Appropriation \$ 5,329,000

- The appropriations in this section are subject to the following conditions and limitations:
- (1) \$1,084,000 of the general fund—state appropriation is provided solely for grants of institutional support to major arts organizations.
 - (2) \$183,000 of the general fund—state appropriation is provided solely for grants for artists participating in the artist-in-residence program.
 - (3) The commission shall develop and implement a plan to reduce administrative expenditures below twenty-five percent of total expenditures by fiscal year 1991. The commission shall

submit a progress report on its plan to the appropriations committee of the house of representatives and the ways and means committee of the senate prior to January 8, 1990.

NEW SECTION, Sec. 616. FOR THE WASHINGTON STATE HISTORICAL SOCIETY

General Fund Appropriation \$ 1,095,000

The appropriation in this section is subject to the following conditions and limitations: \$241,000 of the general fund appropriation is provided solely for planning and implementation of the maritime voyages exhibition.

NEW SECTION, Sec. 617. FOR THE EASTERN WASHINGTON STATE HISTORICAL SOCIETY

General Fund Appropriation—State \$ 748,000

General Fund Appropriation—Federal \$ 126,000

Total Appropriation \$ 874,000

NEW SECTION, Sec. 618. FOR THE STATE CAPITOL HISTORICAL ASSOCIATION

General Fund Appropriation \$ 873,000

State Capitol Historical Association Museum Account Appropriation \$ 119,000

Total Appropriation \$ 992,000

The appropriations in this section are subject to the following conditions and limitations: \$100,000 of the general fund appropriation is provided solely for the continuation of a technical assistance program for local heritage organizations.

PART VII

SPECIAL APPROPRIATIONS

NEW SECTION, Sec. 701. FOR THE STATE TREASURER—STATE REVENUES FOR

DISTRIBUTION

General Fund Appropriation for fire insurance premiums tax distribution \$ 5,239,000

General Fund Appropriation for public utility district excise tax distribution \$ 22,854,000

General Fund Appropriation for prosecuting attorneys' salaries \$ 2,277,000

General Fund Appropriation for motor vehicle excise tax distribution \$ 68,719,000

General Fund Appropriation for local mass transit assistance \$ 208,213,000

General Fund Appropriation for camper and travel trailer excise tax distribution \$ 2,600,000

Aquatic Lands Enhancement Account Appropriation for harbor improvement revenue distribution \$ 80,000

Liquor Excise Tax Fund Appropriation for liquor excise tax distribution \$ 18,667,000

Motor Vehicle Fund Appropriation for motor vehicle fuel tax and overload penalties distribution \$ 290,025,000

Liquor Revolving Fund Appropriation for liquor profits distribution \$ 41,250,000

Timber Tax Distribution Account Appropriation for distribution to 'Timber' counties \$ 57,544,000

Municipal Sales and Use Tax Equalization Account Appropriation \$ 37,002,000

County Sales and Use Tax Equalization Account Appropriation \$ 12,695,000

Death Investigations Account Appropriation for distribution to counties for publicly funded autopsies \$ 636,000

Total Appropriation \$ 767,801,000

NEW SECTION, Sec. 702. FOR THE STATE TREASURER—FEDERAL REVENUES FOR

DISTRIBUTION

Forest Reserve Fund Appropriation for federal forest reserve fund distribution \$ 70,000,000

General Fund Appropriation for federal flood control funds distribution \$ 70,000

General Fund Appropriation for federal grazing fees distribution \$ 50,000

Geothermal Account Appropriation—Federal \$ 20,000

General Fund Appropriation for distribution of federal funds to counties in conformance with Public Law 97-99 \$ 720,000

Total Appropriation \$ 70,860,000

NEW SECTION, Sec. 703. FOR THE STATE TREASURER—BOND RETIREMENT AND INTEREST,

INCLUDING ONGOING BOND REGISTRATION AND TRANSFER CHARGES; FOR GENERAL OBLIGATION DEBT SUBJECT TO THE STATUTORY DEBT LIMIT

Fisheries Bond Redemption Fund 1977 Appropriation \$ 1,367,200

Water Pollution Control Facilities Bond Redemption Fund 1967 Appropriation \$ 4,117,000

State Building and Higher Education Construction Bond Redemption Fund 1967 Appropriation \$ 8,034,700

State Building (Expo 74) Bond Redemption Fund 1973A Appropriation \$ 375,900

State Building Bond Redemption Fund 1973 Appropriation \$ 3,796,000

State Higher Education Bond Redemption Fund 1973 Appropriation \$ 4,379,300

State Building Authority Bond Redemption Fund Appropriation \$ 9,401,000

Community College Capital Improvement Bond Redemption Fund 1972 Appropriation	\$	7,514,400
State Higher Education Bond Redemption Fund 1974 Appropriation	\$	1,182,900
Waste Disposal Facilities Bond Redemption Fund Appropriation	\$	64,569,200
Water Supply Facilities Bond Redemption Fund Appropriation	\$	11,126,800
Recreation Improvements Bond Redemption Fund Appropriation	\$	5,996,200
Social and Health Services Facilities 1972 Bond Redemption Fund Appropriation	\$	3,714,100
Outdoor Recreation Bond Redemption Fund 1967 Appropriation	\$	6,298,000
Indian Cultural Center Construction Bond Redemption Fund 1976 Appropriation	\$	124,200
Fisheries Bond Redemption Fund 1976 Appropriation	\$	762,600
Higher Education Bond Redemption Fund 1975 Appropriation	\$	2,167,100
State Building Bond Retirement Fund 1975 Appropriation	\$	421,900
Social and Health Services Bond Redemption Fund 1976 Appropria- tion	\$	9,474,800
Emergency Water Projects Bond Retirement Fund 1977 Appropriation	\$	2,614,000
Higher Education Bond Redemption Fund 1977 Appropriation	\$	19,264,000
Salmon Enhancement Bond Redemption Fund 1977 Appropriation	\$	4,328,700
Fire Service Training Center Bond Retirement Fund 1977 Appropria- tion	\$	850,500
State General Obligation Bond Retirement Bond 1979 Appropriation	\$	339,761,200
Total Appropriation	\$	511,641,700
NEW SECTION. Sec. 704. FOR THE STATE TREASURER—BOND RETIREMENT AND INTEREST, INCLUDING ONGOING BOND REGISTRATION AND TRANSFER CHARGES: FOR GENERAL OBLIGA- TION DEBT TO BE REIMBURSED BY ENTERPRISE ACTIVITIES		
State Convention and Trade Center Account Appropriation	\$	29,443,500
University of Washington Hospital Bond Retirement Fund 1975 Appropria- tion	\$	1,171,600
Office-Laboratory Facilities Bond Redemption Fund Appropriation	\$	273,700
Higher Education Bond Retirement Fund 1979 Appropriation	\$	2,556,600
State General Obligation Bond Retirement Fund 1979 Appropriation	\$	9,249,000
Spokane River Toll Bridge Revolving Account Appropriation	\$	882,100
Total Appropriation	\$	43,576,500
NEW SECTION. Sec. 705. FOR THE STATE TREASURER—BOND RETIREMENT AND INTEREST, INCLUDING ONGOING BOND REGISTRATION AND TRANSFER CHARGES: FOR GENERAL OBLIGA- TION DEBT TO BE REIMBURSED AS PRESCRIBED BY STATUTE		
Community College Refunding Bond Retirement Fund 1974 Appropriation	\$	9,756,200
Community College Capital Construction Bond Redemption Fund 1975, 1976, 1977 Appropriation	\$	10,773,500
Higher Education Bond Retirement Fund 1979 Appropriation	\$	10,268,800
Washington State University Bond Redemption Fund 1977 Appropria- tion	\$	539,200
Higher Education Refunding Bond Redemption Fund 1977 Appropria- tion	\$	7,801,200
State General Obligation Bond Retirement Fund 1979 Appropriation	\$	29,346,300
Total Appropriation	\$	68,485,200
NEW SECTION. Sec. 706. FOR THE STATE TREASURER—BOND RETIREMENT AND INTEREST, INCLUDING ONGOING BOND REGISTRATION AND TRANSFER CHARGES: FOR DEBT TO BE PAID BY MOTOR VEHICLE FUND REVENUE		
Highway Bond Retirement Fund Appropriation	\$	195,489,500
Ferry Bond Retirement Fund 1977 Appropriation	\$	26,531,100
Total Appropriation	\$	222,020,600
NEW SECTION. Sec. 707. FOR THE STATE TREASURER—BOND RETIREMENT AND INTEREST, INCLUDING ONGOING BOND REGISTRATION AND TRANSFER CHARGES: FOR DEBT TO BE PAID BY STATUTORILY PRESCRIBED REVENUE		
Common School Building Bond Redemption Fund 1967 Appropria- tion	\$	6,906,000
State Building Bond Redemption Fund 1967 Appropriation	\$	655,600
State Building and Parking Bond Redemption Fund 1969 Appropria- tion	\$	2,450,900
Total Appropriation this Section	\$	10,012,500
Total Bond Retirement and Interest Appropriations, Sections 703 through 707	\$	855,736,200
NEW SECTION. Sec. 708. FOR THE GOVERNOR—EMERGENCY FUND		
General Fund Appropriation	\$	2,000,000

The appropriation in this section is for the governor's emergency fund to be allocated for the carrying out of the critically necessary work of any agency.

NEW SECTION, Sec. 709. FOR THE GOVERNOR—INDIAN CLAIMS

General Fund Appropriation \$ 4,925,000

The appropriation in this section is subject to the following conditions and limitations:

(1) This appropriation is provided solely for implementation of the Puyallup tribal settlement agreement, as provided in Substitute House Bill No. 1788 and Engrossed Senate Bill No. 5734. If neither bill is enacted by June 30, 1989, this appropriation shall lapse.

(2) No portion of this appropriation may be spent, released, transferred, or placed into escrow until all of the following have occurred:

(a) The United States Congress has passed (and the President of the United States has signed, if necessary) legislation providing approximately \$77,250,000 to the Puyallup Indian Tribe (the 'tribe') as described in the 'Agreement between the Puyallup Tribe of Indians, local Governments in Pierce County, the State of Washington, the United States of America, and certain private property owners,' dated August 27, 1988 (the 'agreement').

(b) The local governments of Pierce county, the city of Tacoma, the city of Fife, the city of Puyallup, and the Port of Tacoma have among them agreed to pay approximately \$52,134,000 to the tribe according to the terms of the agreement.

(3) The legislature recognizes the need for consistency and finality in property settlement agreements in order for economic expansion to benefit the community. The attorney general shall appear for and represent individual owners of owner-occupied residential real estate before the state and federal courts in all cases in which an individual tribal member of a tribe signatory to the agreement has instituted an action or proceeding raising a claim of Indian title for land located within the properties comprising the agreement.

NEW SECTION, Sec. 710. FOR THE GOVERNOR—TORT DEFENSE SERVICES

General Fund Appropriation \$ 1,500,000

Special Fund Agency Tort Defense Services Revolving Fund Appropriation \$ 1,292,000

Total Appropriation \$ 2,792,000

The appropriations in this section are subject to the following conditions and limitations: To facilitate payment of tort defense services from special funds, the state treasurer is directed to transfer sufficient moneys from each special fund to the special fund tort defense services revolving fund, hereby created, in accordance with schedules provided by the office of financial management. The governor shall distribute the moneys appropriated in this section to agencies to pay for tort defense services.

NEW SECTION, Sec. 711. DEPARTMENT OF PUBLIC HEALTH—TRANSITION

General Fund Appropriation \$ 1,000,000

The appropriation in this section is subject to the following conditions and limitations: If a department of public health or a department of health is not established by law by June 30, 1989, this appropriation shall lapse.

NEW SECTION, Sec. 712. FOR BELATED CLAIMS

(1) There is appropriated to the office of financial management for payment of supplies and services furnished in previous biennia, from the General Fund \$ 1,140,000

(2) The following sums, or so much thereof as shall severally be found necessary, are hereby appropriated and authorized to be expended out of the several funds indicated, for the period from the effective date of this act to June 30, 1991, except as otherwise noted.

To reimburse the general fund for expenditures from belated claims appropriations to be disbursed on vouchers approved by the office of financial management:

Medical Disciplinary Account	\$	520
Institutional Impact Account	\$	26,153
ORV (Off-Road-Vehicle) Account	\$	23
Hospital Commission Account	\$	15,224
Centennial Commission Account	\$	940
Public Safety and Education Account	\$	1151
Health Professions Account	\$	734
Forest Development Account	\$	6,122
Real Estate Commission Account	\$	1,614
Reclamation Revolving Account	\$	103
Landowner Contingency Forest Fire Suppression Account	\$	600
Capitol Building Construction Account	\$	40,251
Resource Management Cost Account	\$	9,295
Litter Control Account	\$	34,305
State Building Construction Account	\$	35
Outdoor Recreation Account	\$	1,958
Local Governance Study Commission Account	\$	42
Grade Crossing Protective Fund	\$	1,029
State Patrol Highway Account	\$	25,745
Motorcycle Safety Education Fund	\$	266

Fire Service Training Account	\$	447
Seed Fund	\$	3,023
Electrical License Fund	\$	724
State Wildlife Fund	\$	20,500
Highway Safety Fund	\$	7,774
Motor Vehicle Fund	\$	14,046
Puget Sound Ferry Operations Account	\$	12
Public Service Revolving Fund	\$	6,042
Insurance Commissioner's Regulatory Account	\$	1,910
State Treasurer's Service Fund	\$	1,053
Legal Services Revolving Fund	\$	2,557
Municipal Revolving Fund	\$	5,671
Department of Personnel Service Fund	\$	6,472
State Auditing Services Revolving Fund	\$	1,240
Liquor Revolving Fund	\$	15,445
Department of Retirement Systems Expense Fund	\$	2,982
Accident Fund	\$	62,964
Medical Aid Fund	\$	57,948
Western Library Network Computer System Revolving Fund	\$	460
Pressure Systems Safety Fund	\$	32

NEW SECTION, Sec. 713. FOR SUNDRY CLAIMS

The following sums, or so much thereof as are necessary, are appropriated from the general fund, unless otherwise indicated, for the payment of court judgments and for relief of various individuals, firms, and corporations for sundry claims. These appropriations are to be disbursed on vouchers approved by the director of the department of general administration, except as otherwise provided, as follows:

- (1) For transfer to the Tort Claims Revolving Fund to reimburse the Tort Claims Revolving Fund for payments made to Lori Ann Newman per order of Pierce County Superior Court, Cause No. 85-2-06030-5
- (2) Juan Manuel Palomarez, in settlement of all claims for expenses per order of Yakima County Superior Court, Cause No. 86-1-01381-0, pursuant to RCW 9.01.200, including interest
- (3) Michael Ringo, in settlement of all claims for expenses per order of Kitsap County Superior Court, Cause No. 87-1-00115-4, pursuant to RCW 9.01.200, including interest
- (4) Lee Arthur Jackson, in settlement of all claims for expenses per order of Spokane County Superior Court, Cause No. 87-1-00516-1, pursuant to RCW 9.01.200, including interest
- (5) Thomas A. Simmons, in settlement of all claims for expenses per order of Airport District Court, King County, Cause No. POS 94143, pursuant to RCW 9.01.200, including interest
- (6) Daniel L. Boyer, in settlement of all claims for expenses per order of Wahkiakum County Superior Court, Cause No. CR-296, pursuant to RCW 9.01.200, including interest
- (7) Alex Rooney, in settlement of all claims for expenses per order of Mason County Superior Court, Cause No. 87-1-00074-5, pursuant to RCW 9.01.200, including interest
- (8) Kevin Keniston, in settlement of all claims for expenses per order of Airport District Court, King County, Cause No. 85-188358, pursuant to RCW 9.01.200, including interest
- (9) Richard Woods, in settlement of all claims for expenses per order of Pierce County District Court No. 1, Cause No. 88-661977-9, pursuant to RCW 9.01.200, including interest
- (10) Donald L. Bakko, in settlement of all claims for expenses per order of Cowlitz County District Court, Cause No. 13818/88-2168, pursuant to RCW 9.01.200, including interest
- (11) Curtis A. Fifield, in settlement of all claims for expenses per order of Aukeren District Court, King County, Cause No. K-91052, pursuant to RCW 9.01.200, including interest
- (12) Richard J. Giakovmis, in settlement of all claims for expenses per order of Grant County Superior Court, Cause No. 86-2-00119-7
- (13) Edward Frank Simpson, in settlement of all claims for expenses per order of Spokane County Superior Court, Cause No. 88-1-00710-2, pursuant to RCW 9.01.200, including interest
- (14) Lisa Marie Jones, payment of judgment against The Evergreen State College, per order of Thurston County Superior Court, Cause No. 87-2-01331-3

(15) Mary F. Simmerer Lewis and Timothy P. Lewis, payment of judgment against The Evergreen State College, per order of Thurston County Superior Court, Cause No. 87-2-01331-3	\$	6,000.00
(16) Quigg Bros.-McDonald, Inc., payment based upon consent decree against Bekaert Steel Wire, per order of King County Superior Court, Cause No. 87-2-10275-1 and Stipulation of Settlement No. C88-289TB entered in the U.S. District Court, Western District of Washington	\$	8,571.00
(17) Clyde Waverly Fondern, in settlement of all claims for expenses per order of Klickitat County Superior Court, Cause No. C-2100, pursuant to RCW 9.01.200, including interest	\$	128,601.04
(18) Compensation to the following for all pending claims of damage to crops by game: PROVIDED, That payment shall be made from the Wildlife Fund:		
(a) Phyllis L. Thompson, on behalf of Hidden Valley Nursery	\$	3,587.92
(b) Harold J. Weber	\$	6,145.76
(c) Joe C. Grenz	\$	11,591.75

NEW SECTION, Sec. 714. FOR THE GOVERNOR—COMPENSATION—SALARY AND INSURANCE BENEFITS

General Fund Appropriation—State	\$	65,080,000
General Fund Appropriation—Federal	\$	20,015,000
Special Fund Salary and Insurance Contribution		
Increase Revolving Fund Appropriation	\$	47,638,000
Total Appropriation	\$	132,733,000

The appropriations in this section, or so much thereof as may be necessary, shall be expended solely for the purposes designated in this section and are subject to the conditions and limitations specified in this section.

(1) \$40,060,000 of the general fund—state appropriation, \$13,311,000 of the general fund—federal appropriation, and \$31,888,000 of the special fund salary and insurance contribution increase revolving fund appropriation are provided for a 2.5 percent across-the-board salary increase effective January 1, 1990, and an additional 6.0 percent across-the-board salary increase effective January 1, 1991, for all classified and exempt employees under the state personnel board (SPB), and commissioned officers of the Washington state patrol. These increases shall be implemented in compliance and conformity with all requirements of the comparable worth agreement ratified by 1986 Senate Concurrent Resolution No. 126, where applicable.

(2) The governor shall allocate to state agencies from the general fund—state appropriation \$3,327,000 for fiscal year 1990 and \$6,654,000 for fiscal year 1991, from the general fund—federal appropriation \$513,000 for fiscal year 1990 and \$1,027,000 for fiscal year 1991, and from the special fund salary and insurance contribution increase revolving fund appropriation \$2,587,000 for fiscal year 1990 and \$5,173,000 for fiscal year 1991 to fulfill the 1989-91 obligations of the comparable worth agreement ratified by 1986 Senate Concurrent Resolution No. 126.

(3)(a) The monthly contributions for insurance benefit premiums shall not exceed \$239.86 per eligible employee.

(b) The monthly contributions for the margin in the self-insured medical and dental plans and for the operating costs of the health care authority shall not exceed \$16.21 per eligible employee.

(c) Any returns of funds to the health care authority resulting from favorable claims experienced during the 1989-91 biennium shall be held in reserve within the state employees insurance account until appropriated by the legislature.

(d) Funds provided under this section, including funds resulting from dividends or refunds, shall not be used to increase employee insurance benefits over the level of services provided on the effective date of this act. Contributions by any county, municipal, or other political subdivision to which coverage is extended after the effective date of this act shall not receive the benefit of any surplus funds attributable to premiums paid prior to the date on which coverage is extended.

(4) To facilitate the transfer of moneys from dedicated funds and accounts, the state treasurer is directed to transfer sufficient moneys from each dedicated fund or account to the special fund salary and insurance contribution increase revolving fund in accordance with schedules provided by the office of financial management.

(5) In calculating individual agency allocations for this section, the office of financial management shall calculate the allocation of each subsection separately. The separate allocations for each agency may be combined under a single appropriation code for improved efficiency. The office of financial management shall transmit a list of agency allocations by subsection to the senate committee on ways and means and the house of representatives committee on appropriations.

(6) No salary increase may be paid under this section to any person whose salary has been Y-rated pursuant to rules adopted by the state personnel board.

(7) Moneys from the appropriation in this section may be expended for salary and benefit increases for ferry workers in accordance with the 1989-91 transportation appropriations act.

NEW SECTION. Sec. 715. FOR THE DEPARTMENT OF RETIREMENT SYSTEMS—CONTRIBUTIONS TO RETIREMENT SYSTEMS

The appropriations in this section are subject to the following conditions and limitations: The appropriations shall be made on a quarterly basis.

(1) There is appropriated for state contributions to the law enforcement officers' and fire fighters' retirement system:

	FY 1990	FY 1991
General Fund Appropriation	\$ 63,000,000	62,167,000
Total Appropriation	\$125,167,000	

The appropriation in this subsection is subject to the following conditions and limitations: If Substitute Senate Bill No. 5418 is enacted before June 30, 1989, the FY 1991 appropriation in this subsection shall lapse.

(2) There is appropriated for contributions to the judicial retirement system:

	FY 1990	FY 1991
General Fund Appropriation	\$ 1,100,000	1,100,000
Total Appropriation	\$2,200,000	

(3) There is appropriated for contributions to the judges retirement system:

	FY 1990	FY 1991
General Fund Appropriation	\$ 250,000	250,000
Total Appropriation	\$500,000	

(4) If Substitute Senate Bill No. 5418 is enacted by June 30, 1989, the initial employer trust fund contribution rate for all employers of members of the retirement system governed by chapter 41.32 RCW (the teachers' retirement system) shall be set at 11.34% of earnable compensation, beginning July 1, 1989, and 12.60% of earnable compensation, beginning September 1, 1990. If Substitute Senate Bill No. 5418 is not enacted by June 30, 1989, the initial employer trust fund contribution rate for all employers of members of the retirement system governed by chapter 41.32 RCW (the teachers' retirement system) shall be set at 11.34% of earnable compensation, beginning July 1, 1989.

(5) If Substitute Senate Bill No. 5418 is enacted by June 30, 1989, the initial employer trust fund contribution rate for all employers of members of the retirement system governed by chapter 41.40 RCW (the public employees' retirement system) shall be set at 5.99% of compensation earnable, beginning July 1, 1989, and 7.1% of earnable compensation, beginning September 1, 1990. If Substitute Senate Bill No. 5418 is not enacted by June 30, 1989, the initial employer trust fund contribution rate for all employers of members of the retirement system governed by chapter 41.40 RCW (the public employees' retirement system) shall be set at 5.99% of compensation earnable, beginning July 1, 1989.

(6) The employer rate for all employers of members of the retirement system governed by chapter 43.43 RCW (the state patrol retirement system) shall be set at 19.88% of compensation for the 1989-91 biennium.

NEW SECTION. Sec. 716. FOR THE OFFICE OF FINANCIAL MANAGEMENT—CONTRIBUTIONS TO RETIREMENT SYSTEMS

	FY 1990	FY 1991
General Fund—State Appropriation	\$ 2,334,000	9,283,000
General Fund—Federal Appropriation	\$ 480,000	2,012,000
Retirement Contribution Increase Revolving Fund Appropriation	\$ 1,954,000	9,494,000
Total Appropriation	\$25,557,000	

The appropriation in this section is subject to the following conditions and limitations:

(1) \$231,000 of the general fund—state appropriation, or as much thereof as may be necessary, shall be distributed to state agencies to increase state contributions to the public employees' retirement system.

(2) \$4,108,000 of the general fund—state appropriation, \$948,000 of the general fund—federal appropriation, and \$4,349,000 of the retirement contribution increase revolving fund appropriation, or as much thereof as may be necessary, shall be distributed to state agencies to increase state contributions to the public employees' retirement system resulting from Engrossed Substitute House Bill No. 1322. If the bill is not enacted by June 30, 1989, the amount provided in this subsection shall lapse.

(3) \$6,544,000 of the general fund—state appropriation, \$1,486,000 of the general fund—federal appropriation, and \$7,157,000 of the retirement contribution increase revolving fund appropriation, or as much thereof as may be necessary, shall be distributed to state agencies to increase state contributions to the public employees' retirement system resulting from Engrossed Substitute Senate Bill No. 5418. If the bill is not enacted by June 30, 1989, the amount provided in this subsection shall lapse.

(4) \$343,000, or as much as may be necessary, shall be distributed to state agencies to increase state contributions to the teachers' retirement fund resulting from Engrossed Substitute House Bill No. 1322. If the bill is not enacted by June 30, 1989, the amount provided in this subsection shall lapse.

(5) \$391,000, or as much thereof as may be necessary, shall be distributed to state agencies to increase state contributions to the teachers' retirement fund resulting from Substitute Senate Bill No. 5418. If the bill is not enacted by June 30, 1989, the amount provided in this subsection shall lapse.

NEW SECTION, Sec. 717. FOR THE DEPARTMENT OF RETIREMENT SYSTEMS—TRANSFERS

General Fund Appropriation: For transfer to the Department of Retirement Systems Expense Fund	\$	28,000
Motor Vehicle Fund—State Patrol Highway Account Appropriation: For transfer to the Department of Retirement Systems Expense Fund	\$	125,000

NEW SECTION, Sec. 718. FOR THE STATE TREASURER—TRANSFERS

General Fund Appropriation: For transfer to the Institutional Impact Account	\$	332,536
General Government Special Revenue Fund—State Treasurer's Service Account Appropriation: For transfer to the general fund on or before July 20, 1991, an amount up to \$10,000,000 in excess of the cash requirements in the State Treasurer's Service Account for fiscal year 1992, for credit to the fiscal year in which earned	\$	10,000,000
General Fund Appropriation: For transfer to the Natural Resources Fund—Water Quality Account	\$	15,378,000
Data Processing Revolving Account: For transfer to the General Fund	\$	2,400,000
Public Facilities Construction Loan and Grant Revolving Fund: For transfer to the General Fund	\$	3,110,000
Puget Sound Ferry Operations Account: For transfer to the Tort Claims Revolving Fund for claims paid on behalf of the department of transportation, Washington state ferry system during the period July 1, 1989, through June 30, 1991	\$	1,353,000
Motor Vehicle Fund: For transfer to the Tort Claims Revolving Fund for claims paid on behalf of the department of transportation and the state patrol during the period July 1, 1989, through June 30, 1991	\$	14,000,000
Resource Cost Management Cost Account: For transfer to the University of Washington Bond Retirement Account	\$	15,000,000
Water Quality Account Appropriation: For transfer to the water pollution revolving fund. Transfers shall be made at intervals coinciding with deposits of federal capitalization grant money into the revolving fund. The amounts transferred shall not exceed the match required for each federal deposit	\$	15,800,000
Building Code Council Account Appropriation: For transfer to the general fund	\$	210,000
General Fund Appropriation, FY 1991: For transfer to the law enforcement officers' and fire fighters' retirement system as provided in Substitute Senate Bill No. 5418. If the bill is not enacted by June 30, 1989, this appropriation shall lapse	\$	62,167,000
Conservation Areas Account: For transfer to the Natural Resources Conservation Area Stewardship Account	\$	364,000

**PART VIII
MISCELLANEOUS**

NEW SECTION, Sec. 801. The appropriations contained in this act are maximum expenditure authorizations. Pursuant to RCW 43.88.037, moneys disbursed from the treasury on the basis of formalized loan agreements with other governmental entities shall be treated as loans and are to be recorded as loans receivable and not as expenditures for accounting purposes. To the extent that moneys are disbursed on a loan basis, the corresponding appropriation shall be reduced by the amount of loan moneys disbursed from the treasury during the 1989-91 biennium.

NEW SECTION, Sec. 802. Agencies shall comply with the following requirements regarding information systems projects when specifically directed to do so by this act.

(1) The agency shall produce a feasibility study for each information systems project in accordance with published department of information services instructions. In addition to department of information services requirements, the study shall examine and evaluate the costs and benefits of maintaining status quo.

(2) The agency shall produce a project management plan for each project. The plan or plans shall address all factors critical to successful completion of each project. The plan shall

include, but is not limited to, the following elements: A description of the problem or opportunity that the information systems project is intended to address; a statement of project objectives and assumptions; definition of phases, tasks, and activities to be accomplished and the estimated cost of each phase; a description of how the agency will facilitate responsibilities of oversight agencies; a description of key decision points in the project life cycle; a description of variance control measures; a definitive schedule that shows the elapsed time estimated to complete the project and when each task is to be started and completed; and a description of resource requirements to accomplish the activities within specified time, cost, and functionality constraints.

(3) A copy of each feasibility study and project management plan shall be provided to the department of information services, the office of financial management, and appropriate legislative committees. Authority to expend any funds for individual information systems projects is conditioned on approval of the relevant feasibility study and project management plan by the department of information services and the office of financial management.

(4) A project status report shall be submitted to the department of information services, the office of financial management, and appropriate legislative committees for each project prior to reaching key decision points identified in the project management plan. Project status reports shall examine and evaluate project management, accomplishments, budget, action to address variances, risk management, cost and benefits analysis, and other aspects critical to completion of a project.

Work shall not commence on any task in a subsequent phase of a project until the status report for the preceding key decision point has been approved by the department of information services and the office of financial management.

(5) If a project review is requested in accordance with department of information services policies, the reviews shall examine and evaluate: System requirements specifications; scope; system architecture; change controls; documentation; user involvement; training; availability and capability of resources; programming languages and techniques; system inputs and outputs; plans for testing, conversion, implementation, and post-implementation; and other aspects critical to successful construction, integration, and implementation of automated systems. Copies of project review written reports shall be forwarded to the office of financial management and appropriate legislative committees by the agency.

(6) A written post-implementation review report shall be prepared by the agency for each information systems project in accordance with published department of information services instructions. In addition to the information requested pursuant to the department of information services instructions, the post-implementation report shall evaluate the degree to which a project accomplished its major objectives including, but not limited to, a comparison of original cost and benefit estimates to actual costs and benefits achieved. Copies of the post-implementation review report shall be provided to the department of information services, the office of financial management, and appropriate legislative committees.

NEW SECTION. Sec. 803. The department of information services will act as lead agency in coordinating video telecommunications services for state agencies. As lead agency, the department shall develop standards and common specifications for leased and purchased telecommunications equipment and assist state agencies in developing a video telecommunications expenditure plan. No agency may spend any portion of any appropriation in this act for new video telecommunication equipment, new video telecommunication transmission, or new video telecommunication programming, or for expanding current video telecommunication systems without first complying with chapter 43.105 RCW, including but not limited to RCW 43.105.041(2), and without first submitting a video telecommunications expenditure plan, in accordance with the policies of the department of information services, for review and assessment by the department of information services under RCW 43.105.052. Prior to any such expenditure by a public school, a video telecommunications expenditure plan shall be approved by the superintendent of public instruction. The office of the superintendent of public instruction shall submit the plans to the department of information services in a form prescribed by the department. The office of the superintendent of public instruction shall coordinate the use of video telecommunications in public schools by providing educational information to local school districts and shall assist local school districts and educational service districts in telecommunications planning and curriculum development. Prior to any such expenditure by a public institution of postsecondary education, a telecommunications expenditure plan shall be approved by the higher education coordinating board. The higher education coordinating board shall coordinate the use of video telecommunications for instruction and instructional support in postsecondary education, including the review and approval of instructional telecommunications course offerings.

NEW SECTION. Sec. 804. Prior to submitting any request to the department of personnel for personnel reclassifications or other modifications to any compensation plans or schedules, an agency shall submit to the office of financial management a report describing the fiscal impact of the request and a description of the moneys available to the agency to fund the request. The office of financial management, pursuant to its statutory duties under RCW 43.88.160(1)(c), shall review the report. The results of that review shall be submitted to the requesting agency, the

department of personnel, the senate committee on ways and means, and the house of representatives committee on appropriations prior to action on the request by the personnel board or its successor.

NEW SECTION, Sec. 805. Except for the appropriations in sections 107 through 112 of this act, the general fund—state appropriations in this act are subject to the following conditions and limitations: For any agency, the percentage of its total 1989-91 biennial general fund—state appropriations spent for personal service contracts shall not exceed the percentage of its total 1987-89 biennial general fund—state appropriations spent for personal service contracts, unless such excess expenditures are approved in advance by the director of the office of financial management for good cause.

NEW SECTION, Sec. 806. Whenever allocations are made from the governor's emergency fund appropriation to an agency that is financed in whole or in part by other than general fund moneys, the director of financial management may direct the repayment of such allocated amount to the general fund from any balance in the fund or funds which finance the agency. No appropriation shall be necessary to effect such repayment.

NEW SECTION, Sec. 807. In addition to the amounts appropriated in this act for revenue for distribution, state contributions to the law enforcement officers' and fire fighters' retirement system, and bond retirement and interest including ongoing bond registration and transfer charges, transfers, interest on registered warrants, and certificates of indebtedness, there is also appropriated such further amounts as may be required or available for these purposes under any statutory formula or under any proper bond covenant made in accordance with law.

NEW SECTION, Sec. 808. In addition to such other appropriations as are made by this act, there is hereby appropriated to the state finance committee from legally available bond proceeds in the applicable construction or building funds and accounts such amounts as are necessary to pay the expenses incurred in the issuance and sale of the subject bonds.

NEW SECTION, Sec. 809. It is the intent of the legislature that, unless otherwise provided in this act or in the legislative budget notes for the 1989-91 biennium, new programs initiated in this act are funded for the entire fiscal biennium. To the extent feasible, funds appropriated for such programs shall be allotted by the office of financial management and expended by the agency at a uniform rate.

Sec. 810. Section 10, chapter 218, Laws of 1973 1st ex. sess. as last amended by section 505, chapter 405, Laws of 1985 and RCW 9.46.100 are each amended to read as follows:

There is hereby created a fund to be known as the 'gambling revolving fund' which shall consist of all moneys receivable for licensing, penalties, forfeitures, and all other moneys, income, or revenue received by the commission. The state treasurer shall be custodian of the fund. All moneys received by the commission or any employee thereof, except for change funds and an amount of petty cash as fixed by rule or regulation of the commission, shall be deposited each day in a depository approved by the state treasurer and transferred to the state treasurer to be credited to the gambling revolving fund. Disbursements from the revolving fund shall be on authorization of the commission or a duly authorized representative thereof. In order to maintain an effective expenditure and revenue control the gambling revolving fund shall be subject in all respects to chapter 43.88 RCW but no appropriation shall be required to permit expenditures and payment of obligations from such fund. All expenses relative to commission business, including but not limited to salaries and expenses of the director and other commission employees shall be paid from the gambling revolving fund.

The ~~((office of financial management may direct the))~~ state treasurer ~~((to loan))~~ shall transfer to the general fund ~~((an amount not to exceed \$1,400,000))~~ two million dollars from the gambling revolving fund for the ~~((1983-85))~~ 1989-91 fiscal biennium.

Sec. 811. Section 7, chapter 13, Laws of 1983 1st ex. sess. as amended by section 710, chapter 289, Laws of 1988 and RCW 50.16.070 are each amended to read as follows:

The federal interest payment fund shall consist of contributions payable by each employer (except employers as described in RCW 50.44.010 and 50.44.030 who have properly elected to make payments in lieu of contributions, employers who are required to make payments in lieu of contributions, and employers paying contributions under RCW 50.44.035) for any calendar quarter which begins on or after January 1, 1984, and for which the commissioner determines that the department will have an outstanding balance of accruing federal interest at the end of the calendar quarter. The amount of wages subject to tax shall be determined according to RCW 50.24.010. The tax rate applicable to wages paid during the calendar quarter shall be determined by the commissioner and shall not exceed fifteen one-hundredths of one percent. In determining whether to require contributions as authorized by this section, the commissioner shall consider the current balance in the federal interest payment fund and the projected amount of interest which will be due and payable as of the following September 30. Except as appropriated for the fiscal biennium ending June 30, ~~((1989))~~ 1991, any excess moneys in the federal interest payment fund shall be retained in the fund for future interest payments.

Contributions under this section shall become due and be paid by each employer in accordance with such rules as the commissioner may prescribe and shall not be deducted, in whole or in part, from the remuneration of individuals in the employ of the employer. Any deduction in violation of this section is unlawful.

In the payment of any contributions under this section, a fractional part of a cent shall be disregarded unless it amounts to one-half cent or more, in which case it shall be increased to one cent.

NEW SECTION. Sec. 812. The sum of sixty million dollars is appropriated for the biennium ending June 30, 1989, from the general fund to the state treasurer for immediate transfer to the budget stabilization account pursuant to RCW 43.88.525 and 43.88.530.

Sec. 813. Section 338, chapter 258, Laws of 1984 as amended by section 27, chapter 57, Laws of 1985 and RCW 43.08.250 are each amended to read as follows:

The money received by the state treasurer from fees, fines, forfeitures, penalties, reimbursements or assessments by any court organized under Title 3 or 35 RCW, or chapter 2.08 RCW, shall be deposited in the public safety and education account which is hereby created in the state treasury. The legislature shall appropriate the funds in the account to promote traffic safety education, highway safety, criminal justice training, crime victims' compensation, judicial education, the judicial information system, winter recreation parking, and state game programs. All earnings of investments of balances in the public safety and education account shall be credited to the general fund.

On July 1, 1989, the state treasurer shall transfer to the general fund from the public safety and education account the sum of two million dollars.

NEW SECTION. Sec. 814. Notwithstanding RCW 43.01.090 the house of representatives, the senate, and the permanent statutory committees shall pay expenses quarterly to the department of general administration facilities and services revolving fund for services rendered by the department for operations, maintenance, and supplies relating to buildings, structures, and facilities used by the legislature for the biennium beginning July 1, 1989.

NEW SECTION. Sec. 815. Amounts received by an agency as reimbursements pursuant to RCW 39.34.130 shall be considered as returned loans of materials supplied or services rendered. Such amounts may be expended as a part of the original appropriation of the fund to which it belongs, without further or additional appropriation, subject to conditions and procedures prescribed by the director of financial management, which shall provide for determination of full costs, disclosure of such reimbursements in the governor's budget, maximum interagency usage of data processing equipment and services, and such restrictions as will promote more economical operations of state government without incurring continuing costs beyond those reimbursed.

NEW SECTION. Sec. 816. The appropriations of moneys and the designation of funds and accounts by this and other acts of the 1989 legislature shall be construed in a manner consistent with legislation enacted by the 1985 and 1987 legislatures to conform state funds and accounts with generally accepted accounting principles.

NEW SECTION. Sec. 817. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 818. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect July 1, 1989."

On page 1, line 1 of the title, after "matters;" strike the remainder of the title and insert "making appropriations and authorizing expenditures for the operations of state agencies for the fiscal biennium beginning July 1, 1989, and ending June 30, 1991; amending RCW 9.46.100, 50.16.070, and 43.08.250; providing an effective date; and declaring an emergency."

On page 61 of the amendment, line 11, strike "\$190,000" and insert "\$175,000"

On page 61 of the amendment, line 13, strike "\$35,000" and insert "\$25,000"

On page 61 of the amendment, line 15, strike "\$75,000" and insert "\$100,000"

On page 107 of the amendment, line 21, strike "\$6,570,000" and insert "\$6,620,000"

On page 107 of the amendment, line 34, strike "\$337,669,000" and insert "\$337,969,000"

On page 108 of the amendment, after line 12, insert:

"(5) \$300,000 is provided solely for implementing programs for gender equity in athletics."

Signed by Senators McDonald, Hayner, Gaspard; Representatives Locke, Ebersole, Silver.

MOTION

Mr. Ebersole moved that the House adopt the Report of the Conference Committee on Engrossed Substitute Senate Bill No. 5352 and grant the committee the powers of Free Conference.

Mr. Ebersole spoke in favor of the motion, and it was carried.

The Speaker (Mr. O'Brien presiding) declared the House to be at ease.

The Speaker called the House to order.

There being no objection, the House advanced to the seventh order of business.

THIRD READING

MOTION FOR RECONSIDERATION

Mr. Ebersole, having voted on the prevailing side, moved that the House immediately reconsider the vote by which Reengrossed Substitute Senate Bill No. 5338 failed to pass the House.

Mr. Ebersole spoke against the motion, and Representatives Schmidt and Betrozoff spoke in favor of it.

The motion was not carried.

MOTIONS

On motion of Ms. Miller, Representatives May and Schoon were excused. On motion of Ms. Cole, Representative Gallagher was excused.

There being no objection, the House advanced to the eighth order of business.

MOTION

Mr. Ebersole moved that the House immediately consider House Bill No. 1442 on the second reading calendar. The motion was carried.

There being no objection, the House reverted to the sixth order of business.

SECOND READING

HOUSE BILL NO. 1442, by Representatives Walk, Schmidt, Baugher, O'Brien, Locke, Nelson, Leonard, Prentice, Hine, Brekke and Phillips; by request of Governor Gardner

Making transportation appropriations for the 1987-89 biennium.

The bill was read the second time. On motion of Mr. Walk, Substitute House Bill No. 1442 was substituted for House Bill No. 1442, and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 1442 was read the second time.

Mr. Walk moved adoption of the following amendment by Representatives Walk and Schmidt:

Strike everything after the enacting clause and insert the following:

NEW SECTION. Sec. 1. The transportation budget of the state is hereby adopted and, subject to the provisions hereinafter set forth, the several amounts hereinafter specified, or as much thereof as may be necessary to accomplish the purposes designated, are hereby appropriated from the several accounts and funds hereinafter named to the designated state agencies and offices for salaries, wages, and other expenses, for capital projects, and for other specified purposes, including the payment of any final judgments arising out of such activities, for the period ending June 30, 1991. The appropriations contained in sections 68 through 73 of this act are for the period ending June 30, 1989.

NEW SECTION. Sec. 2. FOR THE TRAFFIC SAFETY COMMISSION

General Fund—Public Safety and Education Account Appropriation	\$	1,200,000
Highway Safety Fund Appropriation—State	\$	351,750
Highway Safety Fund Appropriation—Federal	\$	4,532,200
Total Appropriation	\$	6,083,950

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

(1) \$1,200,000 of the general fund—public safety and education account appropriation is provided solely for continuation of the DWI community task force program.

(2) It is the intent of the legislature that no state dollars be appropriated for continuation of the DWI community task force program beyond the 1989-91 biennium.

NEW SECTION. Sec. 3. FOR THE BOARD OF PILOTAGE COMMISSIONERS

General Fund—Pilotage Account Appropriation	\$	174,956
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The appropriation in this section is subject to the following conditions and limitations: No more than \$66,000 may be expended for attorney general fees.

NEW SECTION. Sec. 4. FOR THE COUNTY ROAD ADMINISTRATION BOARD

Motor Vehicle Fund—Rural Arterial Trust Account Appropriation	\$	24,155,072
Motor Vehicle Fund Appropriation	\$	999,551
Total Appropriation	\$	25,154,623

NEW SECTION. Sec. 5. FOR THE TRANSPORTATION IMPROVEMENT BOARD

Motor Vehicle Fund—Urban Arterial Trust Account Appropriation	\$	50,976,600
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The urban arterial trust account appropriation includes \$28,000,000 from the proceeds of the sale of Series III Urban Arterial bonds provided for by RCW 47.26.420 through 47.26.427.

NEW SECTION, Sec. 6. FOR THE STATE PATROL—FIELD OPERATIONS BUREAU

General Fund Appropriation	\$	300,000
Motor Vehicle Fund—State Patrol Highway Account Appropria- tion—State	\$	110,690,369
Motor Vehicle Fund—State Patrol Highway Account Appropria- tion—Federal	\$	2,965,228
Motor Vehicle Fund Appropriation	\$	392,989
Total Appropriation	\$	114,348,586

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

(1) The motor vehicle fund—state patrol highway account—state appropriation in this section includes \$1,969,889 for twenty-eight additional traffic troopers. The twenty-eight officers shall begin training on February 1, 1990.

(2) \$297,973 is appropriated from the state patrol highway account—state solely for the replacement of trooper weapons. The weapons being replaced will be disposed of at fair market value in accordance with department of general administration's surplus property procedures and in compliance with office of financial management regulations. Officers may purchase their service revolvers at the fair market value.

(3) \$464,300 is appropriated from the state patrol highway account—state solely for aircraft repair. Any user of Washington state patrol aircraft shall pay its pro rata share of all operating and maintenance costs including capitalization.

(4) \$300,000 from the state patrol highway account—state appropriation and \$300,000 from the general fund appropriation is appropriated solely for the investigation of vehicle license fraud. The Washington state patrol, department of revenue, and the office of financial management shall report semiannually beginning December 15, 1989, to the legislative transportation committee on the number of fraud cases investigated and their outcome.

(5) The motor vehicle fund—state patrol highway account—state appropriation in this section includes \$1,571,000 for the safety education program.

(6) The motor vehicle fund—state patrol highway account—state appropriation in this section includes \$591,630 for five tow truck inspectors.

(7) The motor vehicle fund—state patrol highway account—state appropriation includes \$591,120 for the Vehicle Identification Number Program and \$1,303,700 for 15 additional commercial vehicle officers.

NEW SECTION, Sec. 7. FOR THE STATE PATROL—SUPPORT SERVICES BUREAU

Motor Vehicle Fund—State Patrol Highway Account Appropriation	\$	48,210,204
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The appropriation in this section is subject to the following conditions and limitations:

(1) \$2,205,285 is provided solely for development of the third and final phase of the patrol information collection system. Authority to expend these funds is conditioned upon compliance with the requirements set forth in section 63 of this act.

(2) \$2,463,000 is provided solely for the purchase of mobile radios for troopers' vehicles.

NEW SECTION, Sec. 8. FOR THE GOVERNOR—COMPENSATION—SALARY AND INSURANCE BENEFITS

Special Fund Salary and Insurance Contribution Increase Revolving Fund Appropriation	\$	2,345,453
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The appropriation in this section is provided for a 3.0 percent salary increase effective January 1, 1990, and an additional 3.0 percent salary increase effective January 1, 1991, for commissioned officers of the Washington state patrol. The increase provided for in this section is in addition to any salary increases provided for in Senate Bill No. 5352 or any other omnibus appropriations act for the 1989-91 biennium enacted by the 1989 legislature.

NEW SECTION, Sec. 9. FOR THE DEPARTMENT OF LICENSING—VEHICLE SERVICES

Motor Vehicle Fund Appropriation	\$	32,607,339
General Fund—Wildlife Account Appropriation	\$	421,186
Total Appropriation	\$	33,028,525

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

(1) \$1,538,900 of the motor vehicle fund appropriation is provided solely for the completion of the county auditor automation project. Authority to expend these funds is conditioned upon compliance with the requirements set forth in section 63 of this act.

(2) The department shall create an advisory committee to examine the current processes and costs for issuing vehicle titles, registrations, and other vehicle documentation. Membership on the committee shall include the director as chairperson and appropriate departmental personnel and representatives of county auditors, subagents, county executives, and county council members/commissioners. By June 30, 1990, the advisory committee shall report to the legislative transportation committee as follows: (a) An analysis of the costs and benefits accruing annually to county auditors and subagents as a result of vehicle licensing activities; (b) analysis and recommendations of an appropriate allocation of on-going operating and maintenance county auditor automation project costs among the department, county auditors, and subagents; (c) the committee, in consultation with the information systems division of the

department, the office of financial management, and the department of information services shall address the issue of future system requirements and how the costs associated with such requirements should be shared between the department, county auditors, and subagents; and (d) an analysis of the costs and benefits associated with the alternative of having all vehicle licensing activities conducted solely within the department, and an analysis of other alternatives recommended by the advisory committee.

(3) \$100,000 of this appropriation is provided solely for a budget/policy analyst for the vehicle services division.

(4) \$374,656 of the motor vehicle fund appropriation is provided solely for the front license tab program.

(5) \$46,609 of the motor vehicle fund appropriation is provided solely for the implementation of Engrossed House Bill No. 1645, regulating the relationship between motor vehicle dealers and manufacturers.

NEW SECTION, Sec. 10. FOR THE DEPARTMENT OF LICENSING—DRIVER SERVICES

General Fund—Public Safety and Education Account Appropriation	\$	3,412,942
Highway Safety Fund Appropriation	\$	35,321,479
Highway Safety Fund—Motorcycle Safety Education Account Appropriation	\$	1,037,499
Total Appropriation	\$	39,771,920

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

(1) \$557,870 of the highway safety fund appropriation is provided for establishing two new driver license examining offices.

(2) \$207,000 of the highway safety fund—motorcycle safety education account appropriation is provided solely for implementing the motorcycle public awareness program provided for in Engrossed Senate Bill No. 6076.

(3) \$432,888, or as much thereof as may be necessary, is provided solely for: (a) Providing a budget/policy analyst for the driver services division; and (b) establishing additional security procedures related to driver's license issuance.

(4) Moneys accruing to the public safety and education account in excess of the 1989-91 appropriation authority in this act, in Senate Bill No. 5352 or any other omnibus appropriation act, or in any other act enacted by the 1989 legislature, shall be transferred to the highway safety fund appropriation to reimburse the fund for the appropriation in this section.

NEW SECTION, Sec. 11. FOR THE DEPARTMENT OF LICENSING—MANAGEMENT OPERATIONS

General Fund—Wildlife Account Appropriation	\$	7,238
Highway Safety Fund Appropriation	\$	7,027,608
Motor Vehicle Fund Appropriation	\$	3,378,999
General Fund—Public Safety and Education Account Appropriation	\$	611,678
Total Appropriation	\$	11,025,523

NEW SECTION, Sec. 12. FOR THE DEPARTMENT OF LICENSING—INFORMATION SYSTEMS

General Fund—Wildlife Account Appropriation	\$	4,041
Highway Safety Fund Appropriation	\$	4,815,059
Motor Vehicle Fund Appropriation	\$	15,191,175
General Fund—Public Safety and Education Account Appropriation	\$	390,162
Total Appropriation	\$	20,400,437

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

(1) \$200,000, of which \$100,000 is from the motor vehicle fund appropriation and \$100,000 is from the highway safety fund appropriation, is provided solely for the development of a project management plan exclusively for integration of driver and motor vehicle systems. The plan shall be submitted to the legislative transportation committee by December 15, 1989. Authority to expend these moneys is conditioned upon compliance with the requirements set forth in section 63 of this act.

(2) \$275,136 is provided solely for additional data processing storage capacity and for preparing to implement the federal odometer act.

NEW SECTION, Sec. 13. FOR THE LEGISLATIVE TRANSPORTATION COMMITTEE

Motor Vehicle Fund Appropriation	\$	2,525,000
Motor Vehicle Fund—State Patrol Highway Account Appropriation	\$	100,000
Total Appropriation	\$	2,625,000

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

(1) \$50,000 of the motor vehicle fund appropriation, or as much thereof as is needed, is provided for a study of gasoline pricing and supply practices to be conducted in conjunction with the Washington state energy office.

(2) \$75,000 of the motor vehicle fund appropriation is provided solely for the study mandated in section 14 of this act.

(3) The motor vehicle fund—state patrol highway account appropriation provided for in this section is for a survey of local law enforcement compensation.

NEW SECTION, Sec. 14. A new section is added to chapter 44.40 RCW to read as follows:

(1) The legislative transportation committee shall undertake a study and develop recommendations for legislative and executive consideration that will:

(a) Increase the efficiency and effectiveness of state transportation programs and reduce costs;

(b) Enhance the accountability and organizational soundness of all transportation modes;

(c) Encourage better communication between local jurisdictions and the department of transportation in developing engineering plans and subsequent construction projects;

(d) Encourage private sector support and financial participation in project development and construction of transportation projects;

(e) Develop long-range goals that reflect changing technology and state-of-the-art advancements in transportation;

(f) Explore alternatives for the establishment of an integrated and balanced multimodal state-wide transportation system to meet the needs of the 21st century; and

(g) Explore ways to reduce the demand on the transportation system and more effectively use the existing system.

The committee may study other transportation needs and problems and make further recommendations.

(2) The office of financial management and the department of transportation shall provide staff support as required by the legislative transportation committee in developing the recommendations. To the extent permitted by law, all agencies of the state shall cooperate fully with the legislative transportation committee in carrying out its duties under this section.

(3) The legislative transportation committee may receive and expend gifts, grants, and endowments from private sector sources to carry out the purpose of this section.

(4) By December 1991 the legislative transportation committee shall submit its preliminary findings and recommendations to the governor, transportation commission, and legislature. A final report shall be submitted by December 1993.

NEW SECTION, Sec. 15. FOR THE MARINE EMPLOYEES COMMISSION

Motor Vehicle Fund—Puget Sound Ferry Operations Account		
Appropriation	\$	306,997

The appropriation in this section is subject to the following conditions and limitations: \$20,000 of this appropriation is provided solely to fund an expanded salary survey, as provided for in House Bill No. 1520. If House Bill No. 1520 is not enacted by June 30, 1989, the Puget Sound Ferry Operations Account appropriation shall be reduced by \$20,000.

NEW SECTION, Sec. 16. FOR THE TRANSPORTATION COMMISSION

General Fund—Aeronautics Account Appropriation	\$	1,184
General Fund Appropriation	\$	2,269

Motor Vehicle Fund—Puget Sound Capital Construction Account		
Appropriation	\$	31,349

Motor Vehicle Fund—Puget Sound Ferry Operations Account		
Appropriation	\$	53,160

Motor Vehicle Fund Appropriation	\$	425,024
Total Appropriation	\$	512,986

NEW SECTION, Sec. 17. FOR THE DEPARTMENT OF TRANSPORTATION—HIGHWAY CONSTRUCTION—PROGRAM A

Motor Vehicle Fund Appropriation—State	\$	124,000,000
Motor Vehicle Fund Appropriation—Federal	\$	80,000,000

Motor Vehicle Fund Appropriation—Local	\$	2,000,000
Total Appropriation	\$	206,000,000

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

(1) The appropriations in this section are provided for the location, design, right of way, and construction of state highway projects designated as category 'A' under RCW 47.05.030.

(2) \$80,000 of this appropriation is provided solely for studies to identify means of mitigating the environmental effects of SR 520 on neighboring communities.

(3) Any study of east-west corridors across or in the vicinity of Lake Washington shall be conducted in a manner consistent with the regional high occupancy vehicle strategic plan.

(4) \$300,000 of this appropriation is provided solely for safety improvements to the first avenue south bridge.

NEW SECTION, Sec. 18. FOR THE DEPARTMENT OF TRANSPORTATION—HIGHWAY CONSTRUCTION—PROGRAM B

Motor Vehicle Fund Appropriation—State	\$	52,000,000
Motor Vehicle Fund Appropriation—Federal	\$	473,000,000

Motor Vehicle Fund Appropriation—Local	\$	5,000,000
Total Appropriation	\$	530,000,000

The appropriations in this section are provided for the location, design, right of way, and construction of state highway projects on the interstate system designated as category 'B' under

RCW 47.05.030. The appropriations in this section are subject to the following conditions and limitations:

(1) \$46,000,000 of the motor vehicle fund—state appropriation includes a maximum of \$20,000,000 in proceeds from the sale of bonds authorized by RCW 47.10.790, for state matching funds for the construction of SR 90 from SR 5 to SR 405, and the balance in proceeds from the sale of bonds as authorized by RCW 47.10.801: PROVIDED, That the transportation commission may authorize the use of current revenues available to the department of transportation in lieu of bond proceeds for any part of the state appropriation.

(2) If federal discretionary funds are made available to the state, the motor vehicle fund—state appropriation is increased proportionally to provide matching state funds from the sale of bonds authorized by RCW 47.10.801 and 47.10.790 not to exceed \$10,000,000 and it is understood that the department shall seek authority to expend unanticipated receipts for the federal portion.

(3) It is further recognized that the department may make use of federal cash flow obligations on interstate construction contracts in order to complete the interstate highway system as expeditiously as possible.

NEW SECTION, Sec. 19. FOR THE DEPARTMENT OF TRANSPORTATION—HIGHWAY CONSTRUCTION—PROGRAM C

Motor Vehicle Fund Appropriation—State	\$	34,750,000
Motor Vehicle Fund Appropriation—Local	\$	1,000,000
Total Appropriation	\$	35,750,000

(1) The appropriations in this section are provided for the location, design, right of way, and construction of state highway projects designated as category C under RCW 47.05.030.

(2) The motor vehicle fund—state appropriation includes up to \$1,000,000 of bond proceeds carried forward from the 1987-89 biennium and \$33,000,000 of bond proceeds authorized in RCW 47.10.801: PROVIDED, That the transportation commission may authorize the use of current revenues available to the department of transportation in lieu of bond proceeds for any part of the state appropriation.

(3) The department of transportation shall, by December 31, 1989, provide the legislative transportation committee with a report identifying the impact of the reduced category C funding contained in this act on all other departmental 1989-91 appropriations by program. The report shall contain, but not be limited to, personnel reductions actually implemented as of the date of this report and also projected reductions for the 1989-91 and 1991-93 biennia.

(4) Up to \$750,000 of this appropriation is provided to the department of transportation solely to fund the state's fifty percent share of the cost of a study, led by the city of Seattle, including a conceptual layout plan through the design report processes on Seattle's first avenue south bridge. The department of transportation shall report the findings of the current study underway by the city of Seattle, King county, and the port of Seattle, and the findings of the draft environmental impact study, to the legislative transportation committee before proceeding with design work for the first avenue south bridge other than that necessary for the environmental impact statement.

NEW SECTION, Sec. 20. FOR THE DEPARTMENT OF TRANSPORTATION—HIGHWAY MANAGEMENT AND FACILITIES—PROGRAM D

Motor Vehicle Fund Appropriation	\$	58,608,867
Motor Vehicle Fund—Transportation Capital Facilities Account		
Appropriation	\$	1,000,000
Total Appropriation	\$	59,608,867

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

(1) \$200,000 of the motor vehicle fund appropriation is provided solely for a capital facilities management system.

(2) If House Bill No. 1467 is not enacted by June 30, 1989, the motor vehicle fund—transportation capital facilities account appropriation shall lapse, and the motor vehicle fund appropriation shall increase by \$1,000,000.

NEW SECTION, Sec. 21. FOR THE DEPARTMENT OF TRANSPORTATION—AERONAUTICS—PROGRAM F

General Fund—Aeronautics Account Appropriation—State	\$	3,030,407
General Fund—Aeronautics Account Appropriation—Local	\$	75,000
General Fund—Aeronautics Account Appropriation—Federal	\$	661,451
Total Appropriation	\$	3,766,858

The appropriations in this section are provided for management and support of the aeronautics division, state fund grants to local airports, development and maintenance of a state-wide airport system plan, maintenance of state-owned emergency airports, federal inspections, and the search and rescue program.

(1) The general fund—aeronautics account—state appropriation contains \$100,000 for transfer to the motor vehicle fund as partial repayment of the \$407,430 advanced to pay the tort settlement in the case of Osibov vs. the state of Washington, Spokane county superior court, Cause No. 239168.

(2) \$75,000 of the general fund—aeronautics account—local appropriation, or as much as is necessary, is provided for design of a study of the state-wide economic, environmental and social effects of alternatives for providing passenger and cargo capacity that may be required due to increases in commercial air carrier operations. This appropriation is contingent upon receipt of funds for this purpose from private sources, deposited in the state treasury under RCW 47.68.160.

NEW SECTION, Sec. 22. FOR THE DEPARTMENT OF TRANSPORTATION—SEARCH AND RESCUE—PROGRAM F

General Fund—Search and Rescue Account Appropriation \$ 116,633

The appropriation in this section is provided for directing and conducting searches for missing, downed, overdue, or presumed downed general aviation aircraft; for safety and education activities necessary to insure safety of persons operating or using aircraft; and for the Washington wing civil air patrol in accordance with RCW 47.68.370.

NEW SECTION, Sec. 23. FOR THE DEPARTMENT OF TRANSPORTATION—COMMUNITY ECONOMIC REVITALIZATION—PROGRAM G

Motor Vehicle Fund—Economic Development Account Appropriation \$ 7,000,000

The appropriation in this section is funded with the proceeds from the sale of bonds authorized by RCW 47.10.801 and is provided for improvements to the state highway system necessitated by planned economic development.

NEW SECTION, Sec. 24. FOR THE DEPARTMENT OF TRANSPORTATION—NONINTERSTATE BRIDGES—PROGRAM H

Motor Vehicle Fund Appropriation—State \$ 26,000,000

Motor Vehicle Fund Appropriation—Federal \$ 33,000,000

Motor Vehicle Fund Appropriation—Local \$ 1,000,000

Total Appropriation \$ 60,000,000

The appropriations in this section are provided to preserve the structural and operating integrity of existing bridges. The appropriations in this section are subject to the following conditions and limitations: \$220,000 of the appropriation provided for in this section shall be used exclusively for the first avenue south bridge.

NEW SECTION, Sec. 25. FOR THE DEPARTMENT OF TRANSPORTATION—HIGHWAY MAINTENANCE AND OPERATIONS—PROGRAM M

Motor Vehicle Fund Appropriation—State \$ 191,946,680

Motor Vehicle Fund Appropriation—Local \$ 69,161

Total Appropriation \$ 192,015,841

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

(1) \$1,500,000 of the motor vehicle fund—state appropriation is provided solely for snow and ice removal activities in excess of \$33,800,000. The excess moneys are to be matched with reprioritized maintenance funds of twenty-five percent of the total needed over \$33,800,000 until the \$1,500,000 is matched. The legislative transportation committee must be notified if the resulting total of \$35,800,000 is exceeded.

(2) If actual and projected expenditures for public damage repair exceed amounts presumed in the maintenance work plan as submitted in the budget request to the house of representatives and senate transportation committees, supplemental relief will be sought.

(3) If Engrossed House Bill No. 1502, adjusting vehicle permit fees, is enacted by June 30, 1989, the motor vehicle fund—state appropriation is reduced by \$164,000.

NEW SECTION, Sec. 26. FOR THE DEPARTMENT OF TRANSPORTATION—SALES AND SERVICES TO OTHERS—PROGRAM R

Motor Vehicle Fund Appropriation—State \$ 2,273,000

Motor Vehicle Fund Appropriation—Federal \$ 68,000,000

Motor Vehicle Fund Appropriation—Local \$ 6,869,000

Total Appropriation \$ 77,142,000

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

(1) The appropriations contain \$350,000 of state funds for expenditure in accordance with RCW 47.56.720 (Puget Island-Westport Ferry—Payments for operation and maintenance to Wahkiakum county).

(2) The appropriations contain \$900,000 of state funds for the guarantee, pursuant to RCW 47.56.712, of the payment of principal and interest on the Spokane River toll bridge revenue refunding bonds as the bonds become due, but only to the extent that net revenues from the operation of the bridge are insufficient.

(3) The appropriations contain \$400,000 of local funds to guarantee bond payments on the Astoria-Megler bridge pursuant to RCW 47.56.646.

NEW SECTION, Sec. 27. FOR THE DEPARTMENT OF TRANSPORTATION—TRANSPORTATION MANAGEMENT AND SUPPORT—PROGRAM S

General Fund—Aeronautics Account Appropriation \$ 14,391

General Fund Appropriation \$ 26,152

Motor Vehicle Fund—Puget Sound Capital Construction Account

Appropriation \$ 383,510

Motor Vehicle Fund—Puget Sound Ferry Operations Account	
Appropriation	\$ 784,107
Motor Vehicle Fund Appropriation	\$ 30,044,558
Total Appropriation	\$ 31,252,718

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

(1) \$2,300,000 of the motor vehicle fund appropriation is provided solely for the acquisition or development of a financial management system. Authority to expend these funds is conditioned upon compliance with the requirements set forth in section 63 of this act.

(2) \$802,700 of the motor vehicle fund appropriation is provided solely for the transportation executive information system.

NEW SECTION, Sec. 28. FOR THE DEPARTMENT OF TRANSPORTATION—PLANNING, RESEARCH, AND PUBLIC TRANSPORTATION—PROGRAM T

For public transportation and rail programs:

General Fund Appropriation—State	\$ 629,800
General Fund Appropriation—Federal/Local	\$ 5,466,819
High Capacity Transportation Account Appropriation	\$ 8,561,139

For planning and research:

Motor Vehicle Fund Appropriation—State	\$ 8,637,774
Motor Vehicle Fund Appropriation—Federal	\$ 10,463,549
Total Appropriation	\$ 33,759,081

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

(1) The motor vehicle fund—state appropriation may be increased by up to \$1,500,000 in the event federal funds are not available to fully fund the motor vehicle fund—federal appropriation in this section, subject to legislative transportation committee notification. If additional federal funds become available to more than fully fund the motor vehicle fund—federal appropriation in this section, the department may transfer up to \$600,000 from the motor vehicle fund—state appropriation to the motor vehicle fund—federal appropriation.

(2) \$892,852 of the motor vehicle fund—state appropriation is provided for interstate 4-R and route planning studies.

(3) \$115,126 of the motor vehicle fund—state appropriation is provided for traffic analysis studies.

(4) \$50,000 of the motor vehicle fund—state appropriation and \$50,000 of the general fund—state appropriation is provided solely for one additional full-time employee to implement the requirements set forth in Engrossed House Bill No. 1438.

(5) The high capacity transportation account appropriation is subject to the following conditions and limitations:

(a) \$6,801,793 or as much thereof as may be necessary may be expended to provide up to eighty percent matching assistance for regional passenger rail planning efforts;

(b) \$500,000 or as much thereof as may be necessary may be expended to determine ways of improving Amtrak service including coordination and planning efforts within the state;

(c) \$833,346 or as much thereof as may be necessary may be expended for passenger rail program administration and for independent review of passenger rail plans; and

(d) \$426,000 or as much thereof as may be necessary may be expended for freight rail program administration.

(6) If Substitute House Bill No. 1825 is not enacted by June 30, 1989, the high capacity transportation account appropriation shall be eliminated.

NEW SECTION, Sec. 29. FOR THE DEPARTMENT OF TRANSPORTATION—CHARGES FROM OTHER AGENCIES—PROGRAM U

Motor Vehicle Fund Appropriation	\$ 10,607,946
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The appropriation in this section is to provide for costs billed to the department for the services of other state agencies as follows:

(1) Archives and records management, \$216,000;

(2) Attorney general tort claims support, \$5,141,946;

(3) Office of the state auditor audit services, \$731,000;

(4) Department of general administration facilities and services charges, \$1,946,000; and

(5) Department of personnel services, \$2,573,000.

NEW SECTION, Sec. 30. FOR THE DEPARTMENT OF TRANSPORTATION—MARINE CONSTRUCTION—PROGRAM W

Motor Vehicle Fund—Puget Sound Capital Construction Account	
Appropriation—State	\$ 98,930,400
Motor Vehicle Fund—Puget Sound Capital Construction Account	
Appropriation—Federal	\$ 14,200,000
Total Appropriation	\$ 113,130,400

The appropriations in this section are provided for improving the Washington state ferry system, including, but not limited to, vessel acquisition, vessel construction, major and minor vessel improvements, and terminal construction and improvements. The appropriations in this section are subject to the following conditions and limitations:

(1) The appropriations in this section are provided to carry out only the projects presented to the governor and the house of representatives and senate transportation committees in the department of transportation's 1989-91 biennial budget request dated March, 1989. The department of transportation shall revise these projects to reconcile them with the 1987-89 actual expenditures within sixty days of the beginning of the biennium.

(2) The Puget Sound capital construction account—state appropriation in this section contains \$15,000,000 of state funds transferred as a loan from the Puget Sound ferry operations account. Repayment to the Puget Sound ferry operations account from the Puget Sound capital construction account shall begin in the 1993-95 biennium.

(3) The Puget Sound capital construction account—state appropriation of \$100,300,000 includes \$20,000,000 in proceeds from the sale of bonds authorized by RCW 47.60.560: PROVIDED, That the department of transportation may use current revenues available to the Puget Sound capital construction account in lieu of bond proceeds for any part of the state appropriation.

(4) The Puget Sound capital construction account—state appropriation contains up to \$100,000 which shall be used in conjunction with funds provided by the legislative transportation committee to study and recommend a means for financing the future purchases of any required auto ferry vessel(s): PROVIDED, That the results of this joint study shall be presented to the governor and the house of representatives and senate transportation committees prior to December 31, 1989.

(5) The department of transportation shall provide the legislative transportation committee with a monthly report concerning the status of the capital program authorized in this section.

NEW SECTION, Sec. 31. FOR THE DEPARTMENT OF TRANSPORTATION—MARINE—PROGRAM X

Ferry System Fund Appropriation \$ 167,808,589

The appropriation in this section is subject to the following conditions and limitations:

(1) The appropriation is based on the budgeted expenditure of \$19,643,704 for vessel operating fuel in the 1989-91 biennium. If the actual cost of fuel is less than this budgeted amount, the excess amount shall not be expended. If the actual cost exceeds this amount, the department shall request a supplemental appropriation.

(2) In the event that revenues available to the ferry system fund are not sufficient to support the expenditures necessary for the operation and maintenance of the state ferry system as authorized in this section, the department may transfer funds from the Puget Sound ferry operations account to the ferry system fund.

(3) The appropriation contained in this section provides for the compensation of ferry employees, including increases. The expenditures for compensation paid to ferry employees during the 1989-91 biennium shall not exceed \$110,842,958 plus a dollar amount, as prescribed by the office of financial management, which is equal to any insurance benefit increase granted general government employees in excess of \$224.75 a month annualized per eligible marine employee multiplied by the number of eligible marine employees for the respective fiscal year, a dollar amount as prescribed by the office of financial management for salary increases during the 1989-91 biennium, and a dollar amount as prescribed by the office of financial management for costs associated with pension amortization charges and cost of living allowances. For the purposes of this section, the expenditures for compensation paid to ferry employees shall be limited to salaries and wages and employee benefits as defined in the office of financial management's policies, regulations, and procedures named under objects of expenditure 'A' and 'B' (7.2.6.2). Of the \$110,842,958 provided for compensation, plus the prescribed insurance benefit, pension, and salary increase dollar amount:

(a) The maximum dollar amount which shall be allocated from the governor's compensation salary appropriation is in addition to the appropriation contained in this section and may be used to increase compensation costs, effective January 1, 1990;

(b) The prescribed insurance benefit increase dollar amount which shall be allocated from the governor's compensation insurance benefits appropriation is in addition to the appropriation contained in this section and may be used to increase compensation costs, effective July 1, 1989;

(c) The maximum dollar amount which shall be allocated from the governor's compensation salary appropriation is in addition to the appropriation contained in this section and shall be used to maintain any 1989-90 compensation increase and may be used to increase compensation costs, effective January 1, 1991.

In no event may the June 30, 1990, hourly salary rate increase exceed any average hourly salary rate increase granted during the 1989-90 fiscal year.

In no event may the June 30, 1991, hourly salary rate increase exceed any salary rate increase granted during the 1990-91 fiscal year.

(4) The department of transportation shall provide the legislative transportation committee with a monthly report concerning the status of the operating program authorized in this section.

(5) The appropriation in this section contains \$1,000,000 which shall be expended only to complete the marine division payroll/personnel integration project.

(6) The transportation commission shall propose to the legislative transportation committee a reporting structure that reflects the respective operating expenditures and revenues supporting each of the vessel routes by December 31, 1989. The proposed reporting structure should be tied to existing accounting data and should provide the legislature adequate information to examine the tax subsidy required to support the operation of the various routes.

NEW SECTION. Sec. 32. FOR THE DEPARTMENT OF TRANSPORTATION—STATE AID—PROGRAM Z

Motor Vehicle Fund Appropriation—State	\$	6,456,591
Motor Vehicle Fund Appropriation—Federal	\$	106,615,693
Motor Vehicle Fund Appropriation—Local	\$	18,557,000
Total Appropriation	\$	131,629,284

(1) The appropriations in this section include \$7,000,000 from the motor vehicle fund—federal for transportation expenditures related to the United States navy home port in Everett.

(2) The appropriations contain \$309,000 of state funds from the proceeds of bonds for Columbia Basin county roads authorized in chapter 121, Laws of 1951; chapter 311, Laws of 1955; and chapter 121, Laws of 1965 for reimbursable expenditures on cooperative projects authorized by state or federal laws.

(3) \$3,000,000 of the motor vehicle fund—state appropriation, or as much thereof as may be required, is provided for studies that are mutually beneficial to cities, counties and the state department of transportation, including the continuation of the road jurisdiction study and the project cost evaluation methodology study.

NEW SECTION. Sec. 33. FOR THE DEPARTMENT OF TRANSPORTATION—SUPPORTIVE SERVICES—PROGRAM 090

General Fund Appropriation—Federal	\$	400,000
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The appropriation in this section is provided for supportive services to on-the-job training programs for minority construction workers and for minority contractors' training programs.

NEW SECTION. Sec. 34. SPECIAL APPROPRIATIONS TO THE GOVERNOR

Motor Vehicle Fund Appropriation	\$	9,858,000
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(1) The appropriation in this section includes \$3,200,000 for transportation projects relating to the Everett homeport.

(2) The appropriation in this section includes \$6,658,000 for expenditures relating to transportation improvements on the Blair waterway as negotiated in the Puyallup Tribal Claim settlement.

NEW SECTION. Sec. 35. FOR THE DEPARTMENT OF TRANSPORTATION

Motor Vehicle Fund—RV Account Appropriation Transfer: For transfer to the Motor Vehicle Fund	\$	400,000
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The appropriation transfer in this section is provided for the construction and maintenance of recreation vehicle sanitary disposal systems at rest areas on the state highway system.

NEW SECTION. Sec. 36. FOR THE DEPARTMENT OF TRANSPORTATION—FOR PAYMENT OF BELATED CLAIMS

Motor Vehicle Fund Appropriation	\$	5,000,000
Puget Sound Ferry Operations Account Appropriation	\$	100,000
Total Appropriation	\$	5,100,000

NEW SECTION. Sec. 37. FOR THE LEGISLATIVE TRANSPORTATION COMMITTEE—FOR PAYMENT OF BELATED CLAIMS

Motor Vehicle Fund Appropriation	\$	100,000
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NEW SECTION. Sec. 38. It is the intent of the legislature that the amounts assumed in this act for all revolving funds for services provided to the Washington state patrol and department of licensing by other agencies, including the department of personnel service fund for personnel services, the legal services revolving fund for tort claim administration costs and other legal costs, the audit services revolving fund for audits, and the archives and records management account for archiving, storage, and records management services, shall not be exceeded without prior approval of the legislative transportation committee.

NEW SECTION. Sec. 39. No moneys from the motor vehicle fund or highway safety fund may be expended under this act for major relocation of the Washington state patrol or the department of licensing.

NEW SECTION. Sec. 40. The department of transportation and the county road administration board shall, by December 31, 1989, jointly provide the legislative transportation committee a report describing the current financial status of county-operated ferry systems. The report shall include but not be limited to recommendations regarding the appropriate level of state support for these transportation services and whether there is sufficient justification to consider transferring responsibilities for operating these systems to the Washington state department of transportation.

Sec. 41. Section 46.68.110, chapter 12, Laws of 1961 as last amended by section 37, chapter 10, Laws of 1987 1st ex. sess. and RCW 46.68.110 are each amended to read as follows:

Funds credited to the incorporated cities and towns of the state as set forth in subdivision (1) of RCW 46.68.100 shall be subject to deduction and distribution as follows:

(1) One and one-half percent of such sums shall be deducted monthly as such sums are credited and set aside for the use of the department of transportation for the supervision of work and expenditures of such incorporated cities and towns on the city and town streets thereof, including the supervision and administration of federal-aid programs for which the department of transportation has responsibility: PROVIDED, That any moneys so retained and not expended shall be credited in the succeeding biennium to the incorporated cities and towns in proportion to deductions herein made;

(2) ~~((From July 1, 1985, through June 30, 1987, twenty-four one-hundredths of one percent of such funds shall be deducted monthly, as such funds accrue, and set aside for the use of the department of transportation for the purpose of funding the cities' share of the costs of highway jurisdiction studies and other studies. Any funds so retained and not expended shall be credited in the succeeding biennium to the cities in proportion to the deductions made;~~

~~(3)) From July 1, 1987, through June 30, 1989, thirty-three one-hundredths of one percent of such funds shall be deducted monthly, as such funds accrue, and set aside for the use of the department of transportation for the purpose of funding the cities' share of the costs of highway jurisdiction studies and other studies. Any funds so retained and not expended shall be credited in the succeeding biennium to the cities in proportion to the deductions made;~~

(3) From July 1, 1989, through June 30, 1991, thirty-three one-hundredths of one percent of such funds shall be deducted monthly, as such funds accrue, and set aside for the use of the department of transportation for the purpose of funding the cities' share of the costs of highway jurisdiction studies and other studies. Any funds so retained and not expended shall be credited in the succeeding biennium to the cities in proportion to the deductions made;

(4) The balance remaining to the credit of incorporated cities and towns after such deduction shall be apportioned monthly as such funds accrue among the several cities and towns within the state ratably on the basis of the population last determined by the office of financial management.

Sec. 42. Section 46.68.120, chapter 12, Laws of 1961 as last amended by section 38, chapter 10, Laws of 1988 1st ex. sess. and RCW 46.68.120 are each amended to read as follows:

Funds to be paid to the counties of the state shall be subject to deduction and distribution as follows:

(1) One and one-half percent of such funds shall be deducted monthly as such funds accrue and set aside for the use of the department of transportation and the county road administration board for the supervision of work and expenditures of such counties on the county roads thereof, including the supervision and administration of federal-aid programs for which the department of transportation has responsibility: PROVIDED, That any funds so retained and not expended shall be credited in the succeeding biennium to the counties in proportion to deductions herein made;

(2) All sums required to be repaid to counties composed entirely of islands shall be deducted;

~~(3) ((From July 1, 1985, through June 30, 1987, twenty-four one-hundredths of one percent of such funds shall be deducted monthly, as such funds accrue, and set aside for the use of the department of transportation for the purpose of funding the counties' share of the costs of highway jurisdiction studies and other studies. Any funds so retained and not expended shall be credited in the succeeding biennium to the counties in proportion to the deductions made;~~

~~(4)) From July 1, 1987, through June 30, 1989, thirty-three one-hundredths of one percent of such funds shall be deducted monthly, as such funds accrue, and set aside for the use of the department of transportation for the purpose of funding the counties' share of the costs of highway jurisdiction studies and other studies. Any funds so retained and not expended shall be credited in the succeeding biennium to the counties in proportion to the deductions made;~~

(4) From July 1, 1989, through June 30, 1991, thirty-three one-hundredths of one percent of such funds shall be deducted monthly, as such funds accrue, and set aside for the use of the department of transportation for the purpose of funding the counties' share of the costs of highway jurisdiction studies and other studies. Any funds so retained and not expended shall be credited in the succeeding biennium to the counties in proportion to the deductions made;

(5) The balance of such funds remaining to the credit of counties after such deductions shall be paid to the several counties monthly, as such funds accrue, in accordance with RCW 46.68.122 and 46.68.124.

NEW SECTION. Sec. 43. The motor vehicle fund revenues are received at a relatively even flow throughout the year. Expenditures exceed the revenue during the accelerated summer and fall highway construction season, creating a negative cash balance during the heavy construction season. Negative cash balances also may result from the use of state funds to finance federal advance construction projects prior to conversion to federal funding. The legislature recognizes that the department of transportation may require interfund loans or other short-term financing to meet temporary seasonal cash requirements and additional cash requirements to fund federal advance construction projects.

NEW SECTION. Sec. 44. The legislature recognizes the economic importance to the state of attracting new industrial development, and that the availability of transportation services is a

significant factor in attracting such industries. The transportation commission and the department of transportation may consider these unique circumstances in determining priorities for capital expenditures.

NEW SECTION. Sec. 45. In addition to such other appropriations as are made by this act, there is hereby appropriated to the department of transportation from legally available bond proceeds in the respective construction or building accounts such amounts as are necessary to pay the expenses incurred by the state finance committee in the issuance and sale of the subject bonds.

NEW SECTION. Sec. 46. As used in this act, 'St Patrol Hiwy Acct' means the State Patrol Highway Account.

NEW SECTION. Sec. 47. FOR THE WASHINGTON STATE PATROL
Spokane district headquarters (88-2-009)

	Reappropriation	Appropriation
St Patrol Hiwy Acct	100,000	
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/91 and	Costs
6/30/89	Thereafter	
2,291,000		2,391,000

NEW SECTION. Sec. 48. FOR THE WASHINGTON STATE PATROL
Construct detachment office: Mount Vernon (88-1-018)

	Reappropriation	Appropriation
St Patrol Hiwy Acct	100,000	
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/91 and	Costs
6/30/89	Thereafter	
539,000		639,000

NEW SECTION. Sec. 49. FOR THE WASHINGTON STATE PATROL
Asbestos abatement: Academy (90-1-001)

	Reappropriation	Appropriation
St Patrol Hiwy Acct		256,800
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/91 and	Costs
6/30/89	Thereafter	
3,000		259,800

NEW SECTION. Sec. 50. FOR THE WASHINGTON STATE PATROL
Construct communications tower: Bremerton (90-2-002)

	Reappropriation	Appropriation
St Patrol Hiwy Acct		241,900
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/91 and	Costs
6/30/89	Thereafter	
		241,900

NEW SECTION. Sec. 51. FOR THE WASHINGTON STATE PATROL
Small repairs and improvements: State-wide (90-2-004)

	Reappropriation	Appropriation
St Patrol Hiwy Acct		140,600
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/91 and	Costs
6/30/89	Thereafter	
		140,600

NEW SECTION. Sec. 52. FOR THE WASHINGTON STATE PATROL
Minor works: State-wide (90-2-006)

	Reappropriation	Appropriation
St Patrol Hiwy Acct		1,600,000
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/91 and	Costs
6/30/89	Thereafter	
		1,600,000

NEW SECTION. Sec. 53. FOR THE WASHINGTON STATE PATROL
Communications center expansion: Vancouver (90-2-007)

	Reappropriation	Appropriation
St Patrol Hiwy Acct		239,700

Project Costs Through 6/30/89 4,000	Estimated Costs 7/1/91 and Thereafter	Estimated Total Costs 243,700
<u>NEW SECTION, Sec. 54. FOR THE WASHINGTON STATE PATROL</u>		
Property acquisition district headquarters: Tacoma (90-2-013)		
Reappropriation		Appropriation 750,000
St Patrol Hiwy Acct		Estimated Total Costs 803,000
Project Costs Through 6/30/89 53,000	Estimated Costs 7/1/91 and Thereafter	
<u>NEW SECTION, Sec. 55. FOR THE WASHINGTON STATE PATROL</u>		
Construct district headquarters: Everett (90-2-018)		
Reappropriation		Appropriation 3,500,000
St Patrol Hiwy Acct		Estimated Total Costs 3,553,000
Project Costs Through 6/30/89 53,000	Estimated Costs 7/1/91 and Thereafter	
<u>NEW SECTION, Sec. 56. FOR THE WASHINGTON STATE PATROL</u>		
Program through design development: Washington State Patrol headquarters (90-2-040)		
Reappropriation		Appropriation 100,000
St Patrol Hiwy Acct		Estimated Total Costs 24,000,000
Project Costs Through 6/30/89	Estimated Costs 7/1/91 and Thereafter 24,000,000	
<u>NEW SECTION, Sec. 57. FOR THE WASHINGTON STATE PATROL</u>		
Emergency vehicle operation course: Phase II (91-3-011)		
Reappropriation 500,000		Appropriation
Public Safety and Education Acct		Estimated Total Costs 1,107,000
Project Costs Through 6/30/89 607,000	Estimated Costs 7/1/91 and Thereafter	
<u>NEW SECTION, Sec. 58. FOR THE STATE TREASURER—TRANSFER</u>		
Motor Vehicle Fund Appropriation		\$ 38,000,000
The appropriation in this section is for transfer to the Puget Sound ferry operations account on August 1, 1989: PROVIDED, That the amount appropriated for transfer shall not exceed the amount of the unexpended balance in the Puget Sound ferry operations account on June 30, 1989, which is subject to transfer from the account pursuant to RCW 47.60.540(2). The amount transferred shall be reported to the legislative transportation committee.		
<u>NEW SECTION, Sec. 59. FOR THE DEPARTMENT OF TRANSPORTATION—TRANSFER</u>		
Motor Vehicle Fund—Highway Construction Stabilization Account		
Transfer: For transfer to the Motor Vehicle Fund		\$ 120,000,000
46.68.200. The appropriation transfer in this section is provided for expenditures pursuant to RCW		
<u>NEW SECTION, Sec. 60. To the extent that the employer contributions for retirement, industrial insurance, and medical aid granted to state general government employees through enactment of the omnibus state appropriations act are less than amounts assumed in the operating programs in this appropriations act, such portion of the appropriations shall be withheld and assigned to a reserve status pursuant to RCW 43.88.110(2). Specific amounts shall be assigned to a reserve status with the concurrence of the office of financial management and the legislative transportation committee.</u>		
<u>NEW SECTION, Sec. 61. The department of transportation is authorized to undertake federal advance construction projects under the provisions of 23 U.S.C. Sec. 115 in order to maintain progress in meeting approved highway construction and preservation objectives. The legislature recognizes that the use of state funds may be required to temporarily fund expenditures of the federal appropriations for the highway construction and preservation programs for federal advance construction projects prior to conversion to federal funding.</u>		

NEW SECTION. Sec. 62. To maximize the use of motor vehicle fund revenues, it is the intent of the legislature to encourage sharing of technology, information, and systems where appropriate between transportation agencies.

To facilitate this exchange, the Washington state department of transportation assistant secretary for finance and budget management; Washington state department of transportation chief, management information systems; the Washington state patrol support services bureau deputy chief; Washington state patrol manager of the computer services division; the department of licensing deputy director and department of licensing assistant director for information systems will meet quarterly to share plans, discuss progress of key projects and to coordinate activities for the common good. Minutes of these meetings will be distributed to the respective agency heads and the legislative transportation committee. Washington state department of transportation will provide staff support and meeting coordination.

NEW SECTION. Sec. 63. Agencies shall comply with the following requirements regarding information systems projects when directed to do so by specific appropriation proviso.

(1) The agency shall produce a feasibility study for each information systems project in accordance with published department of information services instructions. In addition to department of information services requirements such studies shall examine and evaluate the costs and benefits of maintaining status quo.

(2) The agency shall produce a project management plan for each project. The plan or plans shall address all factors critical to successful completion of each project. These plans shall include, but not be limited to, the following elements: A description of the problem or opportunity which the information systems project is intended to address; a statement of project objectives and assumptions; definition of phases, tasks, and activities to be accomplished and the estimated cost of each phase; a description of how the agency will facilitate responsibilities of oversight agencies; a description of key decision points in the project life cycle; a description of variance control measures; a definitive schedule that shows the elapsed time estimated to complete the project and when each task is to be started and completed; and a description of resource requirements to accomplish the activities within specified time, cost, and functionality constraints.

(3) A copy of each feasibility study and project management plan shall be provided to the department of information services, the office of financial management, and the legislative transportation committee. Authority to expend any funds for individual information systems projects shall be conditioned upon approval of the relevant feasibility study and project management plan by the department of information services and the office of financial management or the legislative transportation committee as appropriate.

(4) A project status report shall be submitted to the department of information services, the office of financial management, and the legislative transportation committee for each project prior to reaching key decision points identified in the relevant project management plan. Project status reports shall examine and evaluate project management, accomplishments, budget, action to address variances, risk management, cost and benefits analysis, and other aspects critical to completion of a project.

Work shall not commence on any task in a subsequent phase of a project until the status report for the preceding key decision point has been approved by the department of information services, the office of financial management, and the legislative transportation committee as appropriate.

(5) In those instances when a project review is requested in accordance with department of information services policies, the reviews shall examine and evaluate: System requirements specifications; scope; system architecture; change controls; documentation; user involvement; training; availability and capability of resources; programming languages and techniques; system inputs and outputs; plans for testing, conversion, implementation, and post-implementation; and other aspects critical to successful construction, integration, and implementation of automated systems. Copies of project review written reports shall be forwarded to the office of financial management and the legislative transportation committee by the agency.

(6) A written post-implementation review report shall be prepared by the agency for each information systems project in accordance with published department of information services instructions. In addition to the information requested pursuant to the department of information services instructions, post-implementation reports shall evaluate the degree to which a project accomplished its major objectives including, but not limited to, a comparison of original cost and benefit estimates to actual costs and benefits achieved. Copies of post-implementation review reports shall be provided to the department of information services, the office of financial management, and the legislative transportation committee.

NEW SECTION. Sec. 64. Counties with a population of 50,000 or more and cities with a population of 8,000 or more receiving moneys provided in this act shall have adopted a local comprehensive plan prior to the receipt of such funds. The plan shall include a coordinated system of growth planning and strategies and shall take into consideration any state and regional planning efforts, including but not limited to, the rail development commission report, road jurisdiction study, department of transportation policy plan, and the Washington state economic development board. Cities and towns must adopt a comprehensive plan under

chapter 35.63 or 35A.63 RCW or under the authority of its charter where applicable. Counties must adopt a comprehensive plan under chapter 35.63 or 36.70 RCW or under the authority of its own charter where applicable. The plans adopted by cities, towns, and counties shall be submitted, upon adoption, to the office of financial management and the department of transportation.

NEW SECTION, Sec. 65. In addition to the appropriation authority contained in section 31 of this act for program X, the marine division may expend up to \$500,000 from the Puget Sound ferry operations account for unprogrammed expenditures with prior approval of the legislative transportation committee.

NEW SECTION, Sec. 66. The attorney general shall prepare annually a report to the legislative transportation committee comprising a comprehensive summary of all cases involving tort claims against the department of transportation involving highways which were concluded and closed in the previous calendar year. The report shall include for each case closed:

- (1) A summary of the factual background of the case;
- (2) Identification of the attorneys representing the state and the opposing parties;
- (3) A synopsis of the legal theories asserted and the defenses presented;
- (4) Whether the case was tried, settled, or dismissed, and in whose favor;
- (5) The amount of any settlement or verdict reached, and the terms for payment;
- (6) A summary of all settlement offers made by the parties where a verdict was returned against the state;
- (7) The approximate number of attorney hours expended by the state on the case, together with the corresponding dollar amount billed therefore; and
- (8) Such other matters relating to the case as the attorney general deems relevant or appropriate, especially including any comments or recommendations for changes in statute law or agency practice that might effectively reduce the exposure of the state to such tort claims.

NEW SECTION, Sec. 67. The attorney general shall, by July 1, 1989, begin an investigation into the causes behind the substantial increase in the price of gasoline and other petroleum products since March 24, 1989, to determine whether any state laws have been violated by manufacturers, distributors, or sellers of gasoline or other petroleum products. The attorney general shall consult with the utilities and transportation commission, the state energy office, and other state agencies for any technical assistance the attorney general may need.

The attorney general shall have concurrent authority and power with the prosecuting attorneys to conduct such investigation and to initiate and conduct on behalf of the citizens of the state of Washington the prosecution of any offense relating to the price of gasoline or other petroleum products.

The attorney general shall report by December 1, 1989, to the senate and house of representatives energy and utilities committees and the legislative transportation committee on the findings of the investigation and the status of any prosecutions.

Sec. 68. Section 2, chapter 10, Laws of 1987 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE TRAFFIC SAFETY COMMISSION	
Highway Safety Fund Appropriation—State	\$ (310,449) 410,449
Highway Safety Fund Appropriation—Federal	\$ (4,190,574) 4,440,574
Total Appropriation	\$ (4,501,023) 4,851,023

The appropriations in this section are subject to the following conditions and limitations: \$100,000 of the highway safety fund—state appropriation is provided solely for the relocation, repair, and replacement costs resulting from the traffic safety commission office fire.

Sec. 69. Section 18, chapter 10, Laws of 1987 1st ex. sess. as amended by section 5, chapter 283, Laws of 1988 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF TRANSPORTATION—HIGHWAY CONSTRUCTION—PROGRAM C	
Motor Vehicle Fund Appropriation—State	\$ 93,455,000
Motor Vehicle Fund Appropriation—Local	\$ 2,000,000
Total Appropriation	\$ 95,455,000

The appropriations in this section are provided for the location, design, right of way, and construction of state highway projects designated as category 'C' under RCW 47.05.030. (~~if Senate Bill No. 6464 is enacted, the motor vehicle fund—state appropriation shall be increased by \$13,000,000.~~)

(1) The motor vehicle fund—state appropriation will be funded with the proceeds from the sale of bonds authorized in RCW 47.10.801 in the amount of \$93,455,000; PROVIDED, That the transportation commission in consultation with the legislative transportation committee may authorize the use of current revenues available to the department of transportation in lieu of bond proceeds for any part of the state appropriation.

The transportation commission shall adjust its list of category 'C' projects to include only those projects that can be accomplished within the moneys provided in this appropriation.

It is the intent of the legislature that no moneys shall be expended on projects that are not included on the transportation commission's priority list for the 1987-89 biennium. It is further the intent of the legislature that the category 'A' and 'H' programs take precedence over category 'C' projects and that the category 'A' and 'H' programs be fully funded in the 1989-91 biennium to the exclusion of category 'C' projects as required under chapter 47.05 RCW.

~~((It is the intent of the legislature that the department's category C preliminary engineering and right-of-way expenditures for unfunded list 4 projects shall not exceed \$12,000,000.))~~

It is the intent of the legislature that the maximum amount of state motor vehicle funds not required for other purposes be made available for category 'C' program expenditures. If additional moneys become available, deferred funded list 4 category 'C' project contracts shall not be awarded by the department without prior consultation with the legislative transportation committee.

~~((No moneys may be expended on list 5 category 'C' projects in the 1987-89 biennium.))~~

(2) Notwithstanding subsection (1) of this section and to the extent that the motor vehicle fund—state receives additional revenues from the sale of department of transportation parcel number 32704447, \$455,000 of the motor vehicle fund appropriation—state is provided solely for the construction of a loop ramp as described under program item number 351216A in the transportation commission category 'C' program file.

Sec. 70. Section 20, chapter 10, Laws of 1987 1st ex. sess. as amended by section 7, chapter 283, Laws of 1988 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF TRANSPORTATION—AERONAUTICS—PROGRAM F

General Fund—Aeronautics Account Appropriation—State	\$	2,377,803
General Fund—Aeronautics Account Appropriation—Federal	\$	902,460
Total Appropriation	\$	3,280,263

The appropriations in this section are provided for management and support of the aeronautics division, state fund grants to local airports, development and maintenance of a state-wide airport system plan, maintenance of state-owned emergency airports, federal inspections, and the search and rescue program. ~~((The aeronautics account—state appropriation contains \$100,000 for transfer to the motor vehicle fund as the second of four installments in repayment of the \$407,430 advanced to pay the tort settlement in the case of Osibov vs. the state of Washington. Spokane county superior court. Cause No. 239168.))~~

If aeronautics account—state revenue is insufficient to fund the appropriation authority, the aeronautics account may receive an interfund loan from the motor vehicle fund. Any interfund loan received shall be repaid in the 1989-91 biennium.

Sec. 71. Section 26, chapter 10, Laws of 1987 1st ex. sess. as amended by section 12, chapter 283, Laws of 1988 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF TRANSPORTATION—COUNTY-CITY PROGRAM—PROGRAM R

Motor Vehicle Fund Appropriation—State	\$	((1,450,000))
		1,539,000
Motor Vehicle Fund Appropriation—Federal	\$	151,612,528
Motor Vehicle Fund Appropriation—Local	\$	19,977,219
Total Appropriation	\$	((173,039,747))
		173,128,747

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

(1) The appropriations contain ~~\$((241,000))~~ 330,000 of state funds for expenditure in accordance with RCW 47.56.720 (Puget Island-Westport Ferry—Payments for operation and maintenance to Wahkiakum county). ~~((If Senate Bill No. 5159 is enacted, the department may request a supplemental appropriation.))~~

(2) ~~((The appropriations contain \$900,000 of state funds for the guarantee, pursuant to RCW 47.56.712, of the payment of principal of and interest on the Spokane River toll bridge revenue refunding bonds as the bonds become due, but only to the extent that net revenues from the operation of the bridge are insufficient therefor.~~

(3) The appropriations contain \$309,000 of state funds from the proceeds of bonds for Columbia Basin county roads authorized in chapter 121, Laws of 1951; chapter 311, Laws of 1955; and chapter 121, Laws of 1965 for reimbursable expenditures on cooperative projects authorized by state or federal laws.

~~((4))~~ (3) The appropriations contain \$91,612,528 of federal funds and \$15,227,923 of local funds for reimbursable expenditures for location, design, right-of-way, construction, and maintenance on the north metro operating base interchange, city streets, county roads, and other nonstate highways.

~~((5))~~ (4) The appropriations contain \$61,000,000 of federal funds and \$1,000,000 of local funds for location, design, right-of-way, and construction on state highways which is fully reimbursable.

~~((6))~~ (5) The appropriations contain \$400,000 of local funds to guarantee bond payments on the Astoria-Megler bridge pursuant to RCW 47.56.646.

~~((7))~~ (6) The appropriations contain \$3,437,811 of local funds for miscellaneous sales and services.

~~((8))~~ (7) The appropriations contain \$6,000,000 of federal funds for construction of defense access roads related to the Everett home port.

Sec. 72. Section 27, chapter 10, Laws of 1987 1st ex. sess. as amended by section 13, chapter 283, Laws of 1988 (uncodified) are each amended to read as follows:

FOR THE DEPARTMENT OF TRANSPORTATION—EXECUTIVE MANAGEMENT AND MANAGEMENT SERVICES—PROGRAM S

General Fund—Aeronautics Account Appropriation	\$	9,371
General Fund Appropriation	\$	15,194
Motor Vehicle Fund—Puget Sound Capital Construction Account Appropriation	\$	217,442
Motor Vehicle Fund—Puget Sound Ferry Operations Account Appropriation	\$	459,076
Motor Vehicle Fund Appropriation	\$	((31,611,410)) 32,211,418
Ferry System Fund Appropriation	\$	1,071,178
Total Appropriation	\$	((33,383,679)) 33,983,679

The appropriations in this section include \$100,000 for the implementation of the joint financial information systems to be utilized by the office of financial management, legislative evaluation and accountability committee, department of transportation, department of information systems, the committees on ways and means of the senate and house of representatives, and the legislative transportation committee.

Sec. 73. Section 30, chapter 10, Laws of 1987 1st ex. sess. as amended by section 16, chapter 283, Laws of 1988 (uncodified) are each amended to read as follows:

FOR THE DEPARTMENT OF TRANSPORTATION—MARINE—PROGRAM X

((Motor Vehicle Fund—Puget Sound Ferry Operations Account Appropriation)))	((45,155,127))
Ferry System Fund Appropriation	\$	((105,361,963)) 150,517,090
((Total Appropriation)))	((150,512,090))

The appropriation~~((s))~~ in this section ~~((are))~~ is provided for management and support of the marine transportation division of the department of transportation and for the operation and maintenance of the state ferry system.

The appropriation~~((s))~~ in this section ~~((are))~~ is subject to the following conditions and limitations:

(1) The appropriation~~((s are))~~ is based on the budgeted expenditure of \$15,525,251 for vessel operating fuel in the 1987-89 biennium. If the actual cost of fuel is less than this budgeted amount, the excess amount shall not be expended. If the actual cost exceeds this amount, it is the intent of the legislature that the department will request a supplemental appropriation.

(2) Prior to the expenditure of any funds budgeted for additional passenger-only service, the department of transportation shall obtain approval from the legislative transportation committee. If the additional passenger-only service is not approved, the funds appropriated in this section for that purpose shall not be expended for any other purpose.

(3) For the period from July 1, 1987, up to the actual implementation date of the 1987-89 biennial salary increase for employees under the jurisdiction of the state personnel board, no increases in the hourly wage rates of ferry employees, as ferry employee is defined in RCW 47.64.011(5), shall be included in the base hourly wage rates used for future salary increase calculations.

(4) The appropriation contained in this section provides for the compensation of ferry employees, including increases. The expenditures for compensation paid to ferry employees during the 1987-89 biennium shall not exceed \$105,210,000 plus a dollar amount, as prescribed by the office of financial management, which is equal to any insurance benefit increase granted general government employees in excess of \$167 a month annualized per eligible marine employee multiplied by the number of eligible marine employees for fiscal year 1989. For the purposes of this section, the expenditures for compensation paid to ferry employees shall be limited to salaries and wages and employee benefits as defined in the office of financial management's policies, regulations, and procedures named under objects of expenditure 'A' and 'L' (7.2.6.2). Of the \$105,210,000 provided for compensation, plus the prescribed insurance benefit increase dollar amount:

(a) A maximum of \$678,000 may be used to increase compensation costs, effective January 1, 1988;

(b) The prescribed insurance benefit increase dollar amount may be used to increase compensation costs, effective July 1, 1988;

(c) A maximum of \$2,145,000 shall be used to maintain any 1987-88 compensation increase and may be used to increase compensation costs, effective January 1, 1989.

In no event may the June 30, 1988, hourly salary rate increase exceed any salary rate increase granted during the 1987-88 fiscal year.

In no event may the June 30, 1989, hourly salary rate increase exceed any salary rate increase granted during the 1988-89 fiscal year.

(5) To the extent that ferry employees by bargaining unit have absorbed the required offset of wage increases by the amount that the employer's contribution for employees' and dependents' insurance and health care plans exceeds that of other state general government employees in the 1985-87 biennium, employees will not be required to absorb a further offset except to the extent the differential between employer contributions for those employees and all other state general government employees increases during the 1987-89 biennium. If the differential increases or the 1985-87 offset by bargaining unit is insufficient to meet the required deduction, the amount available for compensation shall be reduced by bargaining unit by the amount of such increase or the 1985-87 shortage in the required offset.

(6) The department of transportation shall provide the legislative transportation committee with a monthly report concerning the status of this program.

(7) In the event that revenues available to the ferry system fund are not sufficient to support the expenditures necessary for the operation and maintenance of the state ferry system, the department may transfer funds from the Puget Sound ferry operations account to the ferry system fund.

NEW SECTION, Sec. 74. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION, Sec. 75. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect immediately."

Mr. Walk moved adoption of the following amendment by Representatives Walk and Schmidt to the amendment:

On page 10, beginning on line 29, strike all of subsection (1) and insert:

"(1) \$35,000,000 of the appropriations in this section are provided solely for the completion of category C projects currently under construction."

Mr. Walk spoke in favor of adoption of the amendment to the amendment, and it was adopted.

Mr. Betzoff moved adoption of the following amendment by Representatives Betzoff, Schmidt and Walk to the amendment:

On page 11, following line 20, insert:

"(5) Nothing in this section precludes the department from completing engineering on projects when such engineering costs are being provided by local government or private sources."

Representatives Betzoff and Walk spoke in favor of adoption of the amendment to the amendment, and it was adopted.

The Speaker declared the House to be at ease

The Speaker called the House to order.

Ms. Cole moved adoption of the following amendment by Representatives Cole, Vekich, R. King, Prentice and Leonard to the amendment:

On page 31 of the amendment, after line 2, insert the following:

"NEW SECTION, Sec. 64. By July 1, 1990 the department of transportation shall take actions necessary to ensure that the safety requirements for work places in the state ferry system, whether within the navigable waters subject to the jurisdiction of the state of Washington or the United States, conform, at a minimum, with the employee safety and health regulations adopted by the department of labor and industries pursuant to chapter 49.17 RCW."

Renumber the remaining sections consecutively and correct internal references accordingly.

Representatives Cole, Patrick and Jones spoke in favor of adoption of the amendment to the amendment, and Representatives Walk and Schmidt spoke against it.

POINT OF INQUIRY

Mr. Vekich yielded to question by Mr. Heavey.

Mr. Heavey: Representative Vekich, is it your intent to, in any way, interfere with traditional remedies of a ferry worker under admiralty law or the Jones Act?

Mr. Vekich: Thank you for your question, Representative Heavey. In this case, we want to be sure that the state has a very minimum set of safety standards where there are no other enforcement agencies or other safety practices being enforced. So the answer to your question is "No."

The Speaker stated the question before the House to be adoption of the amendment by Representative Cole and others to the amendment by Representatives Walk and Schmidt

A division was called. The Speaker called upon the House to divide. The result of the division was: Yeas - 61; Nays - 34. The amendment to the amendment was adopted.

The amendment by Representatives Walk and Schmidt as amended was adopted.

With consent of the House, the following amendment to the title was adopted:

On page 1, line 1 of the title, after "appropriations;" strike the remainder of the title and insert "amending RCW 46.68.110 and 46.68.120; amending section 2, chapter 10, Laws of 1987 1st ex. sess. (uncodified); amending section 18, chapter 10, Laws of 1987 1st ex. sess. as amended by section 5, chapter 283, Laws of 1988 (uncodified); amending section 20, chapter 10, Laws of 1987 1st ex. sess. as amended by section 7, chapter 283, Laws of 1988 (uncodified); amending section 26, chapter 10, Laws of 1987 1st ex. sess. as amended by section 12, chapter 283, Laws of 1988 (uncodified); amending section 27, chapter 10, Laws of 1987 1st ex. sess. as amended by section 13, chapter 283, Laws of 1988 (uncodified); and amending section 30, chapter 10, Laws of 1987 1st ex. sess. as amended by section 16, chapter 283, Laws of 1988 (uncodified); adding a new section to chapter 44.40 RCW; creating new sections; and declaring an emergency."

The bill was ordered engrossed. With consent of the House, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Mr. Walk spoke in favor of passage of the bill, and Representatives Sayan, Patrick and Schmidt spoke against it.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1442, and the bill passed the House by the following vote: Yeas, 73; nays, 22; excused, 3.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Baugher, Beck, Belcher, Bowman, Braddock, Bristow, Brooks, Brumsickle, Cantwell, Cooper, Crane, Dellwo, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fraser, Fuhrman, Grant, Hankins, Hargrove, Haugen, Hine, Horn, Insee, Jacobsen, Jesernig, Jones, Kremen, Leonard, Locke, Meyers R, Morris, Moyer, Myers H, Nutley, O'Brien, Padden, Peery, Phillips, Prentice, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Silver, Sommers D, Sommers H, Spanel, Sprenkle, Tate, Todd, Valle, Van Luven, Vekich, Walk, Walker, Wang, Wilson K, Wineberry, Winsley, Wolfe, Wood, Youngsman, Zellinsky, and Mr. Speaker - 73.

Voting nay: Representatives Betzoff, Brekke, Brough, Chandler, Cole, Day, Fisher R, Heavey, Holland, King P, King R, McLean, Miller, Nealey, Nelson, Patrick, Prince, Sayan, Schmidt, Scott, Smith, Wilson S - 22.

Excused: Representatives Gallagher, May, Schoon - 3.

Engrossed Substitute House Bill No. 1442, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SIGNED BY THE SPEAKER

The Speaker announced he was signing:

HOUSE BILL NO. 2245,
SUBSTITUTE SENATE BILL NO. 6074.

MESSAGES FROM THE SENATE

May 8, 1989

Mr. Speaker:

The Senate has adopted the report of the Conference Committee on ENGROSSED SUBSTITUTE SENATE BILL NO. 5352, and granted said committee the powers of Free Conference.

W. D. Naismith, Assistant Secretary.

May 8, 1989

Mr. Speaker:

The Senate has adopted the report of the Conference Committee on SUBSTITUTE SENATE BILL NO. 5521, and granted said committee the powers of Free Conference.

W. D. Naismith, Assistant Secretary.

SENATE AMENDMENTS TO HOUSE BILL

May 7, 1989

Mr. Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 1788 with the following amendments:

Strike everything after the enacting clause and insert the following:

NEW SECTION, Sec. 1. The governor is empowered to execute the appropriate documents to relinquish the state's claims to title of the current riverbed of the Puyallup river within the 1873 survey area to the United States in trust for the tribe subject to the provisions on existing rights of way, discharges, easements, flood control, and fishing rights as set forth in the settlement agreement.

NEW SECTION, Sec. 2. A new section is added to chapter 35.43 RCW to read as follows:

(1) The settlement of Indian land and other claims against public and private property owners is declared to be in the interest of public health and safety, orderly government, environmental protection, economic development, and the social well-being of the citizens of this state, and to specifically benefit the properties released from those claims.

It is the purpose of this act to encourage the settlement of such Indian land and other claims lawsuits by permitting the establishment and use of local improvement districts to finance all or a portion of the settlement costs of such lawsuits.

(2) A local improvement district may be established by a local government legislative authority to finance all or part of the settlement costs in an Indian land and other claims settlement related to public and private property located within the local government. The settlement of an Indian land claim lawsuit shall be deemed to be an improvement that may be financed in whole or in part through use of a local improvement district.

Except as expressly provided in this section, all matters relating to the establishment and operation of such a local improvement district, the levying and collection of special assessments, the issuance of local improvement district bonds and other obligations, and all related matters, shall be subject to the provisions of chapters 35.43 through 35.54 RCW. The resolution or petition initiating the creation of a local improvement district used to finance all or a portion of an Indian land and other claims settlement shall describe the general nature of the Indian land and other claims and the proposed settlement. The value of a contribution by any person, municipal corporation, political subdivision, or the state of money, real property, or personal property to the settlement of Indian land and other claims shall be credited to any assessment for a local improvement district under this section.

NEW SECTION, Sec. 3. A new section is added to chapter 36.32 RCW to read as follows:

(1) The settlement of Indian land and other claims against public and private property owners is declared to be in the interest of public health and safety, orderly government, environmental protection, economic development, and the social well-being of the citizens of this state, and to specifically benefit the properties released from those claims.

It is the purpose of this act to encourage the settlement of such Indian land and other claims lawsuits by permitting the establishment and use of local improvement districts to finance all or a portion of the settlement costs of such lawsuits.

(2) A local improvement district may be established by a county legislative authority to finance all or part of the settlement costs in an Indian land and other claims settlement related to public and private property located within the incorporated or unincorporated areas of the county. The settlement of an Indian land and other claims lawsuit shall be deemed to be an improvement that may be financed in whole or in part through use of a local improvement district.

(3) Except as expressly provided in this section, all matters relating to the establishment and operation of such a local improvement district, the levying and collection of special assessments, the issuance of local improvement district bonds and other obligations, and all

related matters, shall be subject to the provisions of chapter 36.94 RCW concerning the use of local improvement districts to finance sewer or water facilities. The requirements of chapter 36.94 RCW concerning the preparation of a general plan and formation of a review committee shall not apply to a local improvement district used to finance all or a portion of Indian land and other claims settlements. The resolution or petition that initiates the creation of a local improvement district used to finance all or a portion of an Indian land and other claims settlement shall describe the general nature of the Indian land and other claims and the proposed settlement. The value of a contribution by any person, municipal corporation, political subdivision, or the state of money, real property, or personal property to the settlement of Indian land and other claims shall be credited to any assessment for a local improvement district under this section.

NEW SECTION, Sec. 4. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected."

On page 1, line 2 of the title, after "settlement;" strike the remainder of the title and insert "adding a new section to chapter 35.43 RCW; adding a new section to chapter 36.32 RCW; and creating a new section."

and the same is herewith transmitted.

W. D. Naismith, Assistant Secretary.

MOTION

Mr. Locke moved that the House do concur in the Senate amendments to Substitute House Bill No. 1788, and the motion was carried.

FINAL PASSAGE OF HOUSE BILL AS AMENDED BY SENATE

The Speaker stated the question before the House to be the final passage of Substitute House Bill No. 1788 as amended by the Senate.

Representatives Wang and Silver spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1788 as amended by the Senate, and the bill passed the House by the following vote: Yeas, 95; excused, 3.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Baugher, Beck, Belcher, Betzoff, Bowman, Braddock, Brekke, Bristow, Brooks, Brough, Brumsickle, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Fraser, Fuhrman, Grant, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Inslee, Jacobsen, Jesernig, Jones, King P, King R, Kremen, Leonard, Locke, McLean, Meyers R, Miller, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Padden, Patrick, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Saryan, Schmidt, Scott, Silver, Smith, Sommers D, Sommers H, Spanel, Sprengle, Tate, Todd, Valle, Van Luvan, Vekich, Walk, Walker, Wang, Wilson K, Wilson S, Wineberry, Winsley, Wolfe, Wood, Youngsman, Zellinsky, and Mr. Speaker - 95.

Excused: Representatives Gallagher, May, Schoon - 3.

Substitute House Bill No. 1788 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SENATE AMENDMENTS TO HOUSE BILL

May 7, 1989

Mr. Speaker:

The Senate has passed ENGROSSED SUBSTITUTE HOUSE BILL NO. 1737 with the following amendments:

Strike everything after the enacting clause and insert the following:

"NEW SECTION, Sec. 1. The department of labor and industries shall operate the crime victims' compensation program within the appropriations and the conditions and limitations on the appropriations provided for this program.

Sec. 2. Section 3, chapter 122, Laws of 1973 1st ex. sess. as amended by section 12, chapter 443, Laws of 1985 and RCW 7.68.030 are each amended to read as follows:

It shall be the duty of the director to establish and administer a program of benefits to innocent victims of criminal acts within the terms and limitations of this chapter. In so doing, the director shall, in accordance with chapter ((34-04)) 34.05 RCW, adopt rules and regulations necessary to the administration of this chapter, and the provisions contained in chapter 51.04 RCW, including but not limited to RCW 51.04.020, 51.04.030, 51.04.040, 51.04.050 and 51.04.100 as now or hereafter amended, shall apply where appropriate in keeping with the intent of this

chapter. The director may apply for and, subject to appropriation, expend federal funds under Public Law 98-473 and any other federal program providing financial assistance to state crime victim compensation programs. The federal funds shall be deposited in the public safety and education account in the general fund and may be expended only for purposes authorized by applicable federal law.

NEW SECTION, Sec. 3. The director of labor and industries shall institute a cap on medical benefits of one hundred fifty thousand dollars per victim. The director shall, in cooperation with the department of social and health services, establish by October 1, 1989, a process to aid crime victims in identifying and applying for appropriate alternative benefit programs, if any, administered by the department of social and health services.

NEW SECTION, Sec. 4. The cap on medical benefits established by section 3 of this act shall apply equally to current and future recipients of crime victims' compensation benefits. The director shall prepare individual transition plans for individuals who exceed the medical benefit cap on the effective date of this section. The transition plans must be completed within ninety days of the effective date of this section.

Sec. 5. Section 7, chapter 122, Laws of 1973 1st ex. sess. as last amended by section 2, chapter 12, Laws of 1989 and RCW 7.68.070 are each amended to read as follows:

The right to benefits under this chapter and the amount thereof will be governed insofar as is applicable by the provisions contained in chapter 51.32 RCW as now or hereafter amended except as provided in this section:

(1) The provisions contained in RCW 51.32.015, 51.32.030, 51.32.072, 51.32.073, 51.32.180, 51.32.190, and 51.32.200 as now or hereafter amended are not applicable to this chapter.

(2) Each victim injured as a result of a criminal act, including criminal acts committed between July 1, 1981, and January 1, 1983, or ~~((his or her))~~ the victim's family or dependents in case of death of the victim, are entitled to benefits in accordance with this chapter, ~~((and))~~ subject to the limitations under section 1 of this 1989 act. The rights, duties, responsibilities, limitations, and procedures applicable to a worker as contained in RCW 51.32.010 as now or hereafter amended are applicable to this chapter.

(3) The limitations contained in RCW 51.32.020 as now or hereafter amended are applicable to claims under this chapter. In addition thereto, no person or spouse, child, or dependent of such person is entitled to benefits under this chapter when the injury for which benefits are sought, was:

(a) The result of consent, provocation, or incitement by the victim;

(b) Sustained while the crime victim was engaged in the attempt to commit, or the commission of, a felony; or

(c) Sustained while the victim was confined in any county or city jail, federal jail or prison or in any other federal institution, or any state correctional institution maintained and operated by the department of social and health services or the department of corrections, prior to release from lawful custody; or confined or living in any other institution maintained and operated by the department of social and health services or the department of corrections.

(4) The benefits established upon the death of a worker and contained in RCW 51.32.050 as now or hereafter amended shall be the benefits obtainable under this chapter and provisions relating to payment contained in that section shall equally apply under this chapter: PROVIDED, That benefits for burial expenses shall not exceed the maximum cost used by the department of social and health services for the funeral and burial of a deceased indigent person under chapter 74.08 RCW in any claim: PROVIDED FURTHER, That if the criminal act results in the death of a victim who was not gainfully employed at the time of the criminal act, and who was not so employed for at least three consecutive months of the twelve months immediately preceding the criminal act:

(a) Benefits payable to an eligible surviving spouse, where there are no children of the victim at the time of the criminal act who have survived ~~((him or her))~~ the victim or where such spouse has legal custody of all of his or her children, shall be limited to burial expenses and a lump sum payment of seven thousand five hundred dollars without reference to number of children, if any;

(b) Where any such spouse has legal custody of one or more but not all of such children, then such burial expenses shall be paid, and such spouse shall receive a lump sum payment of three thousand seven hundred fifty dollars and any such child or children not in the legal custody of such spouse shall receive a lump sum of three thousand seven hundred fifty dollars to be divided equally among such child or children;

(c) If any such spouse does not have legal custody of any of the children, the burial expenses shall be paid and the spouse shall receive a lump sum payment of up to three thousand seven hundred fifty dollars and any such child or children not in the legal custody of the spouse shall receive a lump sum payment of up to three thousand seven hundred fifty dollars to be divided equally among the child or children;

(d) If no such spouse survives, then such burial expenses shall be paid, and each surviving child of the victim at the time of the criminal act shall receive a lump sum payment of three thousand seven hundred fifty dollars up to a total of two such children and where there are

more than two such children the sum of seven thousand five hundred dollars shall be divided equally among such children.

No other benefits may be paid or payable under these circumstances.

(5) The benefits established in RCW 51.32.060 as now or hereafter amended for permanent total disability proximately caused by the criminal act shall be the benefits obtainable under this chapter, and provisions relating to payment contained in that section apply under this chapter: PROVIDED, That if a victim becomes permanently and totally disabled as a proximate result of the criminal act and was not gainfully employed at the time of the criminal act, the victim shall receive monthly during the period of the disability the following percentages, where applicable, of the average monthly wage determined as of the date of the criminal act pursuant to RCW 51.08.018 as now or hereafter amended:

(a) If married at the time of the criminal act, twenty-nine percent of the average monthly wage.

(b) If married with one child at the time of the criminal act, thirty-four percent of the average monthly wage.

(c) If married with two children at the time of the criminal act, thirty-eight percent of the average monthly wage.

(d) If married with three children at the time of the criminal act, forty-one percent of the average monthly wage.

(e) If married with four children at the time of the criminal act, forty-four percent of the average monthly wage.

(f) If married with five or more children at the time of the criminal act, forty-seven percent of the average monthly wage.

(g) If unmarried at the time of the criminal act, twenty-five percent of the average monthly wage.

(h) If unmarried with one child at the time of the criminal act, thirty percent of the average monthly wage.

(i) If unmarried with two children at the time of the criminal act, thirty-four percent of the average monthly wage.

(j) If unmarried with three children at the time of the criminal act, thirty-seven percent of the average monthly wage.

(k) If unmarried with four children at the time of the criminal act, forty percent of the average monthly wage.

(l) If unmarried with five or more children at the time of the criminal act, forty-three percent of the average monthly wage.

(6) The benefits established in RCW 51.32.080 as now or hereafter amended for permanent partial disability shall be the benefits obtainable under this chapter, and provisions relating to payment contained in that section equally apply under this chapter.

(7) The benefits established in RCW 51.32.090 as now or hereafter amended for temporary total disability shall be the benefits obtainable under this chapter, and provisions relating to payment contained in that section apply under this chapter: PROVIDED, That no person is eligible for temporary total disability benefits under this chapter if such person was not gainfully employed at the time of the criminal act, and was not so employed for at least three consecutive months of the twelve months immediately preceding the criminal act.

(8) The benefits established in RCW 51.32.095 as now or hereafter amended for continuation of benefits during vocational rehabilitation shall be benefits obtainable under this chapter, and provisions relating to payment contained in that section apply under this chapter: PROVIDED, That benefits shall not exceed five thousand dollars for any single injury.

(9) The provisions for lump sum payment of benefits upon death or permanent total disability as contained in RCW 51.32.130 as now or hereafter amended apply under this chapter.

(10) The provisions relating to payment of benefits to, for or on behalf of workers contained in RCW 51.32.040, 51.32.055, 51.32.100, 51.32.110, 51.32.120, 51.32.135, 51.32.140, 51.32.150, 51.32.160, and 51.32.210 as now or hereafter amended are applicable to payment of benefits to, for or on behalf of victims under this chapter.

(11) No person or spouse, child, or dependent of such person is entitled to benefits under this chapter where the person making a claim for such benefits has refused to give reasonable cooperation to state or local law enforcement agencies in their efforts to apprehend and convict the perpetrator(s) of the criminal act which gave rise to the claim.

(12) In addition to other benefits provided under this chapter, victims of sexual assault are entitled to receive appropriate counseling. Fees for such counseling shall be determined by the department in accordance with RCW 51.04.030, subject to the limitations of RCW 7.68.080. Counseling services may include, if determined appropriate by the department, counseling of members of the victim's immediate family, other than the perpetrator of the assault.

(13) Except for medical benefits authorized under RCW 7.68.080, no more than fifteen thousand dollars shall be granted as a result of a single injury or death, except that benefits granted as the result of total permanent disability or death shall not exceed twenty thousand dollars.

(14) Notwithstanding other provisions of this chapter and Title 51 RCW, benefits payable for total temporary disability under subsection (7) of this section, shall be limited to ten thousand dollars.

(15) Any person who is responsible for the victim's injuries, or who would otherwise be unjustly enriched as a result of the victim's injuries, shall not be a beneficiary under this chapter.

(16) Crime victims' compensation is not available to pay for services covered under chapter 74.09 RCW or Title XIX of the federal social security act, except to the extent that the costs for such services exceed service limits established by the department of social and health services.

Sec. 6. Section 8, chapter 122, Laws of 1973 1st ex. sess. as last amended by section 2, chapter 98, Laws of 1986 and RCW 7.68.080 are each amended to read as follows:

The provisions of chapter 51.36 RCW as now or hereafter amended govern the provision of medical aid under this chapter to victims injured as a result of a criminal act, including criminal acts committed between July 1, 1981, and January 1, 1983, except that:

(1) The provisions contained in RCW 51.36.030, 51.36.040, and 51.36.080 as now or hereafter amended do not apply to this chapter;

(2) The specific provisions of RCW 51.36.020 as now or hereafter amended relating to supplying emergency transportation do not apply: PROVIDED, That when the injury to any victim is so serious as to require (his) the victim's being taken from the place of injury to a place of treatment, reasonable transportation costs to the nearest place of proper treatment shall be reimbursed from the fund established pursuant to RCW 7.68.090. Hospital, clinic, and medical charges along with all related fees under this chapter shall conform to regulations promulgated by the director. The director shall set these service levels and fees at a level no lower than those established by the department of social and health services under Title 74 RCW. In establishing fees for medical and other health care services, the director shall consider the director's duty to purchase health care in a prudent, cost-effective manner. The director shall establish rules adopted in accordance with chapter 34.05 RCW. Nothing in this chapter may be construed to require the payment of interest on any billing, fee, or charge.

Sec. 7. Section 223, chapter 7, Laws of 1987 1st ex. sess. as amended by section 218, chapter 289, Laws of 1988 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF LABOR AND INDUSTRIES

General Fund Appropriation	\$	8,227,000
Public Safety and Education Account Appropriation	\$	((10,866,000))
		17,457,000
Accident Fund Appropriation	\$	85,159,000
Electrical License Fund Appropriation	\$	9,907,000
Farm Labor Revolving Account Appropriation	\$	58,000
Medical Aid Fund Appropriation	\$	82,105,000
Plumbing Certificate Fund Appropriation	\$	660,000
Pressure Systems Safety Fund Appropriation	\$	1,148,000
Worker and Community Right to Know Fund Appropriation	\$	2,059,000
Total Appropriation	\$	((200,190,000))
		206,781,000

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

(1) The department shall study the feasibility of establishing an independent ombudsman office to aid employers and employees, including self-insured employees, in dealing with the workers' compensation system. The study shall include an evaluation of the need for the office, the recommended functions of the office, and the mechanisms for oversight and funding. The department shall submit its findings and recommendations to the commerce and labor committees of the senate and house of representatives by January 11, 1988.

(2) The department shall evaluate the effectiveness of the workers' compensation vocational rehabilitation program, including the effectiveness of a worker resource center to provide injured worker adjustment services. The study shall be conducted in consultation with the workers' compensation advisory committee and interested groups representing injured workers, labor, and employers. The department shall submit its findings and recommendations to the commerce and labor committees of the senate and house of representatives by January 11, 1988.

(3) The department shall study, in cooperation with the employment security department and the department of social and health services, the potential impact in the state of a state minimum wage based on ninety percent of the federal poverty level. The results of the study shall be submitted to the commerce and labor committees of the senate and house of representatives by January 11, 1988.

(4) The department shall prepare a report on workers' compensation caseload information including, but not limited to, the average number of claims by type by adjudicator compared to optimal caseloads used in the private sector and any recommendations concerning improvement of caseloads. The report shall be submitted to the commerce and labor committees of the senate and house of representatives by January 11, 1988.

(5) All funds appropriated under this section for lease or lease development office space may be used to lease new office space only if the lease is for a period not exceeding three years and does not extend beyond June 30, 1991.

(6) The department shall establish an office of information and assistance to aid workers, employers, health care providers, and other department clients. The department shall report on the activities of the office to the appropriate committees of the legislature by January 1, 1989.

NEW SECTION. Sec. 8. The office of financial management, in consultation with crime victim advocates, prosecuting attorneys, and representatives of state agencies funded in part or in whole by the public safety and education account, shall conduct a study of the public safety and education account and the agencies and programs funded through the account with special emphasis on the crime victims' compensation program. The study shall review claims experience by category and magnitude. The study shall also identify the impact of recent changes in populations eligible for crime victims' compensation and shall develop recommendations regarding the future of the crime victims' compensation program. A report to the legislature shall be issued by December 1, 1989.

Sec. 9. Section 1, chapter 32, Laws of 1985 and RCW 82.08.020 are each amended to read as follows:

(1) There is levied and there shall be collected a tax on each retail sale in this state equal to six and five-tenths percent of the selling price.

(2) There is levied and there shall be collected a tax on each retail sale of adult entertainment materials equal to eleven and five-tenths percent of the selling price and a tax on the retail sale of adult entertainment services equal to eighteen percent of the selling price. The tax imposed under this subsection on adult entertainment materials is in addition to the tax imposed in subsection (1) of this section.

(3) The taxes imposed under this chapter shall apply to successive retail sales of the same property.

~~((3))~~ (4) The rates provided in this section ~~((applies))~~ apply to taxes imposed under chapter 82.12 RCW as provided in RCW 82.12.020.

Sec. 10. Section 82.08.010, chapter 15, Laws of 1961 as last amended by section 3, chapter 38, Laws of 1985 and RCW 82.08.010 are each amended to read as follows:

For the purposes of this chapter:

(1) 'Selling price' means the consideration, whether money, credits, rights, or other property except trade-in property of like kind, expressed in the terms of money paid or delivered by a buyer to a seller without any deduction on account of the cost of tangible property sold, the cost of materials used, labor costs, interest, discount, delivery costs, taxes other than taxes imposed under this chapter if the seller advertises the price as including the tax or that the seller is paying the tax, or any other expenses whatsoever paid or accrued and without any deduction on account of losses; but shall not include the amount of cash discount actually taken by a buyer; and shall be subject to modification to the extent modification is provided for in RCW 82.08.080.

When tangible personal property is rented or leased under circumstances that the consideration paid does not represent a reasonable rental for the use of the articles so rented or leased, the 'selling price' shall be determined as nearly as possible according to the value of such use at the places of use of similar products of like quality and character under such rules as the department of revenue may prescribe(;;).

(2) 'Seller' means every person, including the state and its departments and institutions, making sales at retail or retail sales to a buyer or consumer, whether as agent, broker, or principal, except 'seller' does not mean the state and its departments and institutions when making sales to the state and its departments and institutions(;;).

(3) 'Buyer' and 'consumer' include, without limiting the scope hereof, every individual, receiver, assignee, trustee in bankruptcy, trust, estate, firm, copartnership, joint venture, club, company, joint stock company, business trust, corporation, association, society, or any group of individuals acting as a unit, whether mutual, cooperative, fraternal, nonprofit, or otherwise, municipal corporation, quasi municipal corporation, and also the state, its departments and institutions and all political subdivisions thereof, irrespective of the nature of the activities engaged in or functions performed, and also the United States or any instrumentality thereof(;;).

(4) 'Adult entertainment materials' means any book, magazine, tabloid, film, motion picture, videotape or videodisc, computer program, or other material that contains or includes any image, illustration, picture, or photograph depicting sexually explicit conduct for the purpose of the sexual stimulation of the viewer.

(5) 'Adult entertainment services' means the exhibition of any film, motion picture, or cable television program, that contains or includes any image, illustration, picture, or photograph depicting sexually explicit conduct for the purpose of the sexual stimulation of the viewer. 'Adult entertainment services' does not include the exhibition of any film, motion picture, or cable television program that does not contain any explicit sex of the type that would be rated

'X' using the standards existing on January 1, 1989, of the Motion Picture Association of America, Inc.

(6) 'Sexually explicit conduct' has the meaning given in RCW 9.68A.011(3) except that RCW 9.68A.011(3)(e) shall apply to any person, including a minor.

(7) The meaning attributed in chapter 82.04 RCW to the terms 'tax year,' 'taxable year,' 'person,' 'company,' 'sale,' 'sale at retail,' 'retail sale,' 'sale at wholesale,' 'wholesale,' 'business,' 'engaging in business,' 'cash discount,' 'successor,' 'consumer,' 'in this state' and 'within this state' shall apply equally to the provisions of this chapter.

NEW SECTION. Sec. 11. A new section is added to chapter 82.32 RCW to read as follows:

All revenues collected on sales and use of adult entertainment materials and services under RCW 82.08.020(2) and 82.12.020(3) shall be deposited in the public safety and education account under RCW 43.08.250 and shall only be used for the purposes of crime victims' compensation, with an emphasis towards providing services, support, or therapy to those children who are victims of sexual abuse.

Sec. 12. Section 82.12.020, chapter 15, Laws of 1961 as last amended by section 7, chapter 7, Laws of 1983 and RCW 82.12.020 are each amended to read as follows:

(1) There is hereby levied and there shall be collected from every person in this state a tax or excise for the privilege of using within this state as a consumer any article of tangible personal property purchased at retail, or acquired by lease, gift, repossession, or bailment, or extracted or produced or manufactured by the person so using the same, or otherwise furnished to a person engaged in any business taxable under RCW 82.04.280, subsections (2) or (7). This tax will not apply with respect to the use of any article of tangible personal property purchased, extracted, produced or manufactured outside this state until the transportation of such article has finally ended or until such article has become commingled with the general mass of property in this state. This tax shall apply to the use of every article of tangible personal property, including property acquired at a casual or isolated sale, and including byproducts used by the manufacturer thereof, except as hereinafter provided, irrespective of whether the article or similar articles are manufactured or are available for purchase within this state. Except as provided in RCW 82.12.0252, payment by one purchaser or user of tangible personal property of the tax imposed by chapter 82.08 or 82.12 RCW shall not have the effect of exempting any other purchaser or user of the same property from the taxes imposed by such chapters.

(2) The tax shall be levied and collected in an amount equal to the value of the article used by the taxpayer multiplied by the rate in effect for the retail sales tax under RCW (~~82.08-020, as now or hereafter amended;~~) 82.08.020(1) in the county in which the article is used.

(3) In addition to the tax imposed under subsection (2) of this section, there shall be levied and collected a tax on adult entertainment materials in an amount equal to the value of the article used by the taxpayer multiplied by the rate in effect for the retail sales tax on adult entertainment materials under RCW 82.08.020(2).

NEW SECTION. Sec. 13. Sections 1 and 3 of this act are each added to chapter 7.68 RCW.

NEW SECTION. Sec. 14. Section 1, chapter 122, Laws of 1973 1st ex. sess., section 1, chapter 302, Laws of 1977 ex. sess. and RCW 7.68.010 are each repealed.

NEW SECTION. Sec. 15. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 16. Except as provided in section 4 of this act, sections 1 through 8 of this act shall apply to all claims filed on or after July 1, 1989.

NEW SECTION. Sec. 17. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and sections 3 and 7 of this act shall take effect immediately. The remaining sections shall take effect July 1, 1989.*

On page 1, line 1 of the title, after "compensation;" strike the remainder of the title and insert "amending RCW 7.68.030, 7.68.070, 7.68.080, 82.08.020, 82.08.010, and 82.12.020; amending section 223, chapter 7, Laws of 1987 1st ex. sess. as amended by section 218, chapter 289, Laws of 1988 (uncodified); adding new sections to chapter 7.68 RCW; adding a new section to chapter 82.32 RCW; creating new sections; repealing RCW 7.68.010; providing an effective date; and declaring an emergency.*"

and the same is herewith transmitted.

W. D. Naismith, Assistant Secretary.

MOTION

Mr. Locke moved that the House do concur in the Senate amendments to Engrossed Substitute House Bill No. 1737, and the motion was carried.

FINAL PASSAGE OF HOUSE BILL AS AMENDED BY SENATE

The Speaker stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 1737 as amended by the Senate.

Representatives H. Sommers, Locke and Silver spoke in favor of passage of the bill, and Mr. Wang spoke against it. Mr. Locke again spoke in favor of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1737 as amended by the Senate, and the bill passed the House by the following vote: Yeas, 94; nays, 1; excused, 3.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Baugher, Beck, Belcher, Betzoff, Bowman, Braddock, Brekke, Bristow, Brooks, Brough, Brumsickle, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Fraser, Fuhrman, Grant, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Inslee, Jacobsen, Jesernig, Jones, King P, King R, Kremen, Leonard, Locke, McLean, Meyers R, Miller, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Padden, Patrick, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Scott, Silver, Smith, Sommers D, Sommers H, Spänel, Sprenkle, Tate, Todd, Valle, Van Luven, Vekich, Walk, Walker, Wilson K, Wilson S, Wineberry, Winsley, Wolfe, Wood, Youngsman, Zellinsky, and Mr. Speaker - 94.

Voting nay: Representative Wang - 1.

Excused: Representatives Gallagher, May, Schoon - 3.

Engrossed Substitute House Bill No. 1737 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

There being no objection, the House reverted to the fourth order of business.

INTRODUCTIONS AND FIRST READING

HB 2243 by Representatives H. Sommers and Ferguson

AN ACT Relating to the term of appointment for the director of the department of personnel; and amending RCW 41.06.130.

HJM 4024 by Representatives Basich, Vekich, Sayan, Hargrove, Jones, Jacobsen, Peery, Heavey and Rust

Promoting a Pacific Coast Highway Corridor.

E2SSB 5065 by Committee on Ways & Means (originally sponsored by Senators Craswell, Smith, Stratton and Bailey)

Creating a citizen review board system for cases involving substitute care of children.

ReE2SSB 5624 by Committee on Ways & Means (originally sponsored by Senators Craswell, Anderson, Smith, Owen, Hayner, Nelson, Stratton, Johnson, Amondson and Rasmussen)

Regarding high-risk youth.

ReESSB 5897 by Committee on Health Care & Corrections (originally sponsored by Senators West, Kreidler and McDonald)

Regarding alcohol and drug treatment.

ReESB 6106 by Senator McDonald

Relating to social and health services.

ESB 6152 by Senators Wojahn, Barr, Gaspard, West, Stratton, Johnson, Rasmussen, Bluechel, Vognild, von Reichbauer, Warnke, Smitherman, Bailey, Craswell, Thorsness, Bender, Bauer, Amondson, Lee, Metcalf, Cantu and Sutherland

Creating the department of health.

SCR 8425 by Senators Bluechel and Hayner

Creating a northwest exploratory conference.

MOTION

Mr. Ebersole moved that the rules be suspended and Reengrossed Substitute Senate Bill No. 5897 listed on today's introduction sheet under the fourth order of business be placed on the second reading calendar. The motion was carried.

There being no objection, the House advanced to the sixth order of business.

SECOND READING

REENGROSSED SUBSTITUTE SENATE BILL NO. 5897, by Committee on Health Care & Corrections (originally sponsored by Senators West, Kreidler and McDonald)

Regarding alcohol and drug treatment.

The bill was read the second time. With consent of the House, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Representatives Bristow, Silver and Rust spoke in favor of passage of the bill, and Ms. Brekke spoke against it.

ROLL CALL

The Clerk called the roll on the final passage of Reengrossed Substitute Senate Bill No. 5897, and the bill passed the House by the following vote: Yeas, 92; nays, 3; excused, 3.

Voting yea: Representatives Appelwick, Ballard, Basich, Baugher, Beck, Belcher, Betrozoff, Bowman, Braddock, Bristow, Brooks, Brough, Brumsickle, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Fraser, Fuhrman, Grant, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Inslee, Jacobsen, Jesernig, Jones, King P, King R, Kremen, Leonard, Locke, McLean, Meyers R, Miller, Morris, Moyer, Myers H, Nealey, Nutley, O'Brien, Padden, Patrick, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sryan, Schmidt, Scott, Silver, Smith, Sommers D, Sommers H, Spanel, Sprenkle, Tate, Todd, Valle, Van Luven, Vekich, Walk, Walker, Wang, Wilson K, Wilson S, Wineberry, Winsley, Wolfe, Wood, Youngsman, Zellinsky, and Mr. Speaker - 92.

Voting nay: Representatives Anderson, Brekke, Nelson - 3.

Excused: Representatives Gallagher, May, Schoon - 3.

Reengrossed Substitute Senate Bill No. 5897, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

There being no objection, the House advanced to the eighth order of business.

MOTION

Mr. Ebersole moved that the rules be suspended and Reengrossed Senate Bill No. 6106 listed on today's introduction sheet under the fourth order of business be placed on the second reading calendar. The motion was carried.

There being no objection, the House reverted to the sixth order of business.

SECOND READING

REENGROSSED SENATE BILL NO. 6106, by Senator McDonald

Relating to social and health services.

The bill was read the second time.

Mr. Vekich moved adoption of the following amendment:

Strike everything after the enacting clause and insert the following:

NEW SECTION. Sec. 1. This act may be known and cited as the 'maternity care access act of 1989.'

NEW SECTION. Sec. 2. (1) The legislature finds that Washington state and the nation as a whole have a high rate of infant illness and death compared with other industrialized nations. This is especially true for minority and low-income populations. Premature and low weight births have been directly linked to infant illness and death. The availability of adequate maternity care throughout the course of pregnancy has been identified as a major factor in reducing infant illness and death. Further, the investment in preventive health care programs, such as maternity care, contributes to the growth of a healthy and productive society and is a sound approach to health care cost containment. The legislature further finds that access to maternity care for low-income women in the state of Washington has declined significantly in recent years and has reached a crisis level.

(2) It is the purpose of this chapter to provide, consistent with appropriated funds, maternity care necessary to ensure healthy birth outcomes for low-income families. To this end, a maternity care access system is established based on the following principles:

(a) The family is the fundamental unit in our society and should be supported through public policy.

(b) Access to maternity care for eligible persons should be made readily available in an expeditious manner through a single service entry point.

(c) Unnecessary barriers to maternity care for eligible persons should be removed.

(d) Access to preventive and other health care services should be available for low-income children.

(e) Each woman should be encouraged to and assisted in making her own informed decisions about her maternity care.

(f) Unnecessary barriers to the provision of maternity care by qualified health professionals should be removed.

(g) The system should be sensitive to cultural differences among eligible persons.

(h) To the extent possible, decisions about the scope, content, and delivery of services should be made at the local level involving a broad representation of community interests.

(i) The maternity care access system should be evaluated at appropriate intervals to determine effectiveness and need for modification.

(j) Maternity care services should be delivered in a cost-effective manner.

NEW SECTION. Sec. 3. The legislature reserves the right to amend or repeal all or any part of this chapter at any time and there shall be no vested private right of any kind against such amendment or repeal. All rights, privileges, or immunities conferred by this chapter or any acts done pursuant thereto shall exist subject to the power of the legislature to amend or repeal this chapter at any time.

NEW SECTION. Sec. 4. Unless the context clearly requires otherwise, the definitions in this section apply throughout sections 1 through 8 of this act:

(1) 'At-risk eligible person' means an eligible person determined by the department to need special assistance in applying for and obtaining maternity care, including pregnant women who are substance abusers, pregnant and parenting adolescents, pregnant minority women, and other eligible persons who need special assistance in gaining access to the maternity care system.

(2) 'County authority' means the board of county commissioners, county council, or county executive having the authority to participate in the maternity care access program or its designee. Two or more county authorities may enter into joint agreements to fulfill the requirements of this chapter.

(3) 'Department' means the department of social and health services.

(4) 'Eligible person' means a woman in need of maternity care or a child, who is eligible for medical assistance pursuant to chapter 74.09 RCW or the prenatal care program administered by the department.

(5) 'Maternity care services' means inpatient and outpatient medical care, case management, and support services necessary during prenatal, delivery, and postpartum periods.

(6) 'Support services' means, at least, public health nursing assessment and follow-up, health and childbirth education, psychological assessment and counseling, outreach services, nutritional assessment and counseling, needed vitamin and nonprescriptive drugs, transportation, and child care. Support services may include alcohol and substance abuse treatment for pregnant women who are addicted or at risk of being addicted to alcohol or drugs to the extent funds are made available for that purpose by Engrossed Second Substitute House Bill No. 1793, if enacted.

NEW SECTION. Sec. 5. In an effort to provide for healthy births, the department shall, consistent with the state budget act, develop a maternity care access program as follows:

(1) Provide maternity care services to low-income pregnant women and health care services to children in poverty to the maximum extent allowable under the medical assistance program, Title XIX of the federal social security act;

(2) Provide maternity care services to low-income women who are not eligible to receive such services under the medical assistance program, Title XIX of the federal social security act;

(3) By January 1, 1990, have the following procedures in place to improve access to maternity care services and eligibility determinations for pregnant women applying for maternity care services under the medical assistance program, Title XIX of the federal social security act:

(a) Use of a shortened and simplified application form;

(b) Outstationing department staff to make eligibility determinations;

(c) Establishing local plans at the county and regional level, coordinated by the department; and

(d) Conducting an interview for the purpose of determining medical assistance eligibility within five working days of the date of an application by a pregnant woman and making an eligibility determination within fifteen working days of the date of application by a pregnant woman;

(4) Establish a maternity care case management system that shall assist at-risk eligible persons with obtaining medical assistance benefits and receiving maternity care services, including transportation and child care services;

(5) Within available resources, establish appropriate reimbursement levels for maternity care providers;

(6) Implement a broad-based public education program that stresses the importance of obtaining maternity care early during pregnancy; and

(7) Study the desirability and feasibility of implementing the presumptive eligibility provisions set forth in section 9407 of the federal omnibus budget reconciliation act of 1986 and report to the appropriate committees of the legislature by December 1, 1989.

NEW SECTION, Sec. 6. (1) The department shall establish an alternative maternity care service delivery system, if it determines that a county or a group of counties is a maternity care distressed area. A maternity care distressed area shall be defined by the department, in rule, as a county or a group of counties where eligible women are unable to obtain adequate maternity care. The department shall include the following factors in its determination:

(a) Higher than average percentage of eligible persons in the distressed area who receive late or no prenatal care;

(b) Higher than average percentage of eligible persons in the distressed area who go out of the area to receive maternity care;

(c) Lower than average percentage of obstetrical care providers in the distressed area who provide care to eligible persons;

(d) Higher than average percentage of infants born to eligible persons per obstetrical care provider in the distressed area; and

(e) Higher than average percentage of infants that are of low birth weight, five and one-half pounds or two thousand five hundred grams, born to eligible persons in the distressed area.

(2) If the department determines that a maternity care distressed area exists, it shall notify the relevant county authority. The county authority shall, within one hundred twenty days, submit a brief report to the department recommending remedial action. The report shall be prepared in consultation with the department and its local community service offices, the local public health officer, community health clinics, health care providers, hospitals, the business community, labor representatives, and low-income advocates in the distressed area. A county authority may contract with a local nonprofit entity to develop the report. If the county authority is unwilling or unable to develop the report, it shall notify the department within thirty days, and the department shall develop the report for the distressed area.

(3) The department shall review the report and use it, to the extent possible, in developing strategies to improve maternity care access in the distressed area. The department may contract with or directly employ qualified maternity care health providers to provide maternity care services, if access to such providers in the distressed area is not possible by other means. In such cases, the department is authorized to pay that portion of the health care providers' malpractice liability insurance that represents the percentage of maternity care provided to eligible persons by that provider through increased medical assistance payments.

NEW SECTION, Sec. 7. To the extent that federal matching funds are available, the department or the department of health if one is created shall establish, in consultation with the health science programs of the state's colleges and universities, and community health clinics, a loan repayment program that will encourage maternity care providers to practice in medically underserved areas in exchange for repayment of part or all of their health education loans.

Sec. 8. Section 4, chapter 30, Laws of 1967 ex. sess. as last amended by section 2, chapter 87, Laws of 1989 and RCW 74.09.510 are each amended to read as follows:

Medical assistance may be provided in accordance with eligibility requirements established by the department of social and health services, as defined in the social security Title XIX state plan for mandatory categorically needy persons and: (1) Individuals who would be eligible for cash assistance except for their institutional status; (2) individuals who are under twenty-one years of age, who would be eligible for aid to families with dependent children, but do not qualify as dependent children and who are in (a) foster care, (b) subsidized adoption, (c) an intermediate care facility or an intermediate care facility for the mentally retarded, or (d) inpatient psychiatric facilities; (3) the aged, blind, and disabled who: (a) Receive only a state supplement, or (b) would not be eligible for cash assistance if they were not institutionalized; (4) individuals who would be eligible for but choose not to receive cash assistance; (5) ~~((pregnant women who would be eligible for aid to families with dependent children if the child had been born and was living with the mother during the month of the payment, and the pregnancy has been medically verified; (6))~~ individuals who are enrolled in managed health care systems, who have otherwise lost eligibility for medical assistance, but who have not completed a current six-month enrollment in a managed health care system, and who are eligible for federal financial participation under Title XIX of the social security act; (6) children and pregnant women allowed by federal statute for whom funding is appropriated; and (7) other individuals eligible for medical services under RCW 74.09.035 and 74.09.700 for whom federal financial participation is available under Title XIX of the social security act.

NEW SECTION, Sec. 9. The department shall contract with an independent nonprofit entity to evaluate the effectiveness of the maternity care access program set forth in sections 1

through 7 of this act based on the principles set forth in section 2 of this act. The evaluation shall also address:

- (1) Characteristics of women receiving services, including health risk factors;
- (2) Services utilized by eligible women;
- (3) Birth outcomes of women receiving services;
- (4) Birth outcomes of women receiving services, by type of practitioner; and
- (5) Services utilized by eligible infants.

The department shall submit an evaluation report to the appropriate committees of the legislature by December 1, 1990.

NEW SECTION. Sec. 10. The sum of forty-seven million five hundred thirty-one thousand dollars, or as much thereof as may be necessary, of which twenty-five million five hundred seventy thousand dollars shall be from federal funds, is appropriated from the state general fund for the biennium ending June 30, 1991, to the department of social and health services, medical assistance program, for medical assistance for categorically needy pregnant women and children under one year of age whose household income does not exceed one hundred eighty-five percent of the federal poverty level, and whose coverage qualifies for federal financial participation under Title XIX of the federal social security act.

NEW SECTION. Sec. 11. The sum of nine million five hundred thirty thousand dollars, or as much thereof as may be necessary, of which five million one hundred ten thousand dollars shall be from federal funds, is appropriated from the state general fund for the biennium ending June 30, 1991, to the department of social and health services, medical assistance program, for medical assistance for children under eight years of age whose family income does not exceed one hundred percent of the federal poverty level, and whose coverage qualifies for federal financial participation under Title XIX of the federal social security act.

NEW SECTION. Sec. 12. The sum of fourteen million three hundred ten thousand dollars, or as much thereof as may be necessary, of which seven million seven hundred ten thousand dollars shall be from federal funds, is appropriated from the state general fund for the biennium ending June 30, 1991, to the department of social and health services, medical assistance program, to increase reimbursement levels to health care providers for the delivery of maternity services.

NEW SECTION. Sec. 13. The sum of eight million eight hundred forty-one thousand dollars, or as much thereof as may be necessary, of which four million seven hundred forty-one thousand dollars shall be from federal funds, is appropriated from the state general fund for the biennium ending June 30, 1991, to the department of social and health services, medical assistance program, for the purpose of establishing a maternity care case management system as prescribed in this act.

NEW SECTION. Sec. 14. The sum of ten million eighty-one thousand dollars, or as much thereof as may be necessary, of which five million three hundred thirty-six thousand dollars shall be from federal funds, is appropriated from the state general fund for the biennium ending June 30, 1991, to the department of social and health services, children and family services program, for the purpose of establishing a maternity care support service system as prescribed in this act.

NEW SECTION. Sec. 15. The sum of one million eight hundred seventy-seven thousand dollars, or as much thereof as may be necessary, of which nine hundred twenty-six thousand dollars shall be from federal funds, is appropriated from the state general fund for the biennium ending June 30, 1991, to the department of social and health services, community services administration program, for administration and claims processing activities associated with the medical assistance eligibility expansions prescribed in this act, and for prenatal case management and support services claims processing.

NEW SECTION. Sec. 16. Sections 1 through 7 of this act shall be added to chapter 74.09 RCW and codified with the subchapter heading of "maternity care access program."

Representatives Vekich and Belcher spoke in favor of adoption of the amendment, and Representatives Brough and Moyer spoke against it.

The Speaker stated the question before the House to be adoption of the amendment by Representative Vekich.

A division was called. The Speaker called upon the House to divide. The result of the division was: Yeas - 65; Nays - 30. The amendment was adopted.

With consent of the House, the following amendment to the title was adopted:

On page 1, line 1 of the title, after "services;" strike the remainder of the title and insert "amending RCW 74.09.510; adding new sections to chapter 74.09 RCW; creating a new section; and making appropriations."

With consent of the House, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Representatives Vekich, Heavey, Hine and Brough spoke in favor of the bill, and Representatives Padden, Hargrove, Moyer and Wolfe spoke against it.

ROLL CALL

The Clerk called the roll on the final passage of Reengrossed Senate Bill No. 6106 as amended by the House, and the bill passed the House by the following vote: Yeas, 73; nays, 22; excused, 3.

Voting yea: Representatives Anderson, Appelwick, Basich, Baugher, Belcher, Betzoff, Braddock, Brekke, Bristow, Brooks, Brough, Cantwell, Cole, Cooper, Crane, Dellwo, Dorn, Doty, Ebersole, Fisher G, Fisher R, Fraser, Grant, Hankins, Haugen, Heavey, Hine, Holland, Horn, Insee, Jacobsen, Jesernig, Jones, King P, King R, Kremen, Leonard, Locke, McLean, Meyers R, Miller, Morris, Myers H, Nelson, Nutley, O'Brien, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Scott, Sommers H, Spanel, Sprenkle, Todd, Valle, Vekich, Walk, Wang, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 73.

Voting nay: Representatives Ballard, Beck, Bowman, Brumsickle, Chandler, Day, Ferguson, Fuhrman, Hargrove, Moyer, Nealey, Padden, Patrick, Silver, Smith, Sommers D, Tate, Van Loven, Walker, Wolfe, Wood, Youngsman - 22.

Excused: Representatives Gallagher, May, Schoon - 3.

Reengrossed Senate Bill No. 6106 as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

The Speaker declared the House to be at ease until 2:30 p.m.

The Speaker called the House to order at 3:12 p.m.

There being no objection, the House advanced to the eighth order of business.

RESOLUTIONS

HOUSE FLOOR RESOLUTION NO. 89-4707, by Representatives Rust, Peery and D. Sommers

WHEREAS, There is a need to examine public policies, current practices, and the history of solid waste services;

NOW, THEREFORE, BE IT RESOLVED, That the Utilities and Transportation Commission shall conduct a study on solid waste regulation that shall:

(1) Identify and examine current statutory responsibilities of state, county and city governments, and the role of private sector firms for solid waste services including the provision of solid waste and recycling collection, transfer, disposal, financing and enforcement;

(2) Examine public policies and history that led to the current regulatory structure;

(3) Gather and analyze information on the current status of collection, transfer, disposal and recycling services on a county-by-county basis, including services provided by local governments, haulers holding certificates of public convenience and necessity issued by the utilities and transportation commission, and private sector recycling firms, which information shall include, but not be limited to, number and categories of customers served, services provided, tonnage handled, overall cost of service and number and type of firms under common ownership. In order to minimize costs, the findings of the best management practices study shall be used to the fullest extent possible;

(4) Examine policies and practices in other states in regard to the allocation of regulatory responsibility and financial capability among different levels of government;

(5) Discuss possible alternatives to the existing statutory system of solid waste regulatory authority, that shall include, at a minimum:

(a) Optional county authority over solid waste collection, similar to the optional city authority granted in RCW 81.77.020;

(b) Mandatory county authority over solid waste collection, replacing the Utilities and Transportation Commission; and

(c) Changing state authority over solid waste collection and disposal, with such authority to be vested in a new state board or agency;

(6) Recommend policy, statutory and constitutional changes that would serve to provide greater flexibility, innovation and local control and to minimize impacts

on existing solid waste management firms, governmental entities and customers of solid waste collection and recycling services.

The Commission shall appoint an advisory committee to review and comment on the study upon completion. Members of the advisory committee shall be reimbursed for travel expenses under RCW 43.03.050 and 43.03.060. The advisory committee shall include, but not be limited to:

(1) Two representatives of county governments, including one representative from large counties, defined as counties of class AA, A, 1, and 2 counties, and one representative of counties of class 3 and smaller;

(2) Two representatives of city governments, including one from a city that provides municipal collection services and one from a city that provides collection services in some manner other than municipal provision;

(3) One representative of county health officials;

(4) Two representatives of the garbage collection industry;

(5) Two representatives of the recycling industry;

(6) One representative each of business and environmental interests; and

(7) One representative each from the Department of Ecology, the Department of Community Development, the Department of Revenue, and the Municipal Corporation Division of the State Auditor's Office; and

BE IT FURTHER RESOLVED, That the Commission report to the Governor and Legislature on the findings, conclusions, recommendations and comments by December 31, 1990.

Ms. Rust moved adoption of the resolution and spoke in favor of it.

House Floor Resolution No. 89-4707 was adopted.

HOUSE FLOOR RESOLUTION NO. 89-4668, by Representative Ebersole

WHEREAS, Small Issue Bonds are the cornerstone of state and local government economic development efforts to create and retain jobs and to promote growth in the economy; and

WHEREAS, Since 1982, Small Issue Bonds have stimulated the creation of eleven thousand four hundred eighty-five jobs in the State of Washington that would otherwise not exist; and

WHEREAS, Small Issue Bonds provide needed capital at rates and terms vital to small and medium size businesses in their efforts to modernize and expand manufacturing facilities; and

WHEREAS, Small Issue Bonds support growth in the manufacturing sector, with seventy percent of all United States manufactured goods subject to foreign competition; and

WHEREAS, Small Issue Bonds are now only available to smaller manufacturers, a sector which accounted for eighty-seven percent of manufacturing job growth from 1976 through 1982 and for a disproportionately high level of product innovations; and

WHEREAS, Recent tax law provisions controlling federal expenditures through volume cap limitations have substantially addressed concerns about the uses of this financing tool; and

WHEREAS, Recent tax law provisions have also reduced the market incentives available to support the purchase of these issues, thereby increasing the need for state and local efforts to match the tax exemption with market support programs, such as guarantees or other credit enhancement measures and other programs; and

WHEREAS, This federal, state and local partnership is advancing important national priorities by facilitating capital formation for the smaller manufacturing sector through Small Issue Bonds;

NOW, THEREFORE, BE IT RESOLVED, That the House of Representatives of the State of Washington acknowledge the importance of the Small Issue Bond program and support the extension of the December 31, 1989 Sunset on Small Issue Bonds; and

BE IT FURTHER RESOLVED, That the House of Representatives of the State of Washington continue its efforts to ensure that Small Issue Bonds are used effectively

and are supported by other state and local programs to achieve these same objectives.

Mr. Ebersole moved adoption of the resolution and spoke in favor of it.

House Floor Resolution No. 89-4668 was adopted.

MESSAGE FROM THE SENATE

May 8, 1989

Mr. Speaker:

The President has signed:

HOUSE BILL NO. 2245,
SUBSTITUTE SENATE BILL NO. 5897,

and the same are herewith transmitted.

Gordon A. Golob, Secretary.

SIGNED BY THE SPEAKER

The Speaker announced he was signing:

SUBSTITUTE SENATE BILL NO. 5897.

STATUTORY AND SELECT COMMITTEE APPOINTMENTS

The Speaker announced the following appointments and reappointments:

Interim Task Force on Safety of Children Traveling to and from School: Representatives Brumsickle, Cole;

Council on Child Abuse and Neglect: Representatives Moyer, Scott;

Legislative Committee on Economic Development: Representatives Cantwell, Doty, Ferguson, Grant, Raiter, Youngsman;

Education Commission of the States: Representative Peery;

Energy Advisory Council: Representatives Miller, H. Myers;

Joint Committee on Energy and Utilities: Representatives Gallagher, Hankins, Miller, Nelson;

Joint Legislative Ethics Board: Representatives Brooks, R. Fisher, Leonard, D. Sommers;

Washington State Gambling Commission: Representatives Baugher, Patrick;

Horse Racing Commission: Representatives Leonard, Patrick;

Correctional Industries Board: Representatives Grant, Tate;

Law Revision Commission: Representatives Inslee, Wolfe;

Legislative Budget Committee: Representatives Brekke, Fuhrman, Holland, Locke, Sayan, Schoon, Silver, H. Sommers;

Legislative Evaluation and Accountability Program Committee: Representatives Brough, McLean, Walk, Wang;

Legislative Transportation Committee: Representatives Baugher, Cantwell, Cooper, R. Fisher, Gallagher, Hankins, Patrick, Prentice, Prince, Walk, S. Wilson, Zellinsky;

Mobile Home Space Availability and Affordability Task Force: Representatives Leonard, Winsley;

Organized Crime Advisory Board: Representatives Dellwo, Horn, Schmidt, Scott;

Joint Committee on Pension Policy: Representatives Bristow, Hine, McLean, Patrick, Sayan, Silver, D. Sommers, H. Sommers;

Joint Select Committee on Preferred Solid Waste Management: Representatives Cooper, May, D. Sommers, Sprengle;

Sentencing Guidelines Commission: Representatives Morris, Padden;

Statute Law Committee: Representative Dellwo;

Joint Select Sunset Committee: Representatives Anderson, Beck, Kremen, D. Sommers, Valle;

Statutory Committee to Review the Uniform Condominium Act: Representatives Appelwick, May;

Washington Centennial Commission: Representatives Belcher, Betrozoff, Locke, Prince;

Joint Select Committee on Water Resources Policy: Representatives Baugher, Doty, R. Fisher, Hine, Miller;

Washington Economic Development Finance Authority: Representatives Cantwell, Doty;

Capital Area Master Plan: Representative May;

Western States Legislative Forestry Task Force: Representative S. Wilson;

Oral History Advisory Committee: Representative Prince;

Advisory Committee on Minority and Women's Business Enterprises: Representative Winsley;

Rail Development Commission: Representative Beck.

The Speaker declared the House to be at ease.

The Speaker (Ms. H. Sommers presiding) called the House to order.

MOTION

Mr. Ebersole moved that the rules be suspended and Engrossed Second Substitute Senate Bill No. 5065 listed on today's introduction sheet under the fourth order of business be placed on the second reading calendar. The motion was carried.

There being no objection, the House reverted to the sixth order of business.

SECOND READING

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5065, by Committee on Ways & Means (originally sponsored by Senators Craswell, Smith, Stratton and Bailey)

Creating a citizen review board system for cases involving substitute care of children.

The bill was read the second time. With consent of the House, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

MOTION

On motion of Ms. Miller, Representative Bowman was excused.

Representatives Bristow and Padden spoke in favor of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Second Substitute Senate Bill No. 5065, and the bill passed the House by the following vote: Yeas, 92; nays, 1; absent, 1; excused, 4.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Baugher, Beck, Betrozoff, Braddock, Brekke, Bristow, Brooks, Brough, Brumsickle, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Fraser, Fuhrman, Grant, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Insee, Jacobsen, Jesernig, Jones, King P, King R, Kremen, Leonard, McLean, Meyers R, Miller, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Padden, Patrick, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Scott, Silver, Smith, Sommers D, Sommers H, Spanel, Sprengle, Tate, Todd, Vaile, Van Luven, Vekich, Walk, Walker, Wang, Wilson K, Wilson S, Wineberry, Winsley, Wolfe, Wood, Youngsman, Zellinsky, and Mr. Speaker - 92.

Voting nay: Representative Belcher - 1.

Absent: Representative Locke - 1.

Excused: Representatives Bowman, Gallagher, May, Schoon - 4.

Engrossed Second Substitute Senate Bill No. 5065, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE SENATE

May 8, 1989

Mr. Speaker:

The Senate has failed to pass:

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1442.

W. D. Naismith, Assistant Secretary.

The Speaker (Ms. H. Sommers presiding) declared the House to be at ease.

The Speaker called the House to order.

MESSAGE FROM THE SENATE

May 8, 1989

Mr. Speaker:

The Senate refuses to concur in the House amendments to REENGROSSED SENATE BILL NO. 6106, and asks the House to recede therefrom, and the same is herewith transmitted.

W. D. Naismith, Assistant Secretary.

MOTION

Mr. Ebersole moved that the House insist on its position regarding the House amendments to Reengrossed Senate Bill No. 6106 and once again ask the Senate to concur therein. The motion was carried.

There being no objection, the House advanced to the eleventh order of business.

MOTION

On motion of Mr. Ebersole, the House adjourned until 9:30 a.m., Tuesday, May 9, 1989.

JOSEPH E. KING, Speaker

ALAN THOMPSON, Chief Clerk

FIRST SPECIAL SESSION

SIXTEENTH DAY

MORNING SESSION

House Chamber, Olympia, Tuesday, May 9, 1989

The House was called to order at 9:30 a.m. by the Speaker (Mr. O'Brien presiding). The Clerk called the roll and all members were present except Representative May, who was excused.

The flag was escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Gabe Saylor and Tim Vermillion. Prayer was offered by The Very Reverend Gerald Stanley, Dean of South Seattle St. Edward's Church.

Reading of the Journal of the previous day was dispensed with and it was ordered to stand approved.

CENTENNIAL MESSAGE
FROM THE WASHINGTON STATE HISTORICAL SOCIETY

May 9, 1989

On this day in 1889, the wheat crop in eastern Washington was so bountiful that railroads were building grain elevators along their tracks.

And, beers, advertised for sale in Tacoma, included Blatz's Milwaukee Beer, Anheuser-Busch St. Louis, Schlitz Milwaukee, Lemp's St. Louis, Culmbacher and Weinhard.

On May 9, 1892 the worst mining accident in six years of operation killed forty-five men at the Roslyn No. 1 Mine. The owners improved ventilation afterwards.

On May 9, 1898 the Library Association of Port Townsend was formed at a meeting of sixteen women in the home of Mrs. George Starret. It was agreed that the association would "be in the hands of the ladies," and no male served on the board until 1945.

MESSAGE FROM THE GOVERNOR

May 8, 1989

To the Honorable, the House
of Representatives of the
State of Washington
Ladies and Gentlemen:

I have the honor to advise you that on May 8, 1989, Governor Gardner approved the following House Bills entitled:

HOUSE BILL NO. 1020: Relating to collective bargaining for district court employees;

HOUSE BILL NO. 1070: Relating to criminal procedure;

SUBSTITUTE HOUSE BILL NO. 1183: Relating to information provided to adopting parents;

SUBSTITUTE HOUSE BILL NO. 1322: Relating to cost-of-living adjustments for members of the public employees' and teachers' retirement system;

SUBSTITUTE HOUSE BILL NO. 1553: Relating to the creation of the Washington economic development finance authority;

HOUSE BILL NO. 1631: Relating to the use of local improvement districts by cities and towns to finance convention centers;

HOUSE BILL NO. 1698: Relating to precinct boundaries;

SUBSTITUTE HOUSE BILL NO. 1756: Relating to the provision of extended area service by telecommunications companies;

HOUSE BILL NO. 1769: Relating to institutions of higher education;

HOUSE BILL NO. 1862: Relating to providing twelve-months' service credit to public employees' retirement system members who are employed on a continuous nine-month basis at designated schools;

HOUSE BILL NO. 1872: Relating to hitchhiking;

HOUSE BILL NO. 1904: Relating to private participation for funding transportation improvements;

HOUSE BILL NO. 2001: Relating to livestock;

SUBSTITUTE HOUSE BILL NO. 2012: Relating to restrictions on the sale or lease of port district land;

HOUSE BILL NO. 2053: Relating to limiting the one hundred six percent property tax lid;

HOUSE BILL NO. 2142: Relating to litigation expenses for actions against cities;

HOUSE BILL NO. 2167: Relating to sites for mobile home parks;

HOUSE BILL NO. 2242: Relating to oil spills and the transfer and safety of petroleum products across the marine waters of the state of Washington.

Sincerely,

Terry Sebring, Counsel.

The Speaker (Mr. O'Brien presiding) called on Representative Sayan to preside.

The Speaker (Mr. Sayan presiding) declared the House to be at ease until 1:30 p.m.

The Speaker called the House to order at 1:55 p.m.

The Speaker declared the House to be at ease until 5:00 p.m.

The Speaker (Ms. R. Fisher presiding) called the House to order at 5:00 p.m.

There being no objection, the House advanced to the eleventh order of business.

MOTION

On motion of Mr. Baugher, the House adjourned until 9:30 a.m., Wednesday, May 10, 1989.

JOSEPH E. KING, Speaker

ALAN THOMPSON, Chief Clerk

FIRST SPECIAL SESSION

SEVENTEENTH DAY

MORNING SESSION

House Chamber, Olympia, Wednesday, May 10, 1989

The House was called to order at 9:30 a.m. by the Speaker (Mr. O'Brien presiding). The Clerk called the roll and all members were present except Representatives Beck, May and Silver.

The flag was escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Mark Duvall and Jana Hawkins. Prayer was offered by The Reverend Avery Finger, Minister of the Evangel Temple Church of God of Olympia.

Reading of the Journal of the previous day was dispensed with and it was ordered to stand approved.

CENTENNIAL MESSAGE
FROM THE WASHINGTON STATE HISTORICAL SOCIETY

May 10, 1989

On this day in 1889, local residents claimed that the fish in Lone Lake, Klickitat County, were growing so fast that the lake would overflow its banks in another year. A nine-pound carp had been recently caught there.

And, the Puyallup Valley Citizen, a short-lived newspaper, began publishing.

On May 10, 1899 the University of Washington Regents decided to establish the University of Washington's School of Law. John T. Condon became the first dean. By 1902, sixty-eight students were attending; the building was on the old downtown campus.

On May 10, 1909 the Lynden Town Council forbade all animals from wandering in the streets or parks, with one exception. Milking cows could graze where they pleased from 5 a.m. to 8 p.m.

MESSAGE FROM THE SENATE

May 9, 1989

Mr. Speaker:

The President has signed:

SECOND SUBSTITUTE SENATE BILL NO. 5065.

and the same is herewith transmitted.

Gordon A. Golob, Secretary.

The Speaker (Mr. O'Brien presiding) declared the House to be at ease.

The Speaker (Mr. Heavey presiding) called the House to order.

The Speaker (Mr. Heavey presiding) declared the House to be at ease until 1:00 p.m.

AFTERNOON SESSION

The Speaker called the House to order.

The Speaker declared the House to be at ease.

The Speaker called the House to order.

MOTION

On motion of Ms. Miller, Representatives Beck, May and Silver were excused.

SENATE AMENDMENTS TO HOUSE BILL

May 10, 1989

Mr. Speaker:

The Senate has passed HOUSE BILL NO. 2244 with the following amendments:
Strike everything after the enacting clause and insert the following:

NEW SECTION. Sec. 1. This act may be known and cited as the 'maternity care access act of 1989.'

NEW SECTION. Sec. 2. (1) The legislature finds that Washington state and the nation as a whole have a high rate of infant illness and death compared with other industrialized nations. This is especially true for minority and low-income populations. Premature and low weight births have been directly linked to infant illness and death. The availability of adequate maternity care throughout the course of pregnancy has been identified as a major factor in reducing infant illness and death. Further, the investment in preventive health care programs, such as maternity care, contributes to the growth of a healthy and productive society and is a sound approach to health care cost containment. The legislature further finds that access to maternity care for low-income women in the state of Washington has declined significantly in recent years and has reached a crisis level.

(2) It is the purpose of this chapter to provide, consistent with appropriated funds, maternity care necessary to ensure healthy birth outcomes for low-income families. To this end, a maternity care access system is established based on the following principles:

(a) The family is the fundamental unit in our society and should be supported through public policy.

(b) Access to maternity care for eligible persons to ensure healthy birth outcomes should be made readily available in an expeditious manner through a single service entry point.

(c) Unnecessary barriers to maternity care for eligible persons should be removed.

(d) Access to preventive and other health care services should be available for low-income children.

(e) Each woman should be encouraged to and assisted in making her own informed decisions about her maternity care.

(f) Unnecessary barriers to the provision of maternity care by qualified health professionals should be removed.

(g) The system should be sensitive to cultural differences among eligible persons.

(h) To the extent possible, decisions about the scope, content, and delivery of services should be made at the local level involving a broad representation of community interests.

(i) The maternity care access system should be evaluated at appropriate intervals to determine effectiveness and need for modification.

(j) Maternity care services should be delivered in a cost-effective manner.

NEW SECTION. Sec. 3. The legislature reserves the right to amend or repeal all or any part of this chapter at any time and there shall be no vested private right of any kind against such amendment or repeal. All rights, privileges, or immunities conferred by this chapter or any acts done pursuant thereto shall exist subject to the power of the legislature to amend or repeal this chapter at any time.

NEW SECTION. Sec. 4. Unless the context clearly requires otherwise, the definitions in this section apply throughout sections 1 through 8 of this act:

(1) 'At-risk eligible person' means an eligible person determined by the department to need special assistance in applying for and obtaining maternity care, including pregnant women who are substance abusers, pregnant and parenting adolescents, pregnant minority women, and other eligible persons who need special assistance in gaining access to the maternity care system.

(2) 'County authority' means the board of county commissioners, county council, or county executive having the authority to participate in the maternity care access program or its designee. Two or more county authorities may enter into joint agreements to fulfill the requirements of this chapter.

(3) 'Department' means the department of social and health services.

(4) 'Eligible person' means a woman in need of maternity care or a child, who is eligible for medical assistance pursuant to chapter 74.09 RCW or the prenatal care program administered by the department.

(5) 'Maternity care services' means inpatient and outpatient medical care, case management, and support services necessary during prenatal, delivery, and postpartum periods.

(6) 'Support services' means, at least, public health nursing assessment and follow-up, health and childbirth education, psychological assessment and counseling, outreach services, nutritional assessment and counseling, needed vitamin and nonprescriptive drugs, transportation, and child care. Support services may include alcohol and substance abuse treatment for pregnant women who are addicted or at risk of being addicted to alcohol or drugs to the

extent funds are made available for that purpose by Engrossed Second Substitute House Bill No. 1793, if enacted.

NEW SECTION, Sec. 5. The department shall, consistent with the state budget act, develop a maternity care access program designed to ensure healthy birth outcomes as follows:

(1) Provide maternity care services to low-income pregnant women and health care services to children in poverty to the maximum extent allowable under the medical assistance program, Title XIX of the federal social security act;

(2) Provide maternity care services to low-income women who are not eligible to receive such services under the medical assistance program, Title XIX of the federal social security act;

(3) By January 1, 1990, have the following procedures in place to improve access to maternity care services and eligibility determinations for pregnant women applying for maternity care services under the medical assistance program, Title XIX of the federal social security act:

(a) Use of a shortened and simplified application form;

(b) Outstationing department staff to make eligibility determinations;

(c) Establishing local plans at the county and regional level, coordinated by the department; and

(d) Conducting an interview for the purpose of determining medical assistance eligibility within five working days of the date of an application by a pregnant woman and making an eligibility determination within fifteen working days of the date of application by a pregnant woman;

(4) Establish a maternity care case management system that shall assist at-risk eligible persons with obtaining medical assistance benefits and receiving maternity care services, including transportation and child care services;

(5) Within available resources, establish appropriate reimbursement levels for maternity care providers;

(6) Implement a broad-based public education program that stresses the importance of obtaining maternity care early during pregnancy;

(7) Study the desirability and feasibility of implementing the presumptive eligibility provisions set forth in section 9407 of the federal omnibus budget reconciliation act of 1986 and report to the appropriate committees of the legislature by December 1, 1989; and

(8) Refer persons eligible for maternity care services under the program established by this section to persons, agencies, or organizations with maternity care service practices that primarily emphasize healthy birth outcomes.

NEW SECTION, Sec. 6. (1) The department shall establish an alternative maternity care service delivery system, if it determines that a county or a group of counties is a maternity care distressed area. A maternity care distressed area shall be defined by the department, in rule, as a county or a group of counties where eligible women are unable to obtain adequate maternity care. The department shall include the following factors in its determination:

(a) Higher than average percentage of eligible persons in the distressed area who receive late or no prenatal care;

(b) Higher than average percentage of eligible persons in the distressed area who go out of the area to receive maternity care;

(c) Lower than average percentage of obstetrical care providers in the distressed area who provide care to eligible persons;

(d) Higher than average percentage of infants born to eligible persons per obstetrical care provider in the distressed area; and

(e) Higher than average percentage of infants that are of low birth weight; five and one-half pounds or two thousand five hundred grams, born to eligible persons in the distressed area.

(2) If the department determines that a maternity care distressed area exists, it shall notify the relevant county authority. The county authority shall, within one hundred twenty days, submit a brief report to the department recommending remedial action. The report shall be prepared in consultation with the department and its local community service offices, the local public health officer, community health clinics, health care providers, hospitals, the business community, labor representatives, and low-income advocates in the distressed area. A county authority may contract with a local nonprofit entity to develop the report. If the county authority is unwilling or unable to develop the report, it shall notify the department within thirty days, and the department shall develop the report for the distressed area.

(3) The department shall review the report and use it, to the extent possible, in developing strategies to improve maternity care access in the distressed area. The department may contract with or directly employ qualified maternity care health providers to provide maternity care services, if access to such providers in the distressed area is not possible by other means. In such cases, the department is authorized to pay that portion of the health care providers' malpractice liability insurance that represents the percentage of maternity care provided to eligible persons by that provider through increased medical assistance payments.

NEW SECTION, Sec. 7. To the extent that federal matching funds are available, the department or the department of health if one is created shall establish, in consultation with the health

science programs of the state's colleges and universities, and community health clinics, a loan repayment program that will encourage maternity care providers to practice in medically underserved areas in exchange for repayment of part or all of their health education loans.

Sec. 8. Section 4, chapter 30, Laws of 1967 ex. sess. as last amended by section 2, chapter 87, Laws of 1989 and RCW 74.09.510 are each amended to read as follows:

Medical assistance may be provided in accordance with eligibility requirements established by the department of social and health services, as defined in the social security Title XIX state plan for mandatory categorically needy persons and: (1) Individuals who would be eligible for cash assistance except for their institutional status; (2) individuals who are under twenty-one years of age, who would be eligible for aid to families with dependent children, but do not qualify as dependent children and who are in (a) foster care, (b) subsidized adoption, (c) an intermediate care facility or an intermediate care facility for the mentally retarded, or (d) inpatient psychiatric facilities; (3) the aged, blind, and disabled who: (a) Receive only a state supplement, or (b) would not be eligible for cash assistance if they were not institutionalized; (4) individuals who would be eligible for but choose not to receive cash assistance; (5) ~~((pregnant women who would be eligible for aid to families with dependent children if the child had been born and was living with the mother during the month of the payment, and the pregnancy has been medically verified; (6)))~~ individuals who are enrolled in managed health care systems, who have otherwise lost eligibility for medical assistance, but who have not completed a current six-month enrollment in a managed health care system, and who are eligible for federal financial participation under Title XIX of the social security act; (6) children and pregnant women allowed by federal statute for whom funding is appropriated; and (7) other individuals eligible for medical services under RCW 74.09.035 and 74.09.700 for whom federal financial participation is available under Title XIX of the social security act.

NEW SECTION. Sec. 9. The department shall contract with an independent nonprofit entity to evaluate the effectiveness of the maternity care access program set forth in sections 1 through 7 of this act based on the principles set forth in section 2 of this act. The evaluation shall also address:

- (1) Characteristics of women receiving services, including health risk factors;
- (2) Services utilized by eligible women;
- (3) Birth outcomes of women receiving services;
- (4) Birth outcomes of women receiving services, by type of practitioner;
- (5) Services utilized by eligible infants; and
- (6) Referrals to other programs for services.

The department shall submit an evaluation report to the appropriate committees of the legislature by December 1, 1990.

NEW SECTION. Sec. 10. The sum of forty-seven million five hundred thirty-one thousand dollars, or as much thereof as may be necessary, of which twenty-five million five hundred seventy thousand dollars shall be from federal funds, is appropriated from the state general fund for the biennium ending June 30, 1991, to the department of social and health services, medical assistance program, for medical assistance for categorically needy pregnant women and children under one year of age whose household income does not exceed one hundred eighty-five percent of the federal poverty level, and whose coverage qualifies for federal financial participation under Title XIX of the federal social security act.

NEW SECTION. Sec. 11. The sum of nine million five hundred thirty thousand dollars, or as much thereof as may be necessary, of which five million one hundred ten thousand dollars shall be from federal funds, is appropriated from the state general fund for the biennium ending June 30, 1991, to the department of social and health services, medical assistance program, for medical assistance for children under eight years of age whose family income does not exceed one hundred percent of the federal poverty level, and whose coverage qualifies for federal financial participation under Title XIX of the federal social security act.

NEW SECTION. Sec. 12. The sum of fourteen million three hundred ten thousand dollars, or as much thereof as may be necessary, of which seven million seven hundred ten thousand dollars shall be from federal funds, is appropriated from the state general fund for the biennium ending June 30, 1991, to the department of social and health services, medical assistance program, to increase reimbursement levels to health care providers for the delivery of maternity services.

NEW SECTION. Sec. 13. The sum of eight million eight hundred forty-one thousand dollars, or as much thereof as may be necessary, of which four million seven hundred forty-one thousand dollars shall be from federal funds, is appropriated from the state general fund for the biennium ending June 30, 1991, to the department of social and health services, medical assistance program, for the purpose of establishing a maternity care case management system as prescribed in this act.

NEW SECTION. Sec. 14. The sum of ten million one hundred fifty-three thousand dollars, or as much thereof as may be necessary, of which five million three hundred thirty-six thousand

dollars shall be from federal funds, is appropriated from the state general fund for the biennium ending June 30, 1991, to the department of social and health services, children and family services program, for the purpose of establishing a maternity care support service system as prescribed in this act.

NEW SECTION. Sec. 15. The sum of one million eight hundred five thousand dollars, or as much thereof as may be necessary, of which nine hundred twenty-six thousand dollars shall be from federal funds, is appropriated from the state general fund for the biennium ending June 30, 1991, to the department of social and health services, community services administration program, for administration and claims processing activities associated with the medical assistance eligibility expansions prescribed in this act, and for prenatal case management and support services claims processing.

NEW SECTION. Sec. 16. Sections 1 through 7 of this act shall be added to chapter 74.09 RCW and codified with the subchapter heading of 'maternity care access program.'

On page 1, line 1 of the title, after "care;" strike the remainder of the title and insert "adding new sections to chapter 74.09 RCW; creating a new section; and making appropriations." and the same is herewith transmitted.

W. D. Naismith, Assistant Secretary.

MOTION

Mr. Braddock moved that the House do concur in the Senate amendments to House Bill No. 2244.

Representatives Braddock, Hine and Moyer spoke in favor of the motion, and Representatives Miller and Padden opposed it. The motion was carried.

FINAL PASSAGE OF HOUSE BILL AS AMENDED BY SENATE

The Speaker stated the question before the House to be the final passage of House Bill No. 2244 as amended by the Senate.

Representatives Vekich, Day, Ebersole and Braddock spoke in favor of passage of the bill, and Ms. Miller spoke against it.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 2244 as amended by the Senate, and the bill passed the House by the following vote: Yeas, 83; nays, 12; excused, 3.

Voting yea: Representatives Appelwick, Ballard, Basich, Baugher, Betrozoff, Bowman, Braddock, Brekke, Bristow, Brooks, Brough, Brumsickle, Cantwell, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Fraser, Gallagher, Grant, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Insee, Jacobsen, Jesernig, Jones, King P, King R, Kremen, Leonard, Locke, McLean, Meyers R, Morris, Moyer, Myers H, Nealey, Nelson, O'Brien, Patrick, Peery, Phillips, Prentice, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Schoon, Scott, Smith, Sommers D, Sommers H, Spaniel, Sprengle, Tate, Todd, Valle, Van Luven, Vekich, Walk, Walker, Wang, Wilson S, Wineberry, Winsley, Wood, Youngsman, Zellinsky, and Mr. Speaker - 83.

Voting nay: Representatives Anderson, Belcher, Chandler, Cole, Fuhrman, Hankins, Miller, Nutley, Padden, Prince, Wilson K, Wolfe - 12.

Excused: Representatives Beck, May, Silver - 3.

House Bill No. 2244 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

REPORT OF FREE CONFERENCE COMMITTEE

May 6, 1989

Mr. Speaker:

We of your Free Conference Committee to whom was referred SUBSTITUTE SENATE BILL NO. 5521, adopting the capital budget, have had the same under consideration and we recommend that the bill be amended as proposed in the request for Free Conference and that the bill do pass as amended by the Free Conference Committee.

(See Report of Conference Committee on Substitute Senate Bill No. 5521, 15th Day, First Special Session, May 8, 1989.)

Signed by Senators Cantu, Vognil, Sellar; Representatives H. Sommers, Braddock, Prince.

MOTION

Ms. H. Sommers moved that the House adopt the Report of the Free Conference Committee on Substitute Senate Bill No. 5521.

Representatives H. Sommers and Prince spoke in favor of the motion, and it was carried.

FINAL PASSAGE OF SENATE BILL
AS AMENDED BY FREE CONFERENCE COMMITTEE

The Speaker stated the question before the House to be the final passage of Substitute Senate Bill No. 5521 as amended by Free Conference Committee.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5521 as amended by Free Conference Committee, and the bill passed the House by the following vote: Yeas, 93; nays, 2; excused, 3.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Baugher, Belcher, Betzoff, Bowman, Braddock, Brekke, Bristow, Brooks, Brough, Brumsickle, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Fraser, Gallagher, Grant, Hankins, Hargrove, Haugen, Hine, Holland, Horn, Inslee, Jacobsen, Jesernig, Jones, King P, King R, Kremen, Leonard, Locke, McLean, Meyers R, Miller, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Padden, Patrick, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Schoon, Scott, Smith, Sommers D, Sommers H, Spanel, Sprengle, Tate, Todd, Valle, Van Luven, Vekich, Walk, Walker, Wang, Wilson K, Wilson S, Wineberry, Winsley, Wolfe, Wood, Youngsman, Zellinsky, and Mr. Speaker - 93.

Voting nay: Representatives Fuhrman, Heavey - 2.

Excused: Representatives Beck, May, Silver - 3.

Substitute Senate Bill No. 5521 as amended by Free Conference Committee, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE SENATE

May 10, 1989

Mr. Speaker:

The Senate has passed:

REENGROSSED SUBSTITUTE SENATE BILL NO. 5373,

ENGROSSED SENATE BILL NO. 6095,

and the same are herewith transmitted.

W. D. Nalsmith, Assistant Secretary.

There being no objection, the House advanced to the fourth order of business.

INTRODUCTIONS AND FIRST READING

HB 2243 by Representatives H. Sommers and Ferguson

AN ACT Relating to the term of appointment for the director of the department of personnel; and amending RCW 41.06.130.

HB 2246 by Representatives Hargrove, H. Sommers, Jones, Rasmussen, Jacobsen, R. Fisher, Basich, Braddock, Sayan, Rector, Bristow, H. Myers, Cooper, Heavey, Bowman, Inslee, R. Meyers, Peery, Ballard, Fraser, Vekich, Cantwell, Belcher, Spanel, Zellinsky, Todd, Phillips, Ebersole, Leonard, P. King, Wineberry, Prince, G. Fisher, Pruitt, Baugher, Prentice, Crane, Rayburn, Grant, Jesernig, Schoon, Kremen, Sprengle, Hankins, S. Wilson, Dorn, Raiter, Hine, O'Brien, Rust, K. Wilson, Scott, Day and Locke

AN ACT Relating to the 7th street theatre; and making an appropriation.

HJM 4024 by Representatives Basich, Vekich, Sayan, Hargrove, Jones, Jacobsen, Peery, Heavey and Rust

Promoting a Pacific Coast Highway Corridor.

HJM 4025 by Representatives Sayan, Ferguson, Phillips, Wang, S. Wilson, Walk, Schmidt, Zellinsky, Basich, Spanel and Anderson

Asking Congress to enact legislation concerning oil spills.

ReESSB 5373 by Committee on Transportation (originally sponsored by Senators Patterson, Bender, Nelson and Conner; by request of Governor)

Making transportation appropriations for the 1989-91 biennium.

ReE2SSB 5624 by Committee on Ways & Means (originally sponsored by Senators Craswell, Anderson, Smith, Owen, Hayner, Nelson, Stratton, Johnson, Amondson and Rasmussen)

Regarding high-risk youth.

ESB 6095 by Senators Benitz, Saling, Bluechel, Cantu, Smitherman, Stratton, Gaspard, Patterson, Bauer, von Reichbauer, Hayner, Smith, Rasmussen, West, Thorsness, Bailey, Johnson and Nelson

Providing for branch campuses.

ESB 6152 by Senators Wojahn, Barr, Gaspard, West, Stratton, Johnson, Rasmussen, Bluechel, Vognilid, von Reichbauer, Warnke, Smitherman, Bailey, Craswell, Thorsness, Bender, Bauer, Amondson, Lee, Metcalf, Cantu and Sutherland

Creating the department of health.

SCR 8425 by Senators Bluechel and Hayner

Creating a northwest exploratory conference.

MOTION

Mr. Ebersole moved that the rules be suspended and Engrossed Senate Bill No. 6152 listed on today's introduction sheet under the fourth order of business be advanced to second reading. The motion was carried.

There being no objection, the House advanced to the sixth order of business.

SECOND READING

ENGROSSED SENATE BILL NO. 6152, by Senators Wojahn, Barr, Gaspard, West, Stratton, Johnson, Rasmussen, Bluechel, Vognilid, von Reichbauer, Warnke, Smitherman, Bailey, Craswell, Thorsness, Bender, Bauer, Amondson, Lee, Metcalf, Cantu and Sutherland

Creating the department of health.

The bill was read the second time. With consent of the House, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Representatives Braddock, Brooks and Ballard spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Senate Bill No. 6152, and the bill passed the House by the following vote: Yeas, 94; nays, 1; excused, 3.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Baugher, Belcher, Betzoff, Bowman, Braddock, Brekke, Bristow, Brooks, Brough, Brumsickle, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Fraser, Fuhrman, Gallagher, Grant, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Inslee, Jacobsen, Jesernig, Jones, King P, King R, Kremen, Leonard, Locke, McLean, Meyers R, Miller, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Padden, Patrick, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Schoon, Scott, Smith, Sommers D, Sommers H, Spanel, Sprenkle, Tate, Todd, Valle, Van Luven, Vekich, Walk, Walker, Wang, Wilson K, Wilson S, Wineberry, Winsley, Wolfe, Wood, Youngsman, Zellinsky, and Mr. Speaker - 94.

Voting nay: Representative Morris - 1.

Excused: Representatives Beck, May, Silver - 3.

Engrossed Senate Bill No. 6152, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SIGNED BY THE SPEAKER

The Speaker announced he was signing:

SUBSTITUTE HOUSE BILL NO. 1737,
 SUBSTITUTE HOUSE BILL NO. 1788,
 SECOND SUBSTITUTE SENATE BILL NO. 5065.

There being no objection, the House advanced to the eighth order of business.

RESOLUTION

HOUSE FLOOR RESOLUTION NO. 89-4708, by Representatives Sprengle, Brooks, Bristow, R. Fisher, Wolfe and Moyer

WHEREAS, On January 8, 1989, internationally recognized researcher and physician, Dr. Louis H. Clerf became one hundred years of age; and

WHEREAS, Dr. Clerf was born and raised in Ellensburg, received his undergraduate education at St. Martin's College in Lacey, Washington, completed his medical education out-of-state and then returned to his beloved State of Washington to practice; and

WHEREAS, Dr. Clerf contributed over two hundred original scholarly articles and several medical textbooks describing his ground-breaking research, innovative surgical techniques and special diagnostic techniques; and

WHEREAS, Dr. Clerf is recognized for developing the first medically proven technique for the early diagnosis of lung cancer, introduced the life-saving therapy technique One-Stage Pharyngeal Diverticulomy, worked on the research team which developed the first successful heart-lung machine; initiated, developed and perfected a photographic diagnostic technique for pathologies of the throat and developed many other recognized contributions to the discipline of medicine; and

WHEREAS, Dr. Clerf's contributions to the field of medicine have saved countless numbers of lives in this state, our country and throughout the world; and

WHEREAS, Dr. Clerf has received numerous honors and awards from his local contemporaries, national groups and international organizations;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State House of Representatives commend Louis H. Clerf, M.D. for the many substantial contributions he has made to the discipline of medicine, his life-saving medical innovations and long, distinguished and illustrious career as one of the world's most noted otolaryngologists; and

BE IT FURTHER RESOLVED, That a copy of this Resolution be immediately transmitted by the Chief Clerk of the House of Representatives to Louis H. Clerf, M.D.

Mr. Sprengle moved adoption of the resolution and spoke in favor of it.

House Floor Resolution No. 89-4708 was adopted.

The Speaker declared the House to be at ease.

The Speaker (Ms. Cantwell presiding) called the House to order.

The Speaker (Ms. Cantwell presiding) declared the House to be at ease.

The Speaker called the House to order.

MESSAGES FROM THE SENATE

May 10, 1989

Mr. Speaker:

The Senate has adopted the report of the Free Conference Committee on SUBSTITUTION SENATE BILL NO. 5521 and has passed the bill as amended by the Free Conference Committee.

W. D. Naismith, Assistant Secretary.

May 10, 1989

Mr. Speaker:

The President has signed:

SUBSTITUTE HOUSE BILL NO. 1737,
 SUBSTITUTE HOUSE BILL NO. 1788,
 SUBSTITUTE SENATE BILL NO. 5521,

SENATE BILL NO. 6152.

and the same are herewith transmitted.

W. D. Naismith, Assistant Secretary.

MOTION

Mr. Ebersole moved that the rules be suspended and Senate Concurrent Resolution No. 8425 listed on today's introduction sheet under the fourth order of business be advanced to second reading. The motion was carried.

There being no objection, the House reverted to the sixth order of business.

SECOND READING

SENATE CONCURRENT RESOLUTION NO. 8425, by Senators Bluechel and Hayner

Creating a northwest exploratory conference.

The resolution was read the second time. With consent of the House, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Senate Concurrent Resolution No. 8425 was adopted.

There being no objection, the House advanced to the eighth order of business.

MOTION

On motion of Ms. Miller, Representative Doty was excused.

MOTION

Mr. Ebersole moved that the rules be suspended and Engrossed Senate Bill No. 6095 listed on today's introduction sheet under the fourth order of business be advanced to second reading. The motion was carried.

There being no objection, the House reverted to the sixth order of business.

SECOND READING

ENGROSSED SENATE BILL NO. 6095, by Senators Benitz, Saling, Bluechel, Cantu, Smitherman, Stratton, Gaspard, Patterson, Bauer, von Reichbauer, Hayner, Smith, Rasmussen, West, Thorsness, Bailey, Johnson and Nelson

Providing for branch campuses.

The bill was read the second time. With consent of the House, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Representatives Jacobsen, Van Luven, Ebersole and Moyer spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Senate Bill No. 6095, and the bill passed the House by the following vote: Yeas, 67; nays, 27; excused, 4.

Voting yea: Representatives Anderson, Appelwick, Betrozoff, Bristow, Brooks, Brough, Cantwell, Cole, Cooper, Day, Dellwo, Dorn, Ebersole, Ferguson, Fisher G, Fisher R, Fraser, Gallagher, Grant, Hankins, Heavey, Hine, Holland, Horn, Jacobsen, Jesernig, King P, King R, Leonard, Meyers R, Miller, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Padden, Patrick, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rector, Rust, Schoon, Scott, Sommers D, Sommers H, Sprenkle, Tate, Todd, Valle, Van Luven, Walk, Walker, Wang, Wilson K, Wineberry, Winsley, Wolfe, Wood, and Mr. Speaker - 67.

Voting nay: Representatives Ballard, Basich, Baugher, Belcher, Bowman, Braddock, Brekke, Brumsickle, Chandler, Crane, Fuhrman, Hargrove, Haugen, Insee, Jones, Kremen, Locke, McLean, Rayburn, Sayan, Schmidt, Smith, Spanel, Vekich, Wilson S, Youngsman, Zellinsky - 27.

Excused: Representatives Beck, Doty, May, Silver - 4.

Engrossed Senate Bill No. 6095, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SIGNED BY THE SPEAKER

The Speaker announced he was signing:

HOUSE BILL NO. 2244,
 SUBSTITUTE SENATE BILL NO. 5521,
 SENATE BILL NO. 6152.

There being no objection, the House advanced to the eighth order of business.

RESOLUTION

HOUSE FLOOR RESOLUTION NO. 89-4706, by Representatives G. Fisher, Bristow, Cole, Vekich, Braddock, Belcher, S. Wilson, Miller, Prince, Tate, Hine, Van Luven, R. Fisher, Peery, Cantwell, Anderson, Appelwick, Ballard, Basich, Baugher, Beck, Betzoff, Bowman, Brekke, Brooks, Brough, Brumsickle, Chandler, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Ferguson, Fraser, Fuhrman, Gallagher, Grant, Hankins, Hargrove, Haugen, Heavey, Holland, Horn, Insee, Jacobsen, Jesernig, Jones, J. King, P. King, R. King, Kremen, Leonard, Locke, May, McLean, R. Meyers, Morris, Moyer, H. Myers, Nealey, Nelson, Nutley, O'Brien, Padden, Patrick, Phillips, Prentice, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith, D. Sommers, H. Sommers, Spanel, Sprenkle, Todd, Valle, Walk, Walker, Wang, K. Wilson, Wineberry, Winsley, Wolfe, Wood, Youngsman and Zellinsky

WHEREAS, John White has been a distinguished member of the Washington State Press Corps representing the Associated Press since 1971; and

WHEREAS, John White's quiet and gentle demeanor has been an inspiration to generations of lawmakers, journalists, staff members and lobbyists alike; and

WHEREAS, Speakers of the House of Representatives have, for years, been faithfully attentive to Mr. White's bellowed instructions from the press table; and

WHEREAS, Mr. White has participated in more oral House of Representatives votes than any member thereof; and

WHEREAS, Mr. White has given a whole new meaning to the term "bar of the House"; and

WHEREAS, Mr. White's substantial contributions to sin taxes make him one of Washington's leading environmentalists through consistent funding for the cleanup of Puget Sound; and

WHEREAS, Mr. White recently benefited substantially from the legislative process which resulted in reducing the sin taxes to fight the "War on Drugs" and transferring them instead to soda pop, which has not passed his lips since childhood; and

WHEREAS, House of Representatives rules prohibiting smoking, approaching the podium, and indecorous conduct have never deterred him from puffing, muttering indecorous epithets and pounding on the Speaker's rostrum; and

WHEREAS, Mr. White has boosted state employment within the division of Capital Buildings and Grounds by littering said grounds with countless cigarette butts, thus requiring employment of legions of grounds' keepers and gardeners; and

WHEREAS, The Capital Correspondents' Association has agreed to seek sufficient monetary funds, but not less than twenty-five million dollars, in the 1989-91 capital budget to erect a gold-plated sign announcing the following resolution;

NOW, THEREFORE, BE IT RESOLVED, That the flea-infested tenement known as the AP House be henceforth known as the John bleep-bleep-bleeping White House; and

BE IT FURTHER RESOLVED, That it shall hereafter be known as the White House, even though it is blue; and

BE IT FURTHER RESOLVED, That the house and the man for whom it is so named be submitted for their proper inclusion on the National Register of Historic Places and curmudgeons.

Mr. G. Fisher moved adoption of the resolution.

Representatives G. Fisher and S. Wilson spoke in favor of the resolution.

On motion of Mr. Heavey, the rules were suspended and the names of all members of the House of Representatives were added as sponsors of the resolution.

Representatives Jacobsen and Prince spoke in favor of the resolution.

House Floor Resolution No. 89-4706 was adopted.

SENATE AMENDMENTS TO HOUSE BILL

May 10, 1989

Mr. Speaker:

The Senate has passed ENGROSSED SUBSTITUTE HOUSE BILL NO. 1581 with the following amendments:

Strike everything after the enacting clause and insert the following:

NEW SECTION, Sec. 1. The legislature finds that the demands of the workplace and of families need to be balanced to promote family stability and economic security. Changes in workplace leave policies are desirable to accommodate changes in the work force such as rising numbers of dual-career couples and working single parents. In addition, given the mobility of American society, many people no longer have available community or family support networks and therefore need additional flexibility in the workplace. The legislature declares it to be in the public interest to provide reasonable family leave upon the birth or adoption of a child and to care for a child under eighteen years old with a terminal health condition.

NEW SECTION, Sec. 2. Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

- (1) 'Child' means a biological or adopted child, or a stepchild, living with the employee.
- (2) 'Department' means the department of labor and industries.
- (3) 'Employee' means a person other than an independent contractor employed by an employer on a continuous basis for the previous fifty-two weeks for at least thirty-five hours per week.
- (4) 'Employer' means: (a) Any person, firm, corporation, partnership, business trust, legal representative, or other business entity which engages in any business, industry, profession, or activity in this state and includes any unit of local government including, but not limited to, a county, city, town, municipal corporation, quasi-municipal corporation, or political subdivision, which (i) employed a daily average of one hundred or more employees during the last calendar quarter at the place where the employee requesting leave reports for work, or (ii) employed a daily average of one hundred or more employees during the last calendar quarter within a twenty mile radius of the place where the employee requesting leave reports for work, where the employer maintains a central hiring location and customarily transfers employees among workplaces; and (b) the state, state institutions, and state agencies.
- (5) 'Family leave' means leave from employment to care for a newborn or newly adopted child under the age of six or a child under eighteen years old with a terminal health condition, as provided in section 3 of this act.

(6) 'Health care provider' means a person licensed as a physician under chapter 18.71 RCW or an osteopath under chapter 18.57 RCW.

(7) 'Parent' means a biological or adoptive parent, or a stepparent.

(8) 'Reduced leave schedule' means leave scheduled for fewer than an employee's usual number of hours or days per workweek.

(9) 'Terminal health condition' means a condition caused by injury, disease, or illness, that, within reasonable medical judgment, is incurable and will produce death within the period of leave to which the employee is entitled.

NEW SECTION, Sec. 3. (1) An employee is entitled to twelve workweeks of family leave during any twenty-four month period to: (a) Care for a newborn child or adopted child of the employee who is under the age of six at the time of placement for adoption, or, (b) care for a child under eighteen years old of the employee who has a terminal health condition. Leave under subsection (1)(a) of this section shall be completed within twelve months after the birth or placement for adoption, as applicable. An employee is entitled to leave under subsection (1)(b) of this section only once for any given child.

(2) Family leave may be taken on a reduced leave schedule subject to the approval of the employer.

(3) The leave required by this section may be unpaid. If an employer provides paid family leave for fewer than twelve workweeks, the additional workweeks of leave added to attain the twelve-workweek total may be unpaid. An employer may require an employee to first use up the employee's total accumulation of leave to which the employee is otherwise entitled before going on family leave; however, except as provided in subsection (4) of this section, nothing in this section requires more than twelve total workweeks of leave during any twenty-four month period. An employer is not required to allow an employee to use the employee's other leave in place of the leave provided under this chapter.

(4) The leave required by this section is in addition to any leave for sickness or temporary disability because of pregnancy or childbirth.

(5) An employer may limit or deny family leave to either: (a) Up to ten percent of the employer's workforce in the state designated as key personnel by the employer. Any designation made under this section shall take effect thirty days after it is issued and may be changed no more than once in any twelve-month period. An employer shall not designate key personnel on the basis of age or gender or for the purpose of evading the requirements of this chapter. No employee may be designated as key personnel after giving notice of intent to take leave pursuant to section 4 of this act. The designation shall be in writing and shall be displayed in a conspicuous place; or (b) if the employer does not designate key personnel, the highest paid ten percent of the employer's employees in the state.

NEW SECTION. Sec. 4. (1) An employee planning to take family leave under section 3(1)(a) of this act shall provide the employer with written notice at least thirty days in advance of the anticipated date of delivery or placement for adoption, stating the dates during which the employee intends to take family leave. The employee shall adhere to the dates stated in the notice unless:

- (a) The birth is premature;
- (b) The mother is incapacitated due to birth such that she is unable to care for the child;
- (c) The employee takes physical custody of the newly adopted child at an unanticipated time and is unable to give notice thirty days in advance; or
- (d) The employer and employee agree to alter the dates of family leave stated in the notice.

(2) In cases of premature birth, incapacity, or unanticipated placement for adoption referred to in subsection (1) of this section, the employee must give notice of revised dates of family leave as soon as possible but at least within one working day of the birth or placement for adoption or incapacitation of the mother.

(3) If family leave under section 3(1)(b) of this act is foreseeable, the employee shall provide the employer with written notice at least fourteen days in advance of the expected leave and shall make a reasonable effort to schedule the leave so as not to unduly disrupt the operations of the employer. If family leave under section 3(1)(b) of this act is not foreseeable fourteen or more days before the leave is to take place, the employee shall notify the employer of the expected leave as soon as possible, but at least within one working day of the beginning of the leave.

(4) If the employee fails to give the notice required by this section, the employer may reduce or increase the family leave required by this chapter by three weeks.

NEW SECTION. Sec. 5. (1) In the event of any dispute under this chapter regarding premature birth, incapacitation of the mother, maternity disability, or terminal condition of a child, an employer may require confirmation by a health care provider of: (a) The date of the birth; (b) the date on which incapacity because of childbirth or disability because of pregnancy or childbirth commenced or will probably commence, and its probable duration; or (c) for family leave under section 3(1)(b) of this act, the fact that the child has a terminal health condition.

(2) An employer may require, at the employer's expense, that the employee obtain the opinion of a second health care provider selected by the employer concerning any information required under subsection (1) of this section. If the health care providers disagree on any factor which is determinative of the employee's eligibility for family leave, the two health care providers shall select a third health care provider, whose opinion, obtained at the employer's expense, shall be conclusive.

NEW SECTION. Sec. 6. If both parents of a child are employed by the same employer, they shall together be entitled to a total of twelve workweeks of family leave during any twenty-four month period, and leave need be granted to only one parent at a time.

NEW SECTION. Sec. 7. (1) Subject to subsection (2) of this section, an employee who exercises any right provided under section 3 of this act shall be entitled, upon return from leave or during any reduced leave schedule:

- (a) To the same position held by the employee when the leave commenced; or
- (b) To a position with equivalent benefits and pay at a workplace within twenty miles of the employee's workplace when leave commenced; or
- (c) If the employer's circumstances have so changed that the employee cannot be reinstated to the same position, or a position of equivalent pay and benefits, the employee shall be reinstated in any other position which is vacant and for which the employee is qualified.

(2) The entitlement under subsection (1) of this section is subject to bona fide changes in compensation or work duties, and does not apply if:

- (a) The employee's position is eliminated by a bona fide restructuring, or reduction-in-force;
- (b) The employee's workplace is permanently or temporarily shut down for at least thirty days;
- (c) The employee's workplace is moved to a location at least sixty miles from the location of the workplace when leave commenced;
- (d) An employee on family leave takes another job; or
- (e) The employee fails to provide timely notice of family leave as required under section 4 of this act, or fails to return on the established ending date of leave.

NEW SECTION. Sec. 8. (1) The taking of leave under this chapter shall not result in the loss of any benefit, including seniority or pension rights, accrued before the date on which the leave commenced.

(2) Nothing in this chapter shall be construed to require the employer to grant benefits, including seniority or pension rights, during any period of leave.

(3) All policies applied during the period of leave to the classification of employees to which the employee on leave belongs shall apply to the employee on leave.

(4) During any period of leave taken under section 3 of this act, if the employee is not eligible for any employer contribution to medical or dental benefits under an applicable collective bargaining agreement or employer policy during any period of leave, an employer shall allow the employee to continue, at his or her own expense, medical or dental insurance coverage, including any spouse and dependent coverage, in accordance with state or federal law. The premium to be paid by the employee shall not exceed one hundred two percent of the applicable premium for the leave period.

NEW SECTION. Sec. 9. The department of labor and industries shall administer the provisions of this chapter.

NEW SECTION. Sec. 10. (1) Except as provided in this chapter, the rights under this chapter are in addition to any other rights provided by law. The remedies under this chapter shall be exclusive.

(2) Nothing in this chapter shall be construed to discourage employers from adopting policies which provide greater leave rights to employees than those required by this chapter.

NEW SECTION. Sec. 11. (1) Nothing in this chapter shall be construed to diminish an employer's obligation to comply with any collective bargaining agreement or any employment benefit program or plan which provides greater leave rights to employees than the rights provided under this chapter.

(2) The rights provided to employees under this chapter may not be diminished by any collective bargaining agreement or any employment benefit program or plan entered into or renewed after the effective date of this section.

NEW SECTION. Sec. 12. (1) In the case of employees covered by an unexpired collective bargaining agreement that expires on or after September 1, 1989, or by an employee benefit program or plan with a stated year ending on or after September 1, 1989, the effective date of this chapter shall be the later of: (a) The first day following expiration of the collective bargaining agreement; or (b) the first day of the next plan year.

(2) Notwithstanding the provisions of sections 14 through 21 of this act, where this chapter has been incorporated into a collective bargaining agreement, the grievance procedures contained in the respective collective bargaining agreement shall be used to resolve complaints related to this chapter.

NEW SECTION. Sec. 13. No employer, employment agency, labor union, or other person shall discharge, expel, or otherwise discriminate against any person because he or she has opposed any practices forbidden by this chapter, or because he or she has filed a complaint, testified, or assisted in any proceeding under this chapter.

NEW SECTION. Sec. 14. (1) An employee who believes that his or her employer has violated any provision of this chapter may file a complaint with the department within ninety days of the alleged violation. The complaint shall contain the following:

(a) The name and address of the employee making the complaint;

(b) The name, address, and telephone number of the employer against whom the complaint is made;

(c) A statement of the specific facts which constitute the alleged violation, including the date(s) on which the alleged violation occurred.

(2) Upon receipt of a complaint, the department shall forward written notice of the complaint to the employer.

(3) The department may investigate any complaint filed within the required time frame. If the department determines that a violation of this chapter has occurred, it may issue a notice of infraction.

NEW SECTION. Sec. 15. The department may issue a notice of infraction to an employer who violates this chapter. The employment standards supervisor shall direct that notices of infraction contain the following when issued:

(1) A statement that the notice represents a determination that the infraction has been committed by the employer named in the notice and that the determination shall be final unless contested;

(2) A statement that the infraction is a noncriminal offense for which imprisonment shall not be imposed as a sanction;

(3) A statement of the specific violation which necessitated issuance of the infraction;

(4) A statement of the penalty involved if the infraction is established;

(5) A statement informing the employer of the right to a hearing conducted pursuant to chapter 34.05 RCW if requested within twenty days of issuance of the infraction;

(6) A statement that at any hearing to contest the notice of infraction the state has the burden of proving, by a preponderance of the evidence, that the infraction was committed, and

that the employer may subpoena witnesses including the agent that issued the notice of infraction:

(7) If a notice of infraction is personally served upon a supervisory or managerial employee of a firm or corporation, the department shall within seventy-two hours of service send a copy of the notice by certified mail to the employer;

(8) Constructive service may be made by certified mail directed to the employer named in the notice of infraction.

NEW SECTION. Sec. 16. (1) If an employer is a corporation or a partnership, the department need not serve the employer personally. In such a case, if no officer or partner of a violating employer is present, the department may issue a notice of infraction to any managerial employee.

(2) If the department serves a notice of infraction on a managerial employee, and not on an officer, or partner of the employer, the department shall mail by certified mail a copy of the notice of infraction to the employer. The department shall mail a second copy by ordinary mail.

NEW SECTION. Sec. 17. In any case in which the department shall issue an order against any political or civil subdivision of the state, or any agency, or instrumentality of the state or of the foregoing, or any officer or employee thereof, the department shall transmit a copy of such order to the governor of the state. The governor shall take such action to secure compliance with such order as the governor deems necessary.

NEW SECTION. Sec. 18. (1) If an employer desires to contest the notice of infraction issued, the employer shall file two copies of a notice of appeal with the department at the office designated on the notice of infraction, within twenty days of issuance of the infraction.

(2) The department shall conduct a hearing in accordance with chapter 34.05 RCW.

(3) Employers may appear before the administrative law judge through counsel, or may represent themselves. The department shall be represented by the attorney general.

(4) Admission of evidence is subject to RCW 34.05.452 and 34.05.446.

(5) The administrative law judge shall issue a proposed decision that includes findings of fact, conclusions of law, and if appropriate, any legal penalty. The proposed decision shall be served by certified mail or personally on the employer and the department. The employer or department may appeal to the director within thirty days after the date of issuance of the proposed decision. If none of the parties appeals within thirty days, the proposed decision may not be appealed either to the director or the courts.

(6) An appellant must file with the director an original and four copies of its notice of appeal. The notice of appeal must specify which findings and conclusions are erroneous. The appellant must attach to the notice the written arguments supporting its appeal.

The appellant must serve a copy of the notice of appeal and the arguments on the other parties. The respondent parties must file with the director their written arguments within thirty days after the date the notice of appeal and the arguments were served upon them.

(7) The director shall review the proposed decision in accordance with the administrative procedure act, chapter 34.05 RCW. The director may: Allow the parties to present oral arguments as well as the written arguments; require the parties to specify the portions of the record on which the parties rely; require the parties to submit additional information by affidavit or certificate; remand the matter to the administrative law judge for further proceedings; and require a departmental employee to prepare a summary of the record for the director to review. The director shall issue a final decision that can affirm, modify, or reverse the proposed decision.

(8) The director shall serve the final decision on all parties. Any aggrieved party may appeal the final decision to superior court pursuant to RCW 34.05.570 unless the final decision affirms an unappealed proposed decision. If no party appeals within the period set by RCW 34.05.570, the director's decision is conclusive and binding on all parties.

NEW SECTION. Sec. 19. An employer found to have committed an infraction under this chapter may be subject to a fine of up to two hundred dollars for the first infraction. An employer that continues to violate the statute may be subject to a fine of up to one thousand dollars for each infraction. An employer found to have failed to reinstate an employee as required under section 7 of this act may also be ordered to reinstate the employee, with or without back pay.

NEW SECTION. Sec. 20. The department shall develop and furnish to each employer a poster which describes an employer's obligations and an employee's rights under this chapter. The poster must include notice about any state law, rule, or regulation governing maternity disability leave and indicate that federal or local ordinances, laws, rules or regulations may also apply. The poster must also include a telephone number and an address of the department to enable employees to obtain more information regarding this chapter. Each employer must display this poster in a conspicuous place. Nothing in this section shall be construed to create a right to continued employment.

NEW SECTION. Sec. 21. (1) The department will cease to administer and enforce this act upon the effective date of any federal act it determines, with the consent of the legislative

budget committee, to be substantially similar, in substance and enforcement, to this act. A federal act shall be considered substantially similar even where the duration of leave required or size of employer covered is different than that under this chapter.

(2) No employee shall have a private right of action for any alleged violation of this chapter.

NEW SECTION. Sec. 22. The legislature finds that employers often distinguish between biological parents, and adoptive parents and stepparents in their employee leave policies. Many employers who grant leave to their employees to care for a newborn child either have no policy or establish a more restrictive policy regarding whether an adoptive parent or stepparent can take similar leave. The legislature further finds that many employers establish different leave policies for men and women regarding the care of a newborn or newly placed child. The legislature recognizes that the bonding that occurs between a parent and child is important to the nurturing of that child, regardless of whether the parent is the child's biological parent and regardless of the gender of the parent. For these reasons, the legislature declares that it is the public policy of this state to require that employers who grant leave to their employees to care for a newborn child make the same leave available upon the same terms for adoptive parents and stepparents, men and women.

NEW SECTION. Sec. 23. A new section is added to chapter 49.12 RCW to read as follows:

(1) An employer must grant an adoptive parent or a stepparent, at the time of birth or initial placement for adoption of a child under the age of six, the same leave under the same terms as the employer grants to biological parents. As a term of leave, an employer may restrict leave to those living with the child at the time of birth or initial placement.

(2) An employer must grant the same leave upon the same terms for men as it does for women.

(3) The department shall administer and investigate violations of this section. Notices of infraction, penalties, and appeals shall be administered in the same manner as violations under RCW 49.12.285.

(4) For purposes of this section, 'employer' includes all private and public employers listed in RCW 49.12.005(3).

(5) For purposes of this section, 'leave' means any leave from employment granted to care for a newborn or a newly adopted child at the time of placement for adoption.

(6) Nothing in this section requires an employer to:

(a) Grant leave equivalent to maternity disability leave; or

(b) Establish a leave policy to care for a newborn or newly placed child if no such leave policy is in place for any of its employees.

NEW SECTION. Sec. 24. A new section is added to chapter 49.12 RCW to read as follows:

In the case of employees covered by an unexpired collective bargaining agreement that expires on or after September 1, 1989, or by an employee benefit program or plan with a stated year ending on or after September 1, 1989, the effective date of section 23 of this act shall be the later of: (1) The first day following expiration of the collective bargaining agreement; or (2) the first day of the next plan year.

NEW SECTION. Sec. 25. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 26. Sections 1 through 21 of this act shall constitute a new chapter in Title 49 RCW.

NEW SECTION. Sec. 27. This act shall take effect September 1, 1989."

On page 1, line 1 of the title, after "family" strike the remainder of the title and insert "leave; adding new sections to chapter 49.12 RCW; adding a new chapter to Title 49 RCW; creating new sections; prescribing penalties; and providing effective dates."

and the same is herewith transmitted.

W. D. Naismith, Assistant Secretary.

MOTION

Mr. Vekich moved that the House do concur in the Senate amendments to Engrossed Substitute House Bill No. 1581. The motion was carried.

FINAL PASSAGE OF HOUSE BILL AS AMENDED BY SENATE

The Speaker stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 1581 as amended by the Senate.

Mr. Wang spoke in favor of passage of the bill.

POINT OF INQUIRY

Mr. Wang yielded to question by Mr. Vekich.

Mr. Vekich: Representative Wang, I believe some clarification of the definition of "terminal health condition" is needed. Does the language "reasonable medical

judgment" and the definition relate both to the determination that the illness is incurable and that it will produce death within a certain time?

Mr. Wang: Yes, Representative Vekich. There is a two-step qualification. A terminal health condition can only be found if the medical judgment is such that the disease is incurable and that it will result in death during the time leave is taken. Under section 5, this judgment is made by a health care provider in the case of a dispute. In all other cases, if the child's doctor says that the child has an incurable disease which will result in death within the time of leave, the leave is available for the responsible adult. I cannot foresee a situation where, if the death does not result during the predicted time period, the employee would be penalized.

Representatives Walker, Rector, Leonard and Miller spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1581 as amended by the Senate, and the bill passed the House by the following vote: Yeas, 78; nays, 16; excused, 4.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Belcher, Betrozoff, Braddock, Brekke, Bristow, Brough, Cantwell, Cole, Cooper, Crane, Day, Dellwo, Dorn, Ebersole, Fisher G, Fisher R, Fraser, Gallagher, Grant, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Insee, Jacobsen, Jesernig, Jones, King P, King R, Kremen, Leonard, Locke, Meyers R, Miller, Morris, Moyer, Myers H, Nelson, Nutley, O'Brien, Patrick, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rector, Rust, Sayan, Schmidt, Schoon, Scott, Sommers H, Spanel, Sprenkle, Tate, Todd, Valle, Van Luven, Vekich, Walk, Walker, Wang, Wilson K, Wineberry, Winsley, Wood, Youngsman, Zellinsky, and Mr. Speaker - 78.

Voting nay: Representatives Baugher, Bowman, Brooks, Brumsickle, Chandler, Ferguson, Fuhrman, Horn, McLean, Nealey, Padden, Rayburn, Smith, Sommers D, Wilson S, Wolfe - 16.

Excused: Representatives Beck, Doty, May, Silver - 4.

Engrossed Substitute House Bill No. 1581 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

The Speaker declared the House to be at ease.

The Speaker called the House to order.

MOTION

Mr. Ebersole moved that the rules be suspended and Reengrossed Substitute Senate Bill No. 5373 listed on today's introduction sheet under the fourth order of business be advanced to second reading. The motion was carried.

There being no objection, the House reverted to the sixth order of business.

SECOND READING

REENGROSSED SUBSTITUTE SENATE BILL NO. 5373, by Committee on Transportation (originally sponsored by Senators Patterson, Bender, Nelson and Conner; by request of Governor)

Making transportation appropriations for the 1989-91 biennium.

The bill was read the second time. With consent of the House, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Representatives Walk and Schmidt spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Reengrossed Substitute Senate Bill No. 5373, and the bill passed the House by the following vote: Yeas, 82; nays, 12; excused, 4.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Baugher, Belcher, Betrozoff, Bowman, Braddock, Bristow, Brooks, Brough, Brumsickle, Cantwell, Cooper, Crane, Dellwo, Dorn, Ebersole, Ferguson, Fisher G, Fisher R, Fraser, Fuhrman, Gallagher, Grant, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Insee, Jacobsen, Jesernig, Jones, Kremen, Leonard, Locke, McLean, Meyers R, Morris, Moyer, Myers H, Nealey, Nutley, O'Brien, Padden, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust,

Schmidt, Schoon, Smith, Sommers D, Sommers H, Spanel, Sprengle, Tate, Todd, Valle, Van Luven, Vekich, Walk, Walker, Wang, Wilson K, Wineberry, Winsley, Wolfe, Wood, Youngsman, Zellinsky, and Mr. Speaker - 82.

Voting nay: Representatives Brekke, Chandler, Cole, Day, King P, King R, Miller, Nelson, Patrick, Sayan, Scott, Wilson S - 12.

Excused: Representatives Beck, Doty, May, Silver - 4.

Reengrossed Substitute Senate Bill No. 5373, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

The Speaker declared the House to be at ease.

The Speaker called the House to order.

REPORT OF FREE CONFERENCE COMMITTEE

May 7, 1989

Mr. Speaker:

We of your Free Conference Committee to whom was referred ENGROSSED SUBSTITUTE SENATE BILL NO. 5352, making appropriations for the 1989-91 biennium, have had the same under consideration and we recommend that the bill be amended as proposed in the request for Free Conference and that the bill do pass as amended by the Free Conference Committee.

(See Report of Conference Committee on Engrossed Substitute Senate Bill No. 5352, 15th Day, First Special Session, May 8, 1989.)

Signed by Senators McDonald, Hayner, Gaspard; Representatives Locke, Ebersole, Silver.

MOTION

Mr. Locke moved that the House adopt the Report of the Free Conference Committee on Engrossed Substitute Senate Bill No. 5352. The motion was carried.

FINAL PASSAGE OF SENATE BILL AS AMENDED BY FREE CONFERENCE COMMITTEE

The Speaker stated the question before the House to be the final passage of Engrossed Substitute Senate Bill No. 5352 as amended by Free Conference Committee.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute Senate Bill No. 5352 as amended by Free Conference Committee, and the bill passed the House by the following vote: Yeas, 88; nays, 6; excused, 4.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Baugher, Belcher, Betrozoff, Bowman, Braddock, Brekke, Bristow, Brooks, Brough, Brumsickle, Cantwell, Cole, Cooper, Crane, Day, Dellwo, Dorn, Ebersole, Ferguson, Fisher G, Fisher R, Fraser, Gallagher, Grant, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Inslee, Jacobsen, Jesernig, Jones, King P, King R, Kremen, Leonard, Locke, Meyers R, Miller, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Patrick, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Schoon, Scott, Sommers D, Sommers H, Spanel, Sprengle, Tate, Todd, Valle, Van Luven, Vekich, Walk, Walker, Wang, Wilson K, Wilson S, Wineberry, Winsley, Wood, Youngsman, Zellinsky, and Mr. Speaker - 88.

Voting nay: Representatives Chandler, Fuhrman, McLean, Padden, Smith, Wolfe - 6.

Excused: Representatives Beck, Doty, May, Silver - 4.

Engrossed Substitute Senate Bill No. 5352 as amended by Free Conference Committee, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

POINTS OF PERSONAL PRIVILEGE

Mr. Locke: I am glad that the members of this House have passed this budget by such an overwhelming majority. It certainly is a lot stronger margin of approval than when we passed the House budget several weeks ago. One of the things that I certainly want to say is that it has been a difficult negotiating process, and I think that both the House and Senate can emerge from this process as victors. Both Democrats and Republicans can claim victory in this budget. We started this

budget several months ago. When the House passed its budget, we were guided by several principles--a commitment to make a long-term public investment in children and families, a commitment to strengthen our education system and make it one of our nation's finest, a commitment to improve the quality of life for all people in the State of Washington, whether it's the smallest infant on life support or a ninety-year-old person in a nursing home in Spokane. But, more importantly, we wanted to commit our state dollars to those areas that are most in need. We have had to make a lot of painful choices. I think that everyone can say it is a good budget and that it maintains the priorities of both the House and Senate, Democrats and Republicans. It is a very human budget, so I think the people in the State of Washington are the final winners. It is a human budget, and, for that, I think all of us can be proud and can take that back to our constituents. Thank you very much for your support on this budget.

Mr. Fuhrman: Thank you, Mr. Speaker. Having already voted, I would like to speak as to why I voted "No" on this budget. I would like to mention that this is a twenty-one percent budget increase. I would like to mention that what we do here tonight is serious. We have a citizenry out there that is paying for this with their taxes to the State of Washington, and this twenty-one percent budget increase is something that most of them are not receiving in inflation or cost-of-living increases. If you add inflation and population, it does not come near to twenty-one percent. We have created a bow wave in this, and we have to be serious about what we are doing. This will carry forward the budget; the bow wave we are carrying forward will approach fourteen million dollars. We will be back here in 1991 facing that. I thank you.

SIGNED BY THE SPEAKER

The Speaker announced he was signing:

SUBSTITUTE HOUSE BILL NO. 1581.

The Speaker declared the House to be at ease.

The Speaker called the House to order.

POINT OF PERSONAL PRIVILEGE

Mr. Ballard: Thank you, Mr. Speaker. Ladies and gentlemen: The hour is late, but I have one subject of importance that I would like to put before you prior to Sine Die. With your permission, I would like to explain my concern and also discuss a possible plan of action. Recently we had a situation in which the committee appointments were made. That is always a tough situation when we have minority and majority party concerns. Mr. Speaker, I would hope that we could revisit the process and the appointments at a later date. It is extremely important that we maintain a good working relationship between the minority and majority parties. It is also very important that we have input for the good of our caucus and for the good of the system. So, Mr. Speaker, my request is that we revisit the process, talk about it, and look at how we are going to do things in the future in the other existing appointments. Thank you.

MESSAGE FROM THE SENATE

May 10, 1989

Mr. Speaker:

The President has signed:

SUBSTITUTE HOUSE BILL NO. 1581,

HOUSE BILL NO. 2244,

SUBSTITUTE SENATE BILL NO. 5373,

SENATE BILL NO. 6095,

SENATE CONCURRENT RESOLUTION NO. 8425,

and the same are herewith transmitted.

Gordon A. Golob, Secretary.

SIGNED BY THE SPEAKER

The Speaker announced he was signing:

SUBSTITUTE SENATE BILL NO. 5373,
SENATE BILL NO. 6095,
SENATE CONCURRENT RESOLUTION NO. 8425.

There being no objection, the House advanced to the eighth order of business.

MOTIONS

On motion of Mr. Ebersole, House Bill No. 2243, House Bill No. 2246, House Joint Memorial No. 4024, and House Joint Memorial No. 4025 were referred to Committee on Rules 2.

On motion of Mr. Ebersole, House Bill No. 1735, House Bill No. 2124, House Bill No. 2152, House Bill No. 2216, House Bill No. 2221, House Joint Resolution No. 4214, and House Concurrent Resolution No. 4410 were referred to Committee on Rules 2.

There being no objection, the House reverted to the fourth order of business.

INTRODUCTION AND FIRST READING

HCR 4421 by Representatives Ebersole and Ballard

Providing for adjournment of 1989 first special session.

MOTION

On motion of Mr. Ebersole, the rules were suspended and House Concurrent Resolution No. 4421 was placed on the second reading calendar.

The resolution was read the second time.

With consent of the House, the rules were suspended, the second reading considered the third, and the resolution was placed on final passage.

House Concurrent Resolution No. 4421 was adopted.

There being no objection, the House advanced to the eighth order of business.

RESOLUTION

HOUSE FLOOR RESOLUTION NO. 89-4709, by Representatives Ebersole and Ballard

BE IT RESOLVED, That the Speaker of the House of Representatives appoint a committee of four members of the House to notify the Senate that the House of Representatives is ready to adjourn the 1989 First Special Session of the 51st Legislature Sine Die.

On motion of Mr. Ebersole, House Floor Resolution No. 4709 was adopted.

APPOINTMENT OF SPECIAL COMMITTEE

Under the terms of House Floor Resolution No. 89-4709, the Speaker appointed Representatives Morris, Inslee and S. Wilson to notify the Senate that the House was ready to adjourn Sine Die.

REPORT OF SPECIAL COMMITTEE FROM SENATE

The Sergeant at Arms announced the arrival of a special committee from the Senate and the Speaker instructed him to escort the committee to the bar of the House.

The committee, consisting of Senators Anderson, Thorsness and Rinehart, advised the House that the Senate was ready to adjourn Sine Die.

The report was received and the special committee was escorted from the House Chamber.

MESSAGES FROM THE SENATE

May 10, 1989

Mr. Speaker:

The Senate has adopted the report of the Free Conference Committee on ENGROSSED SUBSTITUTE SENATE BILL NO. 5352 and has passed the bill as amended by the Free Conference Committee.

W. D. Naismith, Assistant Secretary.

May 10, 1989

Mr. Speaker:

The President has signed:

SUBSTITUTE SENATE BILL NO. 5352,

and the same is herewith transmitted.

W. D. Naismith, Assistant Secretary.

May 10, 1989

Mr. Speaker:

The Senate has adopted:

HOUSE CONCURRENT RESOLUTION NO. 4421,

SENATE CONCURRENT RESOLUTION NO. 8423,

SENATE CONCURRENT RESOLUTION NO. 8424,

and the same are herewith transmitted.

W. D. Naismith, Assistant Secretary.

There being no objection, the House reverted to the fourth order of business.

INTRODUCTION AND FIRST READING

SCR 8423 by Senators Hayner, Sellar, Vognild and Warnke

Providing for transmittal of bills, resolutions, and memorials upon adjournment of legislature.

MOTION

On motion of Mr. Ebersole, the rules were suspended and Senate Concurrent Resolution No. 8423 was placed on the second reading calendar.

The resolution was read the second time.

On motion of Mr. Ebersole, the rules were suspended, the second reading considered the third, and the resolution was placed on final passage.

Senate Concurrent Resolution No. 8423 was adopted.

SIGNED BY THE SPEAKER

The Speaker announced he was signing:

SUBSTITUTE SENATE BILL NO. 5352,

HOUSE CONCURRENT RESOLUTION NO. 4421.

INTRODUCTION AND FIRST READING

SCR 8424 by Senators Hayner, Sellar, Vognild and Warnke

Notifying the Governor that the legislature is about to adjourn Sine Die.

MOTION

With consent of the House, the rules were suspended and Senate Concurrent Resolution No. 8424 was advanced to second reading.

The resolution was read the second time.

With consent of the House, the rules were suspended, the second reading considered the third, and the resolution was placed on final passage.

Senate Concurrent Resolution No. 8424 was adopted.

APPOINTMENT OF SPECIAL COMMITTEE

Under the terms of Senate Concurrent Resolution No. 8424, the Speaker appointed Representatives Jacobsen, Leonard and Miller to notify the Governor that the Legislature was ready to adjourn Sine Die.

REPORT OF SPECIAL COMMITTEE

The Special Committee appointed under the terms of House Floor Resolution No. 89-4709 appeared at the bar of the House and reported that they had notified the Senate that the House was about to adjourn Sine Die.

The report was received and the committee was discharged.

MESSAGE FROM THE SENATE

May 10, 1989

Mr. Speaker:

The President has signed:

HOUSE CONCURRENT RESOLUTION NO. 4421,
SENATE CONCURRENT RESOLUTION NO. 8423,
SENATE CONCURRENT RESOLUTION NO. 8424,

and the same are herewith transmitted.

W. D. Naismith, Assistant Secretary.

REPORT OF SPECIAL COMMITTEE

The Special Committee appointed under the terms of Senate Concurrent Resolution No. 8424 appeared at the bar of the House and reported that they had notified the Governor that the Legislature was about to adjourn Sine Die.

The report was received and the committee was discharged.

SIGNED BY THE SPEAKER

The Speaker announced he was signing:

SENATE CONCURRENT RESOLUTION NO. 8423,
SENATE CONCURRENT RESOLUTION NO. 8424.

MESSAGE FROM THE SENATE

May 10, 1989

Mr. Speaker:

Under the provisions of Senate Concurrent Resolution No. 8423, the Senate herewith returns the following bills:

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1294,
ENGROSSED HOUSE BILL NO. 1360,
REENGROSSED HOUSE BILL NO. 1648,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1825,
SUBSTITUTE HOUSE BILL NO. 1963,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2198,
HOUSE JOINT MEMORIAL NO. 4023,
HOUSE CONCURRENT RESOLUTION NO. 4418.

W. D. Naismith, Assistant Secretary.

MOTION

On motion of Mr. Ebersole, reading of the Journal of the Seventeenth Day of the 1989 First Special Session of the Fifty-First Legislature was dispensed with and it was ordered to stand approved.

MOTION

On motion of Mr. Ebersole, the 1989 First Special Session of the Fifty-First Legislature was adjourned Sine Die.

JOSEPH E. KING, Speaker

ALAN THOMPSON, Chief Clerk

SECOND SPECIAL SESSION

FIRST DAY

AFTERNOON SESSION

House Chamber, Olympia, Wednesday, May 17, 1989

The House was called to order at 1:00 p.m. by the Speaker (Mr. O'Brien presiding). The Clerk called the roll and all members were present except Representatives Beck, Betzoff, Brooks, Brumsickle, Chandler and Hankins. On motion of Ms. Miller, Representatives Beck, Betzoff, Brooks, Brumsickle, Chandler and Hankins were excused.

The flag was escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Noel Marshall and Sarah Schoenfeldt. Prayer was offered by The Reverend Timothy Dolan, Minister of the Westminster Presbyterian Church of Olympia:

Our loving God, as this special legislative session begins, we pause for a moment to acknowledge Your presence and to ask for Your help and guidance. You well know that the problems these men and women face are complex. The issues they deal with are very sensitive, and the pressure to find adequate solutions comes from all sides. I pray that You would encourage and strengthen each one and help them to be refreshed as they tackle the many issues at hand. Give them the grace to serve unselfishly and to govern wisely. As this day continues, I pray that You would keep them from being impatient and from having a quick temper. Keep them from being touchy and quick to take offense. Enable them to avoid that stubborn attitude that seeks its own point of view and which wants only its own way. Give them insight and understanding. Help them to listen to one another and work together and be persevering as they seek to do what is best for all. Bless them in their work today. Amen.

MESSAGE FROM THE SECRETARY OF STATE

The Honorable Speaker of the House of Representatives
The Legislature of the State of Washington
Olympia, Washington
Mr. Speaker:

I have attached a full, true, and correct copy of Proclamation No. 89-04 of the Governor calling a special session of the Washington State Legislature to be convened at 1:00 p.m. on May 17, 1989.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Seal of the State of Washington this fifteenth day of May, 1989.

(Seal)

Ralph Munro, Secretary of State.

PROCLAMATION BY THE GOVERNOR

WHEREAS, in accordance with Article II, Section 12 (Amendment 68), the 1989 First Special Session adjourned May 10, 1989, without finishing its essential tasks; and

WHEREAS, it is therefore necessary for me to convene a Second Special Session for the purposes of adequately addressing matters related to the 1989-91 Transportation Budget with adequate funding, Washington Futures, Model Conservation Standards, and any other matters the Legislature may wish to address;

NOW, THEREFORE, I, Booth Gardner, Governor of the State of Washington, by virtue of the authority vested in me by Article II, Section 12 (Amendment 68), and Article III, Section 7 of the State Constitution, do hereby convene the Legislature of the State of Washington on Wednesday, the 17th day of May, 1989, at 1:00 p.m. in Special Session in the Capitol at Olympia for the purposes stated herein.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the State of Washington to be affixed at Olympia this 13th day of May, A.D., Nineteen Hundred and Eighty-Nine.

(Seal)

BOOTH GARDNER,
Governor.

There being no objection, the House advanced to the eighth order of business.

RESOLUTION

HOUSE FLOOR RESOLUTION NO. 89-4710, by Representatives Ebersole and Ballard

BE IT RESOLVED, That the Speaker of the House of Representatives appoint a committee of three members of the House to notify the Senate that the House of Representatives is organized and ready to conduct the business of the 1989 Second Special Session of the 51st Legislature.

On motion of Mr. Heavey, House Floor Resolution No. 89-4710 was adopted.

APPOINTMENT OF SPECIAL COMMITTEE

Under the terms of House Floor Resolution No. 89-4710, the Speaker (Mr. O'Brien presiding) appointed Representatives Kremen, Nutley and Schmidt to notify the Senate that the House was organized and ready to conduct business.

REPORT OF SPECIAL COMMITTEE FROM SENATE

The Sergeant at Arms announced the arrival of a special committee from the Senate and the Speaker (Mr. O'Brien presiding) instructed him to escort the committee to the bar of the House.

The committee, consisting of Senators Smitherman, Lee and Johnson, advised the House that the Senate was organized and ready to conduct business.

The report was received and the special committee was escorted from the House Chamber.

There being no objection, the House reverted to the fourth order of business.

INTRODUCTION AND FIRST READING

HCR 4422 by Representatives Ebersole and Ballard

Notifying the governor that the legislature is organized and ready to conduct business.

MOTION

On motion of Mr. Heavey, the rules were suspended and House Concurrent Resolution No. 4422 was advanced to second reading.

The resolution was read the second time.

On motion of Mr. Heavey, the rules were suspended, the second reading considered the third, and the resolution was placed on final passage.

House Concurrent Resolution No. 4422 was adopted.

APPOINTMENT OF SPECIAL COMMITTEE

Under the terms of House Concurrent Resolution No. 4422, the Speaker (Mr. O'Brien presiding) appointed Representatives Belcher, Jones and Patrick to notify the Governor that the Legislature was organized and ready to conduct business.

REPORT OF SPECIAL COMMITTEE

The special committee appointed under the terms of House Floor Resolution No. 89-4710 appeared at the bar of the House and reported that they had notified the Senate that the House was organized and ready to conduct business.

The report was received and the committee was discharged.

MESSAGE FROM THE SENATE

May 17, 1989

Mr. Speaker:

The Senate has adopted:

SENATE CONCURRENT RESOLUTION NO. 8426,

and the same is herewith transmitted.

W. D. Naismith, Assistant Secretary.

INTRODUCTION AND FIRST READING

SCR 8426 by Senators Hayner, Sellar, Vognild and Warnke

Reintroducing legislation from 1989 Regular and First Special Sessions.

MOTION

On motion of Mr. Heavey, the rules were suspended and Senate Concurrent Resolution No. 8426 was advanced to second reading.

The resolution was read the second time.

On motion of Mr. Heavey, the rules were suspended, the second reading considered the third, and the resolution was placed on final passage.

Senate Concurrent Resolution No. 8426 was adopted.

REPORT OF SPECIAL COMMITTEE

The special committee appointed under the terms of House Concurrent Resolution No. 4422 appeared at the bar of the House and reported that they had notified the Governor that the Legislature was organized and ready to conduct business.

The report was received and the committee was discharged.

There being no objection, the House advanced to the eighth order of business.

RESOLUTION

HOUSE FLOOR RESOLUTION NO. 89-4711, by Representatives R. Meyers, Anderson, Appelwick, Ballard, Basich, Baugher, Beck, Belcher, Betrozoff, Bowman, Braddock, Brekke, Bristow, Brooks, Brough, Brumsickle, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Ferguson, G. Fisher, R. Fisher, Fraser, Fuhrman, Gallagher, Grant, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Inslee, Jacobsen, Jesernig, Jones, J. King, P. King, R. King, Kremen, Leonard, Locke, May, McLean, Miller, Morris, Moyer, H. Myers, Nealey, Nelson, Nutley, O'Brien, Padden, Patrick, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith, D. Sommers, H. Sommers, Spanel, Sprenkle, Tate, Todd, Valle, Van Luven, Vekich, Walk, Walker, Wang, K. Wilson, S. Wilson, Wineberry, Winsley, Wolfe, Wood, Youngsman and Zellinsky

WHEREAS, The House of Representatives wishes to honor Jesse Martin for the hope, courage and determination he has exhibited during his eleven years of life; and

WHEREAS, The House of Representatives wishes to encourage Washington citizens to support and contribute to continuing cancer research; and

WHEREAS, Jesse Martin had coronary bypass surgery at the age of six months, open heart surgery at age five and, in 1988, was found to have leukemia; and

WHEREAS, Despite his medical problems, Jesse has managed to live an active and full life, attending University Place Elementary School in Tacoma, where he studies hard, plays soccer and practices the trumpet; and

WHEREAS, Doctors are hopeful that Jesse's daily chemotherapy treatment will bring his leukemia into remission permanently within the next two years; and

WHEREAS, Jesse will participate on May 19 and 20, 1989, in the American Cancer Society's "City of Destiny" twenty-four hour cancer run at the Stadium Bowl in Tacoma, where he will represent Camp Good Times, a summer camp for kids with cancer;

NOW, THEREFORE, BE IT RESOLVED, That the House of Representatives, as a body, and on behalf of the people of Washington, offer its hope that the same

determination, bravery and sense of humor that have brought Jesse Martin this far will see him through the challenges he now faces and lead him to a full and swift recovery; and

BE IT FURTHER RESOLVED, That the members of the House of Representatives encourage the people of Washington to give their financial support to cancer research and that they attend, if possible, or contribute to the City of Destiny cancer run; and

BE IT FURTHER RESOLVED, That copies of this Resolution be immediately transmitted by the Chief Clerk of the House of Representatives to Jesse Martin; to his mother, Rose Martin; his father, James Martin; his grandparents, Ethel Martin and Dale Smoke; and to Mr. and Mrs. William Porter.

Mr. R. Meyers moved adoption of the resolution and spoke in favor of it.

On motion of Ms. Rasmussen, the rules were suspended and the names of all members of the House of Representatives were added as sponsors of the resolution.

Mr. Pruitt spoke in favor of the resolution.

House Floor Resolution No. 89-4711 was adopted.

SPEAKER'S PRIVILEGE

The Speaker (Mr. O'Brien presiding) introduced Jesse Martin and his mother, Rose Martin, who were seated in the place of honor in the rear of the House Chamber.

RESOLUTION

HOUSE FLOOR RESOLUTION NO. 89-4712, by Representatives Valle, Nelson, Brekke, Anderson, Appelwick, Ballard, Basich, Baugher, Beck, Belcher, Betrozoff, Bowman, Braddock, Bristow, Brooks, Brough, Brumsickle, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Ferguson, G. Fisher, R. Fisher, Fraser, Fuhrman, Gallagher, Grant, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Inslée, Jacobsen, Jesernig, Jones, J. King, P. King, R. King, Kremen, Leonard, Locke, May, McLean, R. Meyers, Miller, Morris, Moyer, H. Myers, Nealey, Nutley, O'Brien, Padden, Patrick, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith, D. Sommers, H. Sommers, Spanel, Sprengle, Tate, Todd, Van Luven, Vekich, Walk, Walker, Wang, K. Wilson, S. Wilson, Wineberry, Winsley, Wolfe, Wood, Youngsman and Zellinsky

WHEREAS, Norway gained its independence on May 17, 1814; and

WHEREAS, This event is one of the most celebrated Norwegian holidays; and

WHEREAS, Norwegians are one of the largest European immigrant groups in the United States and are known for their pride in their heritage; and

WHEREAS, Norwegian Independence Day has been celebrated in Washington for one hundred years; and

WHEREAS, The celebrating of Norwegian Independence Day is a special feature of the annual Ballard Norwegian Festival;

NOW, THEREFORE, BE IT RESOLVED, That the House of Representatives recognize the importance of one hundred years of freedom and honor the contributions and achievements of Norwegians in the State of Washington during the one hundred years prior to Washington's Centennial Celebration.

Ms. Valle moved adoption of the resolution and spoke in favor of it.

On motion of Mr. Heavey, the rules were suspended and the names of all members of the House of Representatives were added as sponsors of the resolution.

House Floor Resolution No. 89-4712 was adopted.

MESSAGES FROM THE SENATE

May 17, 1989

Mr. Speaker:

The President has signed:

SENATE CONCURRENT RESOLUTION NO. 8426.

and the same is herewith transmitted.

W. D. Naismith, Assistant Secretary.

May 17, 1989

Mr. Speaker:

The Senate has adopted:

HOUSE CONCURRENT RESOLUTION NO. 4422.

and the same is herewith transmitted.

W. D. Naismith, Assistant Secretary.

SIGNED BY THE SPEAKER

The Speaker (Mr. O'Brien presiding) announced he was signing:

HOUSE CONCURRENT RESOLUTION NO. 4422.

SENATE CONCURRENT RESOLUTION NO. 8426.

The Speaker (Mr. O'Brien presiding) declared the House to be at ease.

The Speaker called the House to order.

MOTION

Mr. Ebersole moved that Committee on Rules be relieved of Engrossed Substitute House Bill No. 1825, Engrossed Substitute House Bill No. 2198, and Engrossed Substitute House Bill No. 1294 and that the bills be placed on the third reading calendar. The motion was carried.

There being no objection, the House reverted to the seventh order of business.

THIRD READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1825, 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.

The bill was read the third time and placed on final passage.

Ms. R. Fisher spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1825, and the bill passed the House by the following vote: Yeas, 64; nays, 28; excused, 6.

Voting yea: Representatives Anderson, Appelwick, Basich, Baugher, Belcher, Braddock, Brekke, Bristow, Cantwell, Cole, Cooper, Crane, Day, Dellwo, Doty, Ebersole, Fisher G, Fisher R, Fraser, Gallagher, Grant, Hargrove, Haugen, Heavey, Hine, Insee, Jacobsen, Jesernig, Jones, King P, King R, Kremen, Leonard, Locke, Nelson, Nutley, O'Brien, Patrick, Peery, Phillips, Prentice, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Scott, Sommers H, Spanel, Sprengle, Todd, Valle, Vekich, Walk, Walker, Wang, Wilson K, Wineberry, Winsley, Wood, Zellinsky, and Mr. Speaker - 64.

Voting nay: Representatives Ballard, Bowman, Brough, Dorn, Ferguson, Fuhrman, Holland, Horn, May, McLean, Meyers R, Miller, Morris, Moyer, Myers H, Nealey, Padden, Prince, Schmidt, Schoon, Silver, Smith, Sommers D, Tate, Van Luven, Wilson S, Wolfe, Youngsman - 28.

Excused: Representatives Beck, Betrozoff, Brooks, Brumsickle, Chandler, Hankins - 6.

Engrossed Substitute House Bill No. 1825, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

Mr. Ebersole moved that the House immediately consider Engrossed Substitute House Bill No. 1294 on the third reading calendar. The motion was carried.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1294, by Committee on Trade & Economic Development (originally sponsored by Representatives Rector, Cantwell, Doty, Schoon, Rasmussen, Moyer, Raiter, Day, Peery, Wineberry, Winsley, Dorn, Morris, Dellwo, Heavey, Prentice, Leonard, Valle, Wang, G. Fisher, Basich, Kremen, Jones, Cooper, Walk, R. King, Phillips, Hine, Todd, Pruitt, Brekke, H. Myers, Ebersole, Jacobsen, Inslee, Crane, Sprengle and P. King)

Establishing the Washington employment futures program.

The bill was read the third time and placed on final passage.

Representatives Cantwell, Doty, Schoon, Ferguson, Rector and Moyer spoke in favor of passage of the bill, and Ms. Silver opposed it.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1294, and the bill passed the House by the following vote: Yeas, 78; nays, 14; excused, 6.

Voting yea: Representatives Anderson, Appelwick, Basich, Baugher, Belcher, Braddock, Brekke, Bristow, Brough, Cantwell, Cole, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Fraser, Gallagher, Hargrove, Haugen, Hine, Horn, Inslee, Jacobsen, Jones, King P, King R, Kremen, Leonard, Locke, May, Meyers R, Miller, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Patrick, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schoon, Scott, Smith, Sommers H, Spanel, Sprengle, Tate, Todd, Valle, Van Luven, Vekich, Walk, Walker, Wang, Wilson K, Wineberry, Winsley, Wood, Youngsman, Zellinsky, and Mr. Speaker - 78.

Voting nay: Representatives Ballard, Bowman, Fuhrman, Grant, Heavey, Holland, Jesernig, McLean, Padden, Schmidt, Silver, Sommers D, Wilson S, Wolfe - 14.

Excused: Representatives Beck, Betrozoff, Brooks, Brumsickle, Chandler, Hankins - 6.

Engrossed Substitute House Bill No. 1294, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

There being no objection, the House advanced to the eighth order of business.

MOTION

Mr. Locke moved that the House immediately consider the Governor's Veto Message regarding Engrossed Senate Bill No. 5233 for purpose of overriding the Governor's veto.

Representatives Locke, Ballard, H. Sommers, Heavey, Kremen, Ferguson and Padden spoke in favor of the motion.

ROLL CALL

The Clerk called the roll on the motion by Representative Locke to immediately consider the Governor's Veto Message regarding Engrossed Senate Bill No. 5233, and the motion was carried by the following vote: Yeas, 90; nays, 1; absent, 1; excused, 6.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Baugher, Belcher, Bowman, Braddock, Brekke, Bristow, Brough, Cantwell, Cole, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Fraser, Fuhrman, Gallagher, Grant, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Inslee, Jacobsen, Jesernig, Jones, King P, King R, Kremen, Leonard, Locke, May, McLean, Meyers R, Miller, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Padden, Patrick, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rector, Rust, Schmidt, Schoon, Scott, Silver, Smith, Sommers D, Sommers H, Spanel, Sprengle, Tate, Todd, Valle, Van Luven, Vekich, Walk, Walker, Wang, Wilson K, Wilson S, Wineberry, Winsley, Wolfe, Wood, Youngsman, Zellinsky; and Mr. Speaker - 90.

Voting nay: Representative Sayan - 1.

Absent: Representative Rayburn - 1.

Excused: Representatives Beck, Betrozoff, Brooks, Brumsickle, Chandler, Hankins - 6.

POINT OF ORDER

Mr. Ebersole: Mr. Speaker, I believe that, while we all obviously support the motion to consider this message, we cannot continue at this time. The Veto Message in question was of a Senate Bill, and the Veto Message was returned to the House of origin which was the Senate. I think we have, as a body, served notice of our sentiments that we do not approve of the Governor's veto. We want burglars off the

streets and in prison, which is where we put them with the passage of that bill. At this time, we cannot proceed with this procedure.

SPEAKER'S RULING

The Speaker: Representative Ebersole, I have just checked with the Chief Clerk and the Senate apparently is still in possession of the message. Your point of order is well taken. The message is, unfortunately, not before us.

POINTS OF PERSONAL PRIVILEGE

Ms. Brough: Thank you, Mr. Speaker. I am well aware of the fact that the point of order that was just made was going to be made. I simply want to talk to my colleagues for a moment, Mr. Speaker, and tell them to hold these thoughts. We will have the appropriate motion before us, I hope, within the next day or two as this special session progresses. This may have been an exercise, but I like to think of it as a warm-up exercise with the real show to follow. Thank you.

Mr. Locke: Thank you, Mr. Speaker and members of the body. We knew that, technically, the Veto Message was not before us. Those of us who spoke and urged the motion to consider the Governor's Veto Message, wanted to do so to give a message, not only to the Governor, but also to the Senate, lest they believe that we would not be in support of overriding the Governor's veto. The dialogue and the vote which occurred took place to put the Senate on notice that we are dead serious about overriding the Governor's veto for the reasons that we have all indicated. We hope that the Senate will immediately consider overriding the Governor's veto of the residential burglary bill. This is not an exercise in futility, but merely an indication to the public, the Senate and the Governor of just how serious we are with respect to this piece of legislation. Thank you very much.

STATEMENT FOR THE JOURNAL

Had I been present on Wednesday, May 17, 1989, I would have voted "No" on final passage of Engrossed Substitute House Bill No. 1825 and Engrossed Substitute House Bill No. 1294. I would have voted "Yes" on the motion by Representative Locke to immediately consider the Governor's Veto Message regarding Engrossed Senate Bill No. 5233.

SHIRLEY HANKINS, 8th District.

MESSAGES FROM THE GOVERNOR

May 11, 1989

To the Honorable, the House
of Representatives of the
State of Washington
Ladies and Gentlemen:

I have the honor to advise you that on May 11, 1989, Governor Gardner approved the following House Bills entitled:

- SUBSTITUTE HOUSE BILL NO. 1173: Relating to revision of nonclaim statutes;
- SUBSTITUTE HOUSE BILL NO. 1217: Relating to water and sewer districts;
- HOUSE BILL NO. 1253: Relating to nursing assistants;
- SUBSTITUTE HOUSE BILL NO. 1408: Relating to service credit in the public employees' retirement system;
- SUBSTITUTE HOUSE BILL NO. 1504: Relating to indoor air quality in publicly owned or leased buildings;
- HOUSE BILL NO. 1520: Relating to the salary survey for ferry system employees;
- SUBSTITUTE HOUSE BILL NO. 1965: Relating to boarding homes;
- SUBSTITUTE HOUSE BILL NO. 2011: Relating to commercial fishing licenses;
- SUBSTITUTE HOUSE BILL NO. 2036: Relating to metropolitan park districts;
- SUBSTITUTE HOUSE BILL NO. 2066: Relating to school students transportation safety evaluation.

Sincerely,
Terry Sebring, Counsel.

May 12, 1989

To the Honorable, the House
of Representatives of the
State of Washington
Ladies and Gentlemen:

I have the honor to advise you that on May 12, 1989, Governor Gardner approved the following House Bills entitled:

- SUBSTITUTE HOUSE BILL NO. 1074: Relating to mammograms;
- HOUSE BILL NO. 1085: Relating to coverage of health benefits for neurodevelopmental therapies in employer-sponsored group contracts;
- SUBSTITUTE HOUSE BILL NO. 1086: Relating to underground storage tanks;
- HOUSE BILL NO. 1103: Relating to motor vehicle warranties;
- SUBSTITUTE HOUSE BILL NO. 1414: Relating to the judicial information system fund;
- SUBSTITUTE HOUSE BILL NO. 1426: Relating to the hound stamp;
- SUBSTITUTE HOUSE BILL NO. 1430: Relating to gender equality in higher education;
- HOUSE BILL NO. 1478: Relating to the board of pharmacy;
- HOUSE BILL NO. 1518: Relating to industrial insurance coverage;
- SUBSTITUTE HOUSE BILL NO. 1558: Relating to legend drugs;
- SUBSTITUTE HOUSE BILL NO. 1569: Relating to forest protection;
- HOUSE BILL NO. 1618: Relating to public housing authorities;
- SUBSTITUTE HOUSE BILL NO. 1759: Relating to educational staff;
- HOUSE BILL NO. 1794: Relating to public contracts;
- HOUSE BILL NO. 1841: Relating to instructional materials;
- SUBSTITUTE HOUSE BILL NO. 2000: Relating to agricultural marketing;
- HOUSE BILL NO. 2016: Relating to gender equity in athletics;
- SUBSTITUTE HOUSE BILL NO. 2020: Relating to tuition and fee waivers and other activities for achieving gender equity;
- SUBSTITUTE HOUSE BILL NO. 2041: Relating to changes in landlord-tenant law;
- HOUSE BILL NO. 2131: Relating to mobile home electrical inspections;
- HOUSE BILL NO. 2168: Relating to the imposition of services charges at facilities handling wastes composed of both radioactive and hazardous components.

Sincerely,
Terry Sebring, Counsel.

May 13, 1989

To the Honorable, the House
of Representatives of the
State of Washington
Ladies and Gentlemen:

I have the honor to advise you that on May 13, 1989, Governor Gardner approved the following House Bills entitled:

- HOUSE BILL NO. 1019: Relating to home detention;
- SUBSTITUTE HOUSE BILL NO. 1071: Relating to criminal procedure;
- SUBSTITUTE HOUSE BILL NO. 1097: Relating to homes for the aged;
- SUBSTITUTE HOUSE BILL NO. 1133: Relating to encouraging employer involvement in child care facilities development and services;
- SECOND SUBSTITUTE HOUSE BILL NO. 1180: Relating to underground petroleum storage tanks;
- SUBSTITUTE HOUSE BILL NO. 1208: Relating to the certification of court reporters;
- HOUSE BILL NO. 1438: Relating to public transportation reporting requirements;
- HOUSE BILL NO. 1467: Relating to the transportation capital facilities account;
- HOUSE BILL NO. 1502: Relating to oversize and overweight vehicle permit fees;
- SUBSTITUTE HOUSE BILL NO. 1568: Relating to local government solid waste facilities and services procurement;
- SUBSTITUTE HOUSE BILL NO. 1574: Relating to the taxation of utilities and natural gas;
- SUBSTITUTE HOUSE BILL NO. 1788: Relating to the Puyallup tribe of Indians claims settlement;
- SUBSTITUTE HOUSE BILL NO. 1853: Relating to oil spill damage assessment;

SUBSTITUTE HOUSE BILL NO. 2014: Relating to special education programs for handicapped children;

HOUSE BILL NO. 2054: Relating to notification of the release of dangerous persons committed under the involuntary treatment act;

HOUSE BILL NO. 2118: Relating to the expansion of coverage from grade six to grade eight of certification for candidates for grades preschool through grade six certificates;

HOUSE BILL NO. 2222: Relating to state regulatory programs.

Sincerely,

Terry Sebring, Counsel.

There being no objection, the House advanced to the eleventh order of business.

MOTION

On motion of Mr. Ebersole, the House adjourned until 1:00 p.m., Thursday, May 11, 1989.

JOSEPH E. KING, Speaker

ALAN THOMPSON, Chief Clerk

SECOND SPECIAL SESSION

SECOND DAY

AFTERNOON SESSION

House Chamber, Olympia, Thursday, May 18, 1989

The House was called to order at 1:00 p.m. by the Speaker (Mr. O'Brien presiding). The Clerk called the roll and all members were present except Representatives Beck, Belcher, Betzoff, Bowman, Braddock, Brooks, R. Meyers, H. Sommers and Wood, who were excused.

The flag was escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Brian Fredrickson and Tawnee Fredrickson. Prayer was offered by The Reverend Timothy Dolan, Minister of the Westminster Presbyterian Church of Olympia.

Reading of the Journal of the previous day was dispensed with and it was ordered to stand approved.

CENTENNIAL MESSAGE
FROM THE STATE HISTORICAL SOCIETY

May 18, 1989

On this day in 1889, a great regatta in Tacoma, the first on Puget Sound, attracted twenty thousand people. The main event was a single scull race for a prize of one thousand dollars.

And, construction began in Ellensburg for the Port Eaton Railroad. The hope was that the early completion of the road would promote business.

On May 18, 1915 Henry Suzzallo was elected President of the University of Washington. He was a major publicist and builder of the University (he coined the phrase, "A University of a Thousand Years"). He was dismissed in 1926.

On May 18, 1918, in Centralia, vigilantes raided the hall of the Industrial Workers of the World, burned its furniture, flogged the members they had seized and ran them out of town.

On May 18, 1980 Mt. St. Helens erupted with the most devastating volcanic explosion seen in nearly two centuries in the Northwest. At 8:32 a.m. an earthquake triggered an avalanche which released the hot volcanic material.

The Speaker (Mr. O'Brien presiding) declared the House to be at ease.

The Speaker called the House to order.

There being no objection, the House advanced to the seventh order of business.

THIRD READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2198, 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.

The bill was read the third time and placed on final passage.

Representatives Nelson, Hankins, Cooper and May spoke in favor of passage of the bill, and Representatives Youngsman and Chandler spoke against it.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 2198, and the bill passed the House by the following vote: Yeas, 77; nays, 11; absent, 1; excused, 9.

Voting yea: Representatives Anderson, Appelwick, Brekke, Bristow, Brough, Brumsickle, Cantwell, Cole, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Fraser, Grant, Hankins, Hargrove, Haugen, Heavey, Hine, Horn, Inslee, Jacobsen, Jesernig, Jones, King P, King R, Kremen, Leonard, Locke, May, McLean, Miller, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Patrick, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Sommers D, Spanel, Sprenkle, Tate, Todd, Valle, Van Luven, Vekich, Walk, Walker, Wang, Wilson K, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 77.

Voting nay: Representatives Ballard, Basich, Baugher, Chandler, Fuhrman, Gallagher, Padden, Smith, Wilson S, Wolfe, Youngsman - 11.

Absent: Representative Holland - 1.

Excused: Representatives Beck, Belcher, Betzoff, Bowman, Braddock, Brooks, Meyers R, Sommers H, Wood - 9.

Engrossed Substitute House Bill No. 2198, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

STATEMENT FOR THE JOURNAL

Regarding final passage of Engrossed Substitute House Bill No. 2198, the record shows that I voted "Yes," but my intention was to vote "No." Please let the record show this change.

ALEX W. McLEAN, 12th District.

There being no objection, the House reverted to the fourth order of business.

INTRODUCTIONS AND FIRST READING

HB 2247 by Representatives Appelwick, Padden and Wineberry

AN ACT Relating to a technical correction and clarification to the parenting act; amending RCW 26.09.181; and declaring an emergency.

HB 2248 by Representatives Appelwick, Locke, Anderson, Jacobsen, Heavey and Wineberry

AN ACT Relating to disposition of forfeited firearms; amending RCW 9.41.098; making an appropriation; and declaring an emergency.

The Speaker referred House Bill No. 2248 listed on today's introduction sheet under the fourth order of business to Committee on Judiciary.

MOTION

Mr. Ebersole moved that the rules be suspended and that House Bill No. 2247 be advanced to second reading. The motion was carried.

SECOND READING

HOUSE BILL NO. 2247, by Representatives Appelwick, Padden and Wineberry

Making a technical correction to the parenting act.

The bill was read the second time. With consent of the House, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Representatives Appelwick and Padden spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 2247, and the bill passed the House by the following vote: Yeas, 89; excused, 9.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Baugher, Brekke, Bristow, Brough, Brumsickle, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Fraser, Fuhrman, Gallagher, Grant, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Inslee, Jacobsen, Jesernig, Jones, King P, King R, Kremen, Leonard, Locke, May, McLean, Miller, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Padden, Patrick, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith, Sommers D, Spanel, Sprenkle, Tate, Todd, Valle, Van Luven, Vekich, Walk, Walker, Wang, Wilson K, Wilson S, Wineberry, Winsley, Wolfe, Youngsman, Zellinsky, and Mr. Speaker - 89.

Excused: Representatives Beck, Belcher, Betzoff, Bowman, Braddock, Brooks, Meyers R, Sommers H, Wood - 9.

House Bill No. 2247, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

On motion of Mr. Ebersole, the House advanced to the eighth order of business.

MOTION

Mr. Ebersole moved that Committee on Rules be relieved of Engrossed House Bill No. 1360 and that the bill be placed on the third reading calendar. The motion was carried.

There being no objection, the House reverted to the seventh order of business.

THIRD READING

ENGROSSED HOUSE BILL NO. 1360, by Representatives R. Fisher, Ballard and Betzoff; by request of Governor Gardner

Revising personnel administration.

The bill was read the third time and placed on final passage.

Mr. Anderson spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 1360, and the bill passed the House by the following vote: Yeas, 89; excused, 9.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Baugher, Brekke, Bristow, Brough, Brumsickle, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Fraser, Fuhrman, Gallagher, Grant, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Inslee, Jacobsen, Jesernig, Jones, King P, King R, Kremen, Leonard, Locke, May, McLean, Miller, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Padden, Patrick, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith, Sommers D, Spanel, Sprenkle, Tate, Todd, Valle, Van Luven, Vekich, Walk, Walker, Wang, Wilson K, Wilson S, Wineberry, Winsley, Wolfe, Youngsman, Zellinsky, and Mr. Speaker - 89.

Excused: Representatives Beck, Belcher, Betzoff, Bowman, Braddock, Brooks, Meyers R, Sommers H, Wood - 9.

Engrossed House Bill No. 1360, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

There being no objection, the House advanced to the eleventh order of business.

MOTION

On motion of Mr. Ebersole, the House adjourned until 2:00 p.m., Friday, May 19, 1989.

JOSEPH E. KING, Speaker

ALAN THOMPSON, Chief Clerk

SECOND SPECIAL SESSION

THIRD DAY

AFTERNOON SESSION

House Chamber, Olympia, Friday, May 19, 1989

The House was called to order at 2:00 p.m. by the Speaker (Mr. O'Brien presiding). The Clerk called the roll and all members were present except Representatives Beck, Belcher, Betzoff, Bowman, Brooks, Ferguson, Horn, Prince and Sayan, who were excused.

The flag was escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Noel Marshall and Cory York. Prayer was offered by The Reverend Timothy Dolan, Minister of the Westminster Presbyterian Church of Olympia.

Reading of the Journal of the previous day was dispensed with and it was ordered to stand approved.

CENTENNIAL MESSAGE
FROM THE STATE HISTORICAL SOCIETY

May 19, 1989

On this day in 1889, Port Townsend's baseball team played the team from Snohomish and won with a score of 7 to 1. Port Townsend's next stop was a three-game series at Victoria.

And, Japanese wrestler, Matsada Sorakichi, and Peter Schumacher met in Seattle and argued about their respective abilities as wrestlers. Schumacher demanded that he weigh not less than one hundred and fifty-two pounds and that Matsada weigh no more than one hundred and fifty pounds. There was some doubt that a match could be arranged; the two wrestlers were said to be a little afraid of each other.

On May 19, 1891 Reverend Heseekiah Rice of Seattle, heading the Committee of Colored Citizens to aid black miners in Franklin, spoke. He said that the only way for black men to get work was to "go in a great crowd to a place and take possession of it." But, "we don't want to drive the white men out of here. We are willing to work side-by-side with them, but we claim our rights as American citizens to go where we please and work at any trade we please."

On May 19, 1900 James G. Swan, pioneer anthropologist of the Northwest, died. He was Secretary to Governor Isaac Stevens and wrote books on the Northwest Indians. He lived near Neah Bay and at Port Townsend for many years. He was later elected to the Washington State Historical Society's Centennial Hall of Honor.

On this day in 1907, Orville A. Vogel, the agronomist who helped develop varieties of wheat that boosted yields by twenty-five percent, was born. He worked at Washington State University from 1931 to 1972 and was elected to the Washington State Historical Society's Centennial Hall of Honor in 1987.

On May 19, 1909 the Chicago, Milwaukee, & St. Paul Railroad completed its transcontinental line to Puget Sound.

And, on May 19, 1938 the first air mail from Grays Harbor departed.

The Speaker (Mr. O'Brien presiding) declared the House to be at ease.
The Speaker called the House to order.

There being no objection, the House advanced to the eleventh order of business.

MOTION

On motion of Mr. Ebersole, the House adjourned until 11:00 a.m., Saturday, May 20, 1989.

JOSEPH E. KING, Speaker

ALAN THOMPSON, Chief Clerk

SECOND SPECIAL SESSION

FOURTH DAY

MORNING SESSION

House Chamber, Olympia, Saturday, May 20, 1989

The House was called to order at 11:00 a.m. by the Speaker (Mr. O'Brien presiding). The Clerk called the roll and all members were present except Representatives Appelwick, Beck, Belcher, Bowman, Brooks, Brough, Chandler, Doty, Miller, Moyer, Prince, Sayan, Schmidt, Silver, D. Sommers, Wood and Zellinsky, who were excused.

The flag was escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Tawnee Fredrickson and Sarah Schoenfeldt. Prayer was offered by The Reverend Timothy Dolan, Minister of the Westminster Presbyterian Church of Olympia.

MOMENT OF SILENCE

At the request of the Speaker (Mr. O'Brien presiding), members of the House of Representatives stood in silence in memory of Senator Warren Grant Magnuson.

Reading of the Journal of the previous day was dispensed with and it was ordered to stand approved.

CENTENNIAL MESSAGE
FROM THE STATE HISTORICAL SOCIETY

May 20, 1989

On this day in 1889, the first fresh fruit to be imported into Puget Sound in years arrived in Port Townsend on a British bark, which took forty-five days from Tahiti. On board were thirty thousand oranges and six thousand coconuts. The ship survived a typhoon that wrecked an American warship in Samoa.

And, Thomas Thomson, the former chief of the Puyallup Indians and a judge, died of consumption on the Puyallup Reservation. He was forty-four years old and reportedly was highly respected by the Puyallups.

On May 20, 1948 Seattle College announced that its new name was Seattle University.

On May 20, 1972 at Longacres, jockey Larry Pierce set a record by winning seven races of the eight in which he rode.

MESSAGES FROM THE SENATE

May 19, 1989

Mr. Speaker:

The Senate has passed:

HOUSE BILL NO. 2247,

and the same is herewith transmitted.

W. D. Naismith, Assistant Secretary.

May 19, 1989

Mr. Speaker:

The President has signed:

HOUSE CONCURRENT RESOLUTION NO. 4422,

and the same is herewith transmitted.

Gordon A. Golob, Secretary.

May 20, 1989

Mr. Speaker:

The Senate has passed:

SENATE BILL NO. 6155.

and the same is herewith transmitted.

W. D. Naismith, Assistant Secretary.

The Speaker (Mr. O'Brien presiding) declared the House to be at ease until 3:00 p.m.

The Speaker called the House to order at 3:12 p.m.

There being no objection, the House advanced to the fourth order of business.

INTRODUCTIONS AND FIRST READING

HB 2249 by Representatives Inslee, S. Wilson, Jesernig, Hankins, Grant, Peery, D. Sommers, Fraser, Kremen, Rayburn, Brumsickle, May, Miller, Ballard, Fuhrman, Brooks, Hargrove, Cooper, Morris, Dorn and R. Meyers

AN ACT Relating to the tinting or coloring of windows and windshields of motor vehicles; amending RCW 46.37.430; reenacting and amending RCW 46.63.020; creating a new section; prescribing penalties; and declaring an emergency.

HB 2250 by Representatives Vekich, Cole, Basich, Wineberry, Hargrove, Leonard, Anderson, Phillips, Jones, Spanel, Jacobsen, R. Fisher, Prentice, P. King, Fraser, Brekke and Morris

AN ACT Relating to unemployment compensation during labor disputes; amending RCW 50.20.090; creating a new section; and declaring an emergency.

HCR 4425 by Representatives Kremen, Ballard and Anderson

Resolving to develop a method to honor veterans by affixing a strip to vehicle license plates.

SB 6155 by Senator Anderson

Clarifying that an appropriation is to be deposited in the child care facility fund.

MOTION

Mr. Heavey moved that the rules be suspended and House Concurrent Resolution No. 4425 be placed on the second reading calendar. The motion was carried.

There being no objection, the House advanced to the sixth order of business.

SECOND READING

HOUSE CONCURRENT RESOLUTION NO. 4425, by Representatives Kremen, Ballard and Anderson

Resolving to develop a method to honor veterans by affixing a strip to vehicle license plates.

The resolution was read the second time. With consent of the House, the rules were suspended, the second reading considered the third, and the resolution was placed on final passage.

Mr. Kremen spoke in favor of the resolution.

House Concurrent Resolution No. 4425 was adopted.

ANNOUNCEMENT BY THE SPEAKER

The Speaker referred House Bill No. 2249 and House Bill No. 2250 listed on today's introduction sheet under the fourth order of business to Committee on Rules.

MESSAGE FROM THE SENATE

May 19, 1989

Mr. Speaker:

The Senate has passed ENGROSSED SENATE BILL NO. 5233 with the constitutional two-thirds majority vote of 38 YEAS and 9 NAYS notwithstanding the Governor's veto of Section 3, and the same is herewith transmitted.

W. D. Naismith, Assistant Secretary.

MOTION

Mr. Locke moved that Engrossed Senate Bill No. 5233 do pass the House notwithstanding the Governor's partial veto thereof.

Representatives Locke, Ballard, Ebersole, Padden, R. Meyers, Heavey and Patrick spoke in favor of the motion, and Representatives Sprenkle, Basich, O'Brien and R. King spoke against it. Representatives Locke and Ebersole again spoke in favor of the motion.

ROLL CALL

The Clerk called the roll on the motion that the House do pass Engrossed Senate Bill No. 5233 notwithstanding the Governor's partial veto, and the bill passed the House by the following vote: Yeas, 71; nays, 9; absent, 1; excused, 17.

Voting yea: Representatives Anderson, Ballard, Baugher, Betrozoff, Bristow, Brumsickle, Cantwell, Cole, Cooper, Crane, Dellwo, Dorn, Ebersole, Ferguson, Fisher G, Fisher R, Fraser, Fuhrman, Grant, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Inslee, Jacobsen, Jesernig, Jones, King P, Kremen, Leonard, Locke, May, McLean, Meyers R, Morris, Myers H, Nealey, Nutley, Padden, Patrick, Peery, Phillips, Prentice, Pruitt, Rasmussen, Rayburn, Rector, Rust, Schoon, Scott, Smith, Sommers H, Spanel, Tate, Todd, Valle, Van Luven, Vekich, Walk, Walker, Wang, Wilson K, Wilson S, Wineberry, Winsley, Wolfe, Youngsman, and Mr. Speaker - 71.

Voting nay: Representatives Basich, Brekke, Day, Gallagher, King R, Nelson, O'Brien, Raiter, Sprenkle - 9.

Absent: Representative Braddock - 1.

Excused: Representatives Appelwick, Beck, Belcher, Bowman, Brooks, Brough, Chandler, Doty, Miller, Moyer, Prince, Sayan, Schmidt, Silver, Sommers D, Wood, Zellinsky - 17.

Engrossed Senate Bill No. 5233 notwithstanding the Governor's partial veto, having received the constitutional two-thirds majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

There being no objection, the House advanced to the eighth order of business.

RESOLUTION

HOUSE FLOOR RESOLUTION NO. 89-4713, by Representatives Ebersole, Ballard, Anderson, Appelwick, Basich, Baugher, Beck, Belcher, Betrozoff, Bowman, Braddock, Brekke, Bristow, Brooks, Brough, Brumsickle, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ferguson, G. Fisher, R. Fisher, Fraser, Fuhrman, Gallagher, Grant, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Inslee, Jacobsen, Jesernig, Jones, J. King, P. King, R. King, Kremen, Leonard, Locke, May, McLean, R. Meyers, Miller, Morris, Moyer, H. Myers, Nealey, Nelson, Nutley, O'Brien, Padden, Patrick, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith, D. Sommers, H. Sommers, Spanel, Sprenkle, Tate, Todd, Valle, Van Luven, Vekich, Walk, Walker, Wang, K. Wilson, S. Wilson, Wineberry, Winsley, Wolfe, Wood, Youngsman and Zellinsky

WHEREAS, Senator Warren Grant Magnuson, whose state and national public service career spanned more than fifty years, died this morning, May 20, 1989, at the age of 84; and

WHEREAS, Warren Grant Magnuson, orphaned at the age of one month, rode the rails to Seattle at the age of nineteen and received his Law degree in 1929 from the University of Washington, having worked his way through by delivering ice; and

WHEREAS, Warren Grant Magnuson began his political career in the Washington House of Representatives on January 9, 1933 and, through intelligence, wit and skill, rose from a State Representative to become the powerful Chairman of the United States Senate Appropriations Committee and President Pro Tempore of the United States Senate; and

WHEREAS, Warren Grant Magnuson, known fondly to the people of Washington as "Maggie," became a national leader setting public policy in the areas of health, education, consumer protection, public power and environmental quality; and

WHEREAS, During his entire adult life, Warren Grant Magnuson worked for the public good, fostered trust in government, faithfully served his state and country, and encouraged thousands of young people to enter public service; and

WHEREAS, Senator Warren Grant Magnuson and Senator Henry "Scoop" Jackson were known as the "Gold Dust Twins" because together, during the 1960s and 1970s, they led one of the nation's most influential Congressional delegations on Capitol Hill; and

WHEREAS, Warren Grant Magnuson, as Chairman of the United States Senate Appropriations Committee, was never shy about helping his home state by creating everything from military installations to cancer research centers for the people of Washington and the nation; and

WHEREAS, Warren Grant Magnuson played poker in the White House with Presidents Franklin Roosevelt and Harry Truman, was a confidant of President John Kennedy, and he recruited President Lyndon Johnson as best man for his marriage to Jermaine Elliot Peralta; and

WHEREAS, Warren Grant Magnuson is remembered for his legendary inability to pronounce names and once called Avery Brundage "Mr. Average Brundy," and was known to call Johnson aide Joseph Califano "Joe Cauliflower"; and

WHEREAS, Warren Grant Magnuson is remembered for his shuffling gait, his unassuming appearance and for his frequent malapropisms, which belied his reputation as a consummate leader and powerful political insider; and

WHEREAS, Warren Grant Magnuson was respected and admired by the citizens of Washington, by all his former colleagues in the Washington House of Representatives, the United States Senate, the United States House of Representatives and by nine former Presidents of the United States; and

WHEREAS, The work and accomplishments of Warren Grant Magnuson on behalf of the people of Washington and the nation will always be remembered and appreciated, and Warren Grant Magnuson will be remembered as one of Washington's greatest statesmen;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State House of Representatives express its deepest appreciation for the numerous contributions that Warren Grant Magnuson made to the State of Washington and to the United States of America; and

BE IT FURTHER RESOLVED, That the House of Representatives send its deepest condolences to his wife, Jermaine Peralta Magnuson, and let her know that Senator Warren Grant Magnuson will be greatly missed by the citizens of the State of Washington; and

BE IT FURTHER RESOLVED, That copies of this Resolution be immediately transmitted by the Chief Clerk of the House of Representatives to Jermaine Peralta Magnuson; to his daughter, Juanita Garrison; and to his grandchildren, Leslie Garrison and Donald Garrison.

Mr. Ebersole moved adoption of the resolution.

REMARKS BY REPRESENTATIVE EBERSOLE

Mr. Ebersole: Thank you, Mr. Speaker. I think we have all heard that Senator Warren Magnuson passed away earlier today. It is a rather humbling experience to move the adoption of a resolution, praising this great Washingtonian. Maggie said that, if you have the votes, you don't need to make a speech, and if you need to make a speech, you don't have the votes. I think I have the votes on this, but I will make a few remarks.

They have not yet erected a statue to Warren Magnuson, but across this state there are countless monuments to his greatness as a person and as a political leader. Some of those monuments are physically very imposing--the hydroelectric dams on the Columbia River and the huge irrigation projects that turned the deserts of our state into green farmland. In the words of Hubert Humphrey, "we will be remembered for the power of our compassion and our dedication to human welfare." I think that is certainly true for Warren Magnuson. Yes, Maggie was proud of the dams on the Columbia and proud of those prosperous farms, but his greatest accomplishments were the ones that quietly shaped the lives of citizens throughout the state over a span of fifty years. He was the father of countless legislative initiatives, including the National Institute for Health, consumer protection,

civil rights laws and many others. His nicknames alone show the breadth of his accomplishments; at different times Maggie was Mr. Consumer, Mr. Health, Mr. Oceanography and the Father of Public Television.

In a way, it is fitting that we would be here today, acknowledging the accomplishments of this great man. I did not know Maggie personally. I have been an admirer of his from a distance over the many years. I am sure there are many others who want to join in this moment to pay tribute to a great Washingtonian.

REMARKS BY SPEAKER PRO TEMPORE O'BRIEN

Mr. O'Brien: Mr. Speaker and ladies and gentlemen of the House: I knew Warren Magnuson very well. He was a great public-spirited citizen and legislative leader. He finished his career in Congress as President Pro Tempore of the United States Senate. He was a man who cared deeply for people. Any time you went to Washington, D.C., and were from our state, Warren always did his utmost to take care of your needs. He cared about people. He will be remembered in history, along with Senator Jackson, as one of the greatest Senators this state will ever have. They worked closely together in the United States Senate; their careers paralleled each other. They were great public leaders, and we miss both of them. This resolution is a very fine one with which to send our condolences to Jermaine, his wife and a very fine person. I urge you to support this resolution, because Warren Magnuson sat in these Chambers. He started his career here and went on to achieve great heights, not only here and in King County as a prosecuting attorney, but also in the United States House of Representatives and United States Senate. He has an enviable record, a record that will stand for a long time.

REMARKS BY REPRESENTATIVE BALLARD

Mr. Ballard: Thank you, Mr. Speaker and ladies and gentlemen. We would like to join, from this side of the aisle, in paying tribute to a gentleman who has done an incredible amount of good for the people of the State of Washington. One of the Press Corps asked me to say something that would reflect my thoughts on Senator Magnuson. My thoughts are that he always remembered where he was from; he always remembered who he was representing and why he was in Washington. I think there is no higher tribute that we can pay to someone who worked very, very hard for the people of our state. His accomplishments are legendary. It's also good to remember the other side of his personality in times of difficulty such as this. I was just reading the section of the resolution on his inability to pronounce some names: Joe Cauliflower and Mr. Average Brundy. With sadness and great memories, we, too, would like to say we appreciate all that he has done for the State of Washington.

REMARKS BY REPRESENTATIVE WANG

Mr. Wang: Thank you, Mr. Speaker. Maggie has long been one of my heroes. Last year, when we had the Presidential debates, a question was raised: "Who do you admire most or who are your heroes?" It provoked some thought on my part, and I realized that Maggie was one of the persons I most admired. Sometimes we forget to tell people that, and we don't communicate that. I took the opportunity to write to Maggie, saying that I wanted to express my admiration to him and to tell him that he had been one of my personal heroes. I didn't get a response from him, but it didn't matter because I felt good just knowing that I had communicated to him my great admiration. He will always be one of my personal heroes, so I am very proud to join in saluting a person who, in his own words, was a true work horse and not a show horse.

SPEAKER'S PRIVILEGE

The Speaker: The Speaker has a great vantage point up here, as Speaker O'Brien can tell you. I listened closely to his words. Warren Magnuson started his career here and sat in these Chambers. As Speaker, I wonder if I am not looking, after this incredibly successful session we have had this year, at another Warren Magnuson out there. Perhaps I am. I think the events of very recent days will remind us how much forethought and vision Senator Magnuson had. He was a man who told the sitting Governor of the State of Washington, who was in the front row of the Democratic State Convention, that supertankers would appear in Puget

Sound "over my dead body." I suspect that the man, who almost single-handedly built the University of Washington School of Medicine and Hospital, would be greatly encouraged by the strides that this Legislature has made in offering universal access to health care. I suspect he would have been very proud of some of the accomplishments we have achieved together this year. I, too, commend this resolution to you.

House Floor Resolution No. 89-4713 was adopted.

MOTION

Mr. Ebersole moved that the rules be suspended and Senate Bill No. 6155 listed on today's introduction sheet under the fourth order of business be placed on the second reading calendar. The motion was carried.

There being no objection, the House reverted to the sixth order of business.

SECOND READING

SENATE BILL NO. 6155, by Senator Anderson

Clarifying that an appropriation is to be deposited in the child care facility fund.

The bill was read the second time. With consent of the House, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Mr. Locke spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 6155, and the bill passed the House by the following vote: Yeas, 81; excused, 17.

Voting yea: Representatives Anderson, Ballard, Basich, Baugher, Betrozoff, Braddock, Brekke, Bristow, Brumsickle, Cantwell, Cole, Cooper, Crane, Day, Dellwo, Dorn, Ebersole, Ferguson, Fisher G, Fisher R, Fraser, Fuhrman, Gallagher, Grant, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Inslee, Jacobsen, Jesernig, Jones, King P, King R, Kremen, Leonard, Locke, May, McLean, Meyers R, Morris, Myers H, Nealey, Nelson, Nutley, O'Brien, Padden, Patrick, Peery, Phillips, Prentice, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Schoon, Scott, Smith, Sommers H, Spanel, Sprenkle, Tate, Todd, Valle, Van Luven, Vekich, Walk, Walker, Wang, Wilson K, Wilson S, Wineberry, Winsley, Wolfe, Youngsman, and Mr. Speaker - 81.

Excused: Representatives Appelwick, Beck, Belcher, Bowman, Brooks, Brough, Chandler, Doty, Miller, Moyer, Prince, Sayan, Schmidt, Silver, Sommers D, Wood, Zellinsky - 17.

Senate Bill No. 6155, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SIGNED BY THE SPEAKER

The Speaker announced he was signing:

HOUSE BILL NO. 2247.

The Speaker called on Representative O'Brien to preside.

POINTS OF PERSONAL PRIVILEGE

Mr. Locke: Thank you, Mr. Speaker. I want to address the members of the House about copies of a handbook, called Barton's Legislative Handbook and Manual of the State of Washington, which have been delivered to our offices. I want to indicate to you that this is a product of the Washington State Centennial Commission and contains documents from our State Constitutional Convention and the First Legislative Session that have long been lost, but found last year by Jane Whittaker, whose grandfather had served in the First Legislature of the State of Washington. This document was brought to Secretary of State Ralph Munro, who is Co-chair of the Centennial Commission. It gives us a very charming and informative look at the people who were members of the First Legislature, through the rules they wrote, the votes they took, and some of the thoughts they deemed important enough to write down. It is interesting to note that all the members of that

First Legislature were men, who came from other parts of the United States, except for three who were born in the State of Washington. Nineteen of them were immigrants, having been born in foreign countries. Most served in the Civil War. How things have changed in the last one hundred years--most of them were Republicans, which is not the case today. Most were farmers, and most were against suffrage and prohibition. And, at the end of that first session, they wanted to go home.

At this time I would urge the members of the House to participate in any Centennial events that are being sponsored throughout the state. A sample of these is the logging show which was held on the Capital grounds today.

I have been privileged to be a member of the Centennial Commission for the last four years; the commission itself has been working over the last seven years. I would like to pay tribute to some of the other members of this body, who have been working so hard to provide community events throughout the State of Washington for thousands of people to enjoy. The House members of the Centennial Commission are Representative Jennifer Belcher, Representative John Betrozoff, Representative Eugene Prince, former Representative Joe Williams, and former Representative and, now, Senator Mike Kreidler. The Centennial Commission is ably chaired by two Co-chairs, Secretary of State Ralph Munro and our First Lady Jean Gardner. Thank you very much.

Ms. Leonard: Thank you, Mr. Speaker. I would like to invite those of you who have not seen the delightful display in the Rotunda to do so. This display was done by an elementary school in the 11th District by fourth, fifth and sixth grade students, who started it last November at the beginning of the Centennial. The sixth grade students were able to visit us last month, and in September the fifth grade students will visit. They have made a study of our state that is unlike anything I have ever seen an elementary school do. And, that is what we are all about down here--how well we allow and teach our young people to grow and appreciate our state. You'll find some delightful exhibits on coal, fishing, logging, mining, and the Native American background. There is a quilt made by the students. All of their activities this year have been designated toward the Washington State Centennial, honoring and appreciating our state. I would appreciate it if you would look at it and sign the guest book outside the Senate doors for the children who worked so hard for Washington State this year. Thank you.

Mr. Ballard: Thank you, Mr. Speaker. Ladies and gentlemen: We are at last concluding our long session and special sessions. On behalf of the minority party, I would like to say that, even though we don't always agree and even though it has been a long session with very difficult issues, we have had a good session. We appreciate the Speaker, although at times we don't always agree with his rulings. We appreciate the Majority Leader and all of you who work so hard as Chairs. We trust that you will have a good, restful summer. We'll come back rested and refreshed and ready to do our business next January. Thank you very much for the cooperation. We trust that you all will have a very good year.

Mr. Ebersole: Thank you, Mr. Speaker. I wanted to respond to my colleague, Representative Ballard. We appreciate the finality of your remarks; we hope we are getting out of here. We certainly have enjoyed our good working relationship with our colleagues across the aisle. I think government functions best when we put aside our partisan differences and try to do what we think is right. I think that has characterized this session to a large degree. We have accomplished a great deal, thanks to the good working relationship we have had with those across the aisle, and I hope that that will continue.

MESSAGE FROM THE SENATE

May 20, 1989

Mr. Speaker:

The Senate has adopted:

SENATE CONCURRENT RESOLUTION NO. 8427.

and the same is herewith transmitted.

W. D. Naismith, Assistant Secretary.

INTRODUCTION AND FIRST READING

SCR 8427 by Senators Hayner, Sellar, Vognild and Warnke

Adjourning the Legislature.

MOTION

With consent of the House, the rules were suspended and Senate Concurrent Resolution No. 8427 was advanced to second reading.

The resolution was read the second time.

On motion of Mr. Heavey, the rules were suspended, the second reading considered the third, and the resolution was placed on final passage.

Senate Concurrent Resolution No. 8427 was adopted.

There being no objection, the House advanced to the eighth order of business.

RESOLUTION

HOUSE FLOOR RESOLUTION NO. 89-4714, by Representatives Ebersole and Ballard

BE IT RESOLVED, That the Speaker of the House of Representatives appoint a committee of three members of the House to notify the Senate that the House of Representatives is ready to adjourn the 1989 Second Special Session of the 51st Legislature Sine Die.

On motion of Mr. Heavey, House Floor Resolution No. 89-4714 was adopted.

APPOINTMENT OF SPECIAL COMMITTEE

Under the terms of House Floor Resolution No. 89-4714, the Speaker (Mr. O'Brien presiding) appointed Representatives Raiter, H. Myers and Fuhrman to notify the Senate that the House was ready to adjourn Sine Die.

REPORT OF SPECIAL COMMITTEE FROM SENATE

The Sergeant at Arms announced the arrival of a special committee from the Senate and the Speaker (Mr. O'Brien presiding) instructed him to escort the committee to the bar of the House.

The committee, consisting of Senators Smitherman and Anderson, advised the House that the Senate was ready to adjourn Sine Die.

The report was received and the special committee was escorted from the House Chamber.

There being no objection, the House reverted to the fourth order of business.

INTRODUCTION AND FIRST READING

HCR 4423 by Representatives Ebersole and Ballard

Providing for transmittal of bills, resolutions, and memorials upon adjournment of the legislature.

MOTION

On motion of Mr. Heavey, the rules were suspended and House Concurrent Resolution No. 4423 was advanced to second reading.

The resolution was read the second time.

With consent of the House, the rules were suspended, the second reading considered the third, and the resolution was placed on final passage.

House Concurrent Resolution No. 4423 was adopted.

INTRODUCTION AND FIRST READING

HCR 4424 by Representatives Ebersole and Ballard

Appointing a committee to notify the Governor that the Legislature is about to adjourn Sine Die.

MOTION

With consent of the House, the rules were suspended and House Concurrent Resolution No. 4424 was advanced to second reading.

The resolution was read the second time.

With consent of the House, the rules were suspended, the second reading considered the third, and the resolution was placed on final passage.

House Concurrent Resolution No. 4424 was adopted.

APPOINTMENT OF SPECIAL COMMITTEE

Under the terms of House Concurrent Resolution No. 4424, the Speaker (Mr. O'Brien presiding) appointed Representatives Fraser, G. Fisher and Hankins to notify the Governor that the Legislature was ready to adjourn Sine Die.

REPORT OF SPECIAL COMMITTEE

The Special Committee appointed under the terms of House Floor Resolution No. 89-4714 appeared at the bar of the House and reported that they had notified the Senate that the House was about to adjourn Sine Die.

The report was received and the committee was discharged.

MESSAGE FROM THE SENATE

May 20, 1989

Mr. Speaker:

The President has signed:

HOUSE BILL NO. 2247,
SENATE BILL NO. 6155.

and the same are herewith transmitted.

Gordon A. Golob, Secretary.

SIGNED BY THE SPEAKER

The Speaker (Mr. O'Brien presiding) announced the Speaker had signed:
SENATE BILL NO. 6155.

REPORT OF SPECIAL COMMITTEE

The Special Committee appointed under the terms of House Concurrent Resolution No. 4424 appeared at the bar of the House and reported that they had notified the Governor that the Legislature was about to adjourn Sine Die.

The report was received and the committee was discharged.

MESSAGE FROM THE SENATE

May 20, 1989

Mr. Speaker:

The President has signed:

SENATE CONCURRENT RESOLUTION NO. 8427,

and the same is herewith transmitted.

W. D. Naismith, Assistant Secretary.

SIGNED BY THE SPEAKER

The Speaker (Mr. O'Brien presiding) announced the Speaker had signed:
SENATE CONCURRENT RESOLUTION NO. 8427.

MESSAGE FROM THE SENATE

May 20, 1989

Mr. Speaker:

The Senate has adopted:

HOUSE CONCURRENT RESOLUTION NO. 4424.

and the same is herewith transmitted.

W. D. Naismith, Assistant Secretary.

SIGNED BY THE SPEAKER

The Speaker (Mr. O'Brien presiding) announced the Speaker had signed:

HOUSE CONCURRENT RESOLUTION NO. 4424.

MESSAGE FROM THE SENATE

May 20, 1989

Mr. Speaker:

The Senate has adopted:

HOUSE CONCURRENT RESOLUTION NO. 4423.

and the same is herewith transmitted.

W. D. Naismith, Assistant Secretary.

SIGNED BY THE SPEAKER

The Speaker (Mr. O'Brien presiding) announced the Speaker had signed:

HOUSE CONCURRENT RESOLUTION NO. 4423.

MESSAGES FROM THE SENATE

May 20, 1989

Mr. Speaker:

The President has signed:

HOUSE CONCURRENT RESOLUTION NO. 4423.

HOUSE CONCURRENT RESOLUTION NO. 4424.

and the same are herewith transmitted.

W. D. Naismith, Assistant Secretary.

May 20, 1989

Mr. Speaker:

Under the provisions of House Concurrent Resolution No. 4423, the Senate herewith returns the following bills:

Engrossed Substitute House Bill No. 1294.

Engrossed House Bill No. 1360.

Engrossed Substitute House Bill No. 1825.

Engrossed Substitute House Bill No. 2198.

House Concurrent Resolution No. 4425.

W. D. Naismith, Assistant Secretary.

MOTION

On motion of Mr. Heavey, reading of the Journal of the Fourth Day of the 1989 Second Special Session of the Fifty-First Legislature was dispensed with and it was ordered to stand approved.

MOTION

On motion of Mr. Heavey, the 1989 Second Special Session of the Fifty-First Legislature was adjourned Sine Die.

JOSEPH E. KING, Speaker

ALAN THOMPSON, Chief Clerk

HOUSE LEGISLATIVE LEADERS

Fifty-First Legislature
 1989 Regular Session
 1989 First Special Session
 1989 Second Special Session

DEMOCRATIC LEADERSHIP

Speaker	Joseph E. King
Speaker Pro Tempore	John L. O'Brien
Majority Leader	Brian Ebersole
Democratic Caucus Chair	Lorraine A. Hine
Assistant Majority Leader	Mike Heavey
Majority Whip	Jim Jesernig
Assistant Majority Whip	Grace Cole
Assistant Majority Whip	Randy Dorn
Assistant Majority Whip	Karen Fraser
Assistant Majority Whip	Holly Myers
Democratic Caucus Vice Chair/Secretary	Doug Sayan

REPUBLICAN LEADERSHIP

Minority Leader	Clyde Ballard
Republican Caucus Chair	Eugene Prince
Minority Floor Leader	Jean Marie Brough
Minority Whip	Louise Miller
Assistant Minority Floor Leader	Fred May
Assistant Minority Floor Leader	Steve Fuhrman
Republican Organization Leader	Mike Patrick
Republican Organization Leader	Shirley Hankins
Republican Caucus Vice Chair	Sally Walker
Assistant Minority Whip	Dick Schoon
Assistant Minority Whip	Duane Sommers
Assistant Minority Whip	Rose Bowman
Assistant Republican Organization Leader	Bill Brumsickle

Name of Member	Dis- trict	Poli- tics	County	Mailing Address
Anderson, Calvin B.	43	D	King, part	825 15th Avenue Seattle 98122
Appelwick, Marlin J.	46	D	King, part	2611 NE 125th - Suite 104 Seattle 98125
Ballard, Clyde	12	R	Chelan Douglas Grant, part Kittitas, part Okanogan, part	1790 N. Baker Street East Wenatchee 98802
Basich, Bob	19B	D	Pacific Grays Harbor, part Wahkiakum, part	510 Sumner Aberdeen 98520
Baugher, Forrest	15	D	Benton, part Yakima, part	Box 92 Parker 98939
Beck, John Byron	21	R	Snohomish, part	P.O. Box 1043 Edmonds 98020
Belcher, Jennifer	22	D	Thurston, part	323 Maple Park Olympia 98501
Betrozoff, John W.	45	R	King, part	11818 156th Avenue NE Redmond 98052
Bowman, Rose	20	R	Lewis Thurston, part	416 West Cherry Centralia 98531
Braddock, Dennis	42	D	Whatcom, part	P.O. Box 5228 Bellingham 98227
Brekke, Joanne	32	D	King, part	6525 Sycamore NW Seattle 98117
Bristow, Tom	7	D	Ferry Lincoln Pend Oreille Stevens Spokane, part Okanogan, part	P.O. Box 634 Colville 99114
Brooks, Peter T.	16	R	Walla Walla Benton, part Franklin, part	House Office Bldg. 324 Olympia 98504
Brough, Jean Marie	30	R	King, part Pierce, part	1118 S. 287th Place Federal Way 98003
Brumsickle, Bill	20	R	Lewis Thurston, part	1015 Spring Lane Centralia 98531
Cantwell, Maria	44	D	King, part Snohomish, part	House Office Bldg. 240 Olympia 98504
Chandler, Glyn	13	R	Adams, part Grant, part Kittitas, part Yakima, part	1816 Dunn Street Moses Lake 98837

Age	Birthplace	Occupation	Previous Years Served
1948	Washington	Legislator	Appt. 11/9/87-1988
1953	Minnesota	Attorney	1983-1988
1936	Arkansas	Property Management	1983-1988
1927	Washington	Retired Teacher	1985-1988
1934	Washington	Orchardist	1985-1988
1944	Washington	Owner/President Funeral Home Corporation	1987-1988
1944	West Virginia	Management Consultant	1983-1988
1935	Washington	Property Manager	1983-1988
1945	Oklahoma	Owner Kresky Auto Repair & Elec.	None
1943	Washington	Planning Consultant	1983-1988
1935	Washington	Legislator	1979-1988
1946	California	Conservation District Project Coordinator	1985-1988
1916	Massachusetts	Retired	1985-1988
1942	Washington, D.C.	Legislator	1983-1988
1935	Washington	Retired/Education	None
1958	Indiana	Consultant/ Public Affairs	1987-1988
1926	Arkansas	Farm Equipment Dealer (Retired)	1983-1988

Name of Member	Dis- trict	Poll- tics	County	Mailing Address
Cole, Grace	1	D	King, part Snohomish, part	3026 NE 163rd Street Seattle 98155
Cooper, David	18	D	Clark, part Cowlitz, part	P.O. Box 568 Battle Ground 98604
Crane, Ernest F.	31	D	King, part Pierce, part	220 1st Street NE Auburn 98002
Day, Bill	3	D	Spokane, part	P.O. Box 9161 Spokane 99205
Dellwo, Dennis A.	3	D	Spokane, part	SeaFirst Center #1900 Spokane 99201
Dorn, Randy	2	D	Pierce, part Thurston, part	House Office Bldg. 302 Olympia 98504
Doty, Shirley L.	14	R	Yakima, part	4902 Englewood Yakima 98908
Ebersole, Brian	29	D	Pierce, part	Legislative Bldg. 3rd Floor Olympia 98504
Ferguson, Roy A.	48	R	King, part	2955 - 162nd SE Bellevue 98008
Fisher, Greg	33	D	King, part	22022 6th Ave. South #211 Des Moines 98198
Fisher, Ruth	27	D	Pierce, part	1922 N. Prospect #9 Tacoma 98406
Fraser, Karen	22	D	Thurston, part	6710 Sierra Drive SE Lacey 98503
Fuhrman, Steve	7	R	Ferry Lincoln Pend Oreille Stevens Okanogan, part Spokane, part	Route 1 Box 320 Kettle Falls 99141
Gallagher, P.J. (Jim)	29	D	Pierce, part	125 South 72nd Tacoma 98408
Grant, William A.	16	D	Walla Walla Benton, part Franklin, part	111 Merriam Walla Walla 99362
Hankins, Shirley	8	R	Benton, part	2120 Duportail #8 Richland 99352
Hargrove, James E.	24	D	Clallam Jefferson Grays Harbor, part	Route 3, Box 896 Hoquiam 98550
Haugen, Mary Margaret	10	D	Island Skagit, part Snohomish, part	1268 W. Olsen Road Camano Island 98292

Age	Birthplace	Occupation	Previous Years Served
1926	Idaho	Home Economist	Appt. 1/11/82 1985-1988
1952	Oregon	Construction Business Owner	1987-1988
1921	Iowa	Attorney	1983-1988
1955	Washington	Business	1985-1988
1945	Washington, D.C.	Attorney	1983-1988
1953	Washington	Education Administrator	Appt. 12/18/87- 1988
1930	Alaska	Teacher Rancher	1985-1988
1947	Maryland	Education Administrator	1983-1988
1934	Michigan	Retired Oil Company	1987-1988
1961	Washington	Public Relations Consultant	None
1925	Washington	Retired	1983-1988
1944	Washington	Legislator	None
1946	Washington	Grain Elevator Farm Supply	1983-1988
1915	Washington	Retired	1961-1988
1937	Washington	Wheat Farmer	1987-1988
1931	Kansas	Issues Analyst	1981-1988
1953	Oregon	Forester	1985-1988
1941	Washington	Beauty Salon Owner/Operator	1983-1988

Name of Member	Dis- trict	Poli- tics	County	Mailing Address
Heavey, Michael	34	D	King, part	9403 44th Avenue SW Seattle 98136
Hine, Lorraine A.	33	D	King, part	1834 South 229th Des Moines 98198
Holland, J. Bruce	47	R	King, part	14204 SE 180th Place Renton 98058
Horn, Jim	41	R	King, part	9507 SE 61st Place Mercer Island 98040
Inslee, Jay R.	14	D	Yakima, part	1226 Tibbling Road Selah 98942
Jacobsen, Ken	46	D	King, part	2611 NE 125th Suite 104 Seattle 98125
Jesernig, Jim	8	D	Benton, part	1010 Klamath Kennewick 99336
Jones, Evan	24	D	Clallam Jefferson Grays Harbor, part	101 Lochow Road Sequim 98382
King, Joseph E.	49	D	Clark, part	703 Broadway #700 Vancouver 98660
King, Paul H.	44	D	King, part Snohomish, part	22804 57th Avenue West Mountlake Terrace 98043
King, Richard A.	38	D	Snohomish, part	309 77th Place SW Everett 98203
Kremen, Pete	42	D	Whatcom, part	3283 Northshore Road Bellingham 98226
Leonard, June	11	D	King, part	12444 Beacon Ave. South Seattle 98178
Locke, Gary F.	37	D	King, part	5150 S. Wildwood Lane Seattle 98118
May, Fred O.	41	R	King, part	15 Brook Bay Lane Mercer Island 98040
McLean, Alex W.	12	R	Chelan Douglas Grant, part Kittitas, part Okanogan, part	P.O. Box 246 Mansfield 98830
Meyers, Ron	26	D	Kitsap, part Pierce, part	4621 34th Ave. Ct. NW Gig Harbor 98335
Miller, Louise	45	R	King, part	17005 - 191st Avenue NE Woodinville 98072
Morris, Betty Sue	18	D	Clark, part Cowlitz, part	12633 NW 19th Loop Vancouver 98685

Age	Birthplace	Occupation	Previous Years Served
1946	Washington	Attorney	1987-1988
1930	South Dakota	Legislator	1980-1988
1943	Washington	Internal Auditor Boeing	1983-1988
1930	Illinois	Aerospace Management/ Boeing	None
1951	Washington	Attorney	None
1945	Nebraska	Self-employed	1983-1988
1956	Washington	Attorney	1987-1988
1947	California	Director, Olympic Area on Aging Agency	Appt. 11/9/87-1988
1945	Texas	Partner, Insurance Agency	1981-1988
1950	Washington	Attorney	1983-1988
1934	Washington	College Teacher	1965-1988
1951	New York	News Director	1985-1988
1926	Washington	Legislator	1985-1988
1950	Washington	Attorney	1983-1988
1919	California	Retired	1985-1988
1935	Washington	Farmer	Appt. 4/22/86-1988
1950	Washington	Attorney	1987-1988
1936	California	Private Music Teacher	1983-1988
1941	Kansas	Legislator	None

Name of Member	Dis- trict	Poli- tics	County	Mailing Address
Moyer, John A.	6	R	Spokane, part	1405 West 9th Spokane 99204
Myers, Holly	17	D	Klickitat Skamania Clark, part	2219 SE 146th Avenue Vancouver 98684
Nealey, Darwin R.	9	R	Asotin Columbia Garfield Whitman Adams, part Franklin, part	Box 365 LaCrosse 99143
Nelson, Dick	32	D	King, part	122 NW 50th Seattle 98107
Nutley, Busse	49	D	Clark, part	409 West 37th Street Vancouver 98660
O'Brien, John L.	37	D	King, part	1305 Joseph Vance Bldg. Seattle 98101
Padden, Mike	4	R	Spokane, part	East 13021-9th Avenue Spokane 99216
Patrick, Michael E.	47	R	King, part	18809 134th Ave SE Renton 98058
Peery, W. Kim	17	D	Klickitat Skamania Clark, part	P.O. Box 1015 Camas 98607
Phillips, Larry	36	D	King, part	2624 - 34th West Seattle 98199
Prentice, Margarita	11	D	King, part	6225 S. Langston Road Seattle 98178
Prince, Eugene A.	9	R	Asotin Columbia Garfield Whitman Adams, part Franklin, part	P.O. Box 69 Thornton 99176
Fruitt, Wes	26	D	Kitsap, part Pierce, part	6215 55th Avenue Court Gig Harbor 98335
Raiter, George L.	19A	D	Cowlitz, part Wahkiakum, part	1148 23rd Avenue Longview 98632
Rasmussen, Marilyn	2	D	Pierce, part Thurston, part	33419 Mountain Hwy East Eatonville 98328
Rayburn, Margaret	15	D	Benton, part Yakima, part	1610 South Euclid Road Grandview 98930
Rector, Shirley	5	D	Spokane, part	East 13222 Farwell Road Spokane 99207

Age	Birthplace	Occupation	Previous Years Served
1922	Montana	Obstetrician/ Gynecologist	1987-1988
1955	Oregon	Teacher	None
1919	Washington	Farmer	1983-1988
1936	Washington	Technical Consultant	1977-1988
1949	Washington	Land Use Planning Consultant	1985-1988
1911	Washington	C.P.A.	Appt. 10/39-1946 1949-1988
1946	Oregon	Attorney	1981-1988
1940	Washington	Seattle Police Officer (Retired)	1981-1988
1949	Washington	Insurance Agency Owner/Agent	Appt. 1/11/85-1988
1951	Washington	Legislator	None
1931	California	Registered Nurse	Appt. 5/31/88
1930	Washington	Farmer	1981-1988
1947	Vermont	School Policy Consultant	1987-1988
1942	California	Engineering/ Maintenance Manager	none
1939	Washington	Farmer School Board Member	1987-1988
1927	Oregon	Retired Teacher	1985-1988
1951	Arizona	Rollgrinder	None

Name of Member	Dis- trict	Poli- tics	County	Mailing Address
Rust, Nancy S.	1	D	King, part Snohomish, part	18747 Ridgelfield Road NW Seattle 98177
Sayan, Doug	35	D	Mason Grays Harbor, part Kitsap, part Thurston, part	E. 360 Libby Road Shelton 98584
Schmidt, Karen	23	R	Kitsap, part	155 Madrone Lane North Bainbridge Island 98110
Schoon, Dick	30	R	King, part Pierce, part	P.O. Box 3247 Federal Way 98063
Scott, Pat	38	D	Snohomish, part	7706 Rainier Drive Everett 98201
Silver, Jean	5	R	Spokane, part	N. 7102 Audubon Drive Spokane 99208
Smith, Curtis P.	13	R	Adams, part Grant, part Kittitas, part Yakima, part	Route 2 - 875 Rd. I NW Ephrata 98823
Sommers, Duane	6	R	Spokane, part	South 2812 Wall Spokane 99203
Sommers, Helen	36	D	King, part	2832 West Elmore Place Seattle 98199
Spanel, Harriet	40	D	San Juan Skagit, part Whatcom, part	901 Liberty Street Bellingham 98225
Sprengle, Arthur C.	39B	D	Snohomish, part	14330 Tester Road Snohomish 98290
Tate, Randy	25	R	Pierce, part	5110 70th Ave. East Puyallup 98371
Todd, Mike	31	D	King, part Pierce, part	P.O. Box 1776 Auburn 98071
Valle, Georgette	34	D	King, part	1434 SW 137th Street Seattle 98166
Van Luven, Steve	48	R	King, part	1923 167th Avenue SE Bellevue 98008
Vekich, Max	35	D	Mason Grays Harbor, part Kitsap, part Thurston, part	200 Holly Lane/P.O. Box E Cosmopolis 98537
Walk, George W.	25	D	Pierce, part	11607-98th Avenue East Puyallup 98373
Walker, Sally W.	28	R	Pierce, part	4617 Bellview St. West Tacoma 98466

Age	Birthplace	Occupation	Previous Years Served
1928	Iowa	Legislator	1981-1988
1928	Washington	Retired	1983-1988
1945	California	Travel Agency, Owner	1981-1988
1931	Indiana	Purchasing Agent Weyerhaeuser	1983-1988
1938	Minnesota	Admin. Secretary Everett Police Dept.	Appt. 1/4/84-1988
1926	Washington	C.P.A.	1983-1988
1916	Nebraska	Farmer	1979-1988
1932	Washington	Health Care Consultant	1987-1988
1932	New Jersey	Economist	1973-1988
1938	Iowa	Legislator	1987-1988
1945	Pennsylvania	Physician	1987-1988
1965	Washington	Mgr. Majestic Mobile Manor, Inc.	None
1947	Oregon	President, NW Energy Resources	1983-1988
1924	Minnesota	Occupational Therapist	1965-1967 1972-1982 1985-1988
1947	Washington	President/Owner Trade Brokerage	Appt. 11/9/1983- 1986
1954	Washington	Longshoreman	1983-1988
1949	Washington	Teacher	1977-1988
1929	Illinois	Legislator	1985-1988

Name of Member	Dis- trict	Poli- tics	County	Mailing Address
Wang, Art	27	D	Pierce, part	3319 N. Union Tacoma 98407
Wilson, Karla	39A	D	Snohomish, part	11406-17th Place NE Lake Stevens 98258
Wilson, Sim	10	R	Island Skagit, part Snohomish, part	P.O. Box 145 Marysville 98270
Wineberry, Jesse	43	D	King, part	340 15th Avenue East #300 Seattle 98122
Winsley, Shirley J.	28	R	Pierce, part	539 Buena Vista Avenue Tacoma 98466
Wolfe, Charles R.	4	R	Spokane, part	East 16320 Lincoln Road Spokane 99207
Wood, Jeannette	21	R	Snohomish, part	24233 Timberlane Woodway 98020
Youngsman, Jim	40	R	San Juan Skagit, part Whatcom, part	1669 Hickox Road Mount Vernon 98273
Zellinsky, Sr., Paul	23	D	Kitsap, part	Sheridan Station Box 2107 Bremerton 98310

Name of Elected Officer	Dis- trict	Poli- tics	Title	Mailing Address
Thompson, Alan			Chief Clerk	191 Nob Lane Kelso 98626
Karras, Dennis			Deputy Chief Clerk	4735 Gravelly Beach Loop Olympia 98502
Young, Ross		D	Sergeant at Arms	1381 Linwood Ave. Tumwater 98502

Age	Birthplace	Occupation	Previous Years Served
1949	Massachusetts	Attorney	1981-1988
1934	Washington	Teacher	1985-1988
1927	Oregon	Newspaper Publisher	1973-1988
1955	Washington		1985-1988
1934	Minnesota	Legislator	Appt. 4/12/74 1977-1982 1985-1988
1931	Iowa	Physician	None
1932	New York	Teacher	Appt. 7/27/88
1938	Washington	Owner/ Skagit Gardens	None
1933	Washington	Retired Owner/ Car Dealership	1983-1988

Age	Birthplace	Occupation	Previous Years Served
1927	Iowa	Publisher	<u>House:</u> 1965-1982 <u>Senate:</u> Appt. 11/16/82- 1986 <u>House:</u> Chief Clerk: 1987-1988
1947	Washington	Deputy Chief Clerk	None
1930	Washington	Retired USAF	1975-1980 1983-1988

**INITIATIVE TO THE LEGISLATURE PASSED BY BOTH HOUSE AND
SENATE**

Fifty-First Legislature
1989 Regular Session
1989 First Special Session
1989 Second Special Session

No.	Relating to:	Chapter No.	Effective Date
99	Presidential primary	4	3/31/89

**HOUSE BILLS PASSED BY BOTH HOUSE AND SENATE
SHOWING THE ACTION BY THE GOVERNOR THEREON**

Fifty-First Legislature
1989 Regular Session
1989 First Special Session
1989 Second Special Session

House No.	Relating to:	Chapter No.	Effective Date	
S	1007	Water ski safety	241	5/5/89
	1010	LEOFF/disability leave	21	4/18/89
	1019	Home detention/burglars	394	7/23/89
	1020	Coll barg/court employees	275	7/23/89
	1024	Victims notice/sex offenders	30	7/23/89
	1025	Fishing licenses/commercial	47	7/23/89
	1026	Sea urchin fishing/commercial	37	4/18/89
	1027	Fisheries director/authority	130	7/23/89
S	1028	Fshng lic/rectrlnl/when reqrd	305 PV	1/1/90
S	1031	State budget changes	311 PV	7/23/89
	1032	Bonds/general obligation	136	4/20/89
	1033	Committee voucher authority	137	7/23/89
	1038	County legis auth/meetings	16	7/23/89
S	1039	Boater info/dumps/hldg tanks	17	7/23/89
	1042	Trucks/brake requirements	221	7/23/89
	1043	Unclaimed property/WSP	222	7/23/89
	1047	Crops/UCC secured transactns	251	7/23/89
	1049	Prosecutors/private practice	39	7/23/89
S	1051	Developmently disabl'd adults	420 PV	5/13/89
S	1056	Herring spawn on kelp/perm'ts	176	7/23/89
	1060	Bonds/state-locl govt issue	225	7/23/89
	1062	WA military justice code	48	7/23/89
S	1065	Sex crimes against children	332 PV	7/23/89
S	1067	Health ins covrge access act	121	7/23/89
	1070	Criminal procedure revision	276	7/23/89
S	1071	Collateral attacks/convictns	395	7/23/89
	1072	Air guns prohibited/schools	219	7/23/89
S	1074	Mammograms/hlth ins coverage	338	7/23/89
	1077	Handicapped persns/curb ramp	173	7/23/89
	1085	Neurodevelopmentl therapy/ins	345	7/23/89
S	1086	Underground storage tanks	346	5/12/89
		Sections 6, 12 and 19		7/1/90
	1096	Federal liens/recording		Vetoed
S	1097	Home for aged/tax exemptn	379	4/1/90
	1103	Motor vehicles warranties	347	6/1/89
S	1104	MV inspection/maintenance	240	1/1/90
S	1115	Legend drugs/purchase	242	7/23/89
	1117	Workers' comp insurance	49	7/23/89
S	1133	Child care/employr involvmnt	381	5/13/89
	1138	Honey bee commission	5	7/23/89
	1157	Voc-tech schls/competitiv bid		Vetoed
	1162	Fire protect dist/city annex	76	7/23/89
	1163	Claims filing/nonchartr city	74	7/23/89

PV - Partial Veto; E1 - 1st Special Sess.; E2 - 2nd Special Sess.

House No.	Relating to:	Chapter No.	Effective Date	
S	1168	Estate tax apportionment	40	4/18/89
S	1169	Disclaimers of interest	34	7/23/89
	1170	Powers of appointment	33	7/23/89
S	1173	Nonclaim statutes revision	333	5/11/89
2S	1180	Oil storage tank leaks	383	5/13/89
		Sections 14-19		7/1/89
	1182	Hazardous waste siting	13 E1	8/9/89
S	1183	Adoption information	281	7/23/89
	1189	Korean conflict memorial	235	7/23/89
S	1192	Conservatn dists/assessments	18	7/23/89
	1198	Cities electrical utilities	249	7/23/89
	1205	Honorable discharge recording	50	7/23/89
S	1208	Court reporter certification	382	9/1/89
S	1217	Water/sewer districts	308	7/23/89
	1220	Water dist contract projcts	105	7/23/89
S	1221	Vehicle auctioneer license	301 PV	7/23/89
	1231	Skins/fur disposal	197	7/23/89
	1239	Pension plans/usury laws	138	4/20/89
	1241	Psychology examining board	226	7/23/89
	1249	Plastics/marine environment	23	4/18/89
S	1250	Hearing aid filters/license	198	7/23/89
S	1251	Municipal annexations	351 PV	7/23/89
S	1252	Registered nurses	114	7/23/89
	1253	Nursing assistants	300	7/23/89
S	1254	Civil liability immunity	234 PV	7/23/89
	1258	Assault on law officers	169	7/23/89
S	1259	Guide dogs/no license fee	41	7/23/89
	1282	Motor freight forwarders	60	7/23/89
	1286	Industrl district boundaries	167	7/23/89
S	1287	Escrow agent license renewal	51	7/23/89
	1289	Liquor imports/entertainmt	Vetoed	
	1290	Geographic coordinate system	54	7/23/89
S	1301	Radon studies	Vetoed	
S	1305	Public utility taxation	302 PV	5/11/89
S	1322	Retirement systems/COLAs	272	5/8/89
S	1324	Department of Health created	Vetoed	
	1330	Ferry operations	62	7/23/89
	1334	Senior citizen/teacher aide	310 PV	7/23/89
S	1337	Medications/imprinting	247	7/23/89
S	1339	County govt modification	Vetoed	
	1342	Sentence review petitions	214	7/23/89
	1348	Weight perms/emrgncy vehicle	52	7/23/89
	1350	Marital deduction gifts	35	7/23/89
	1354	Interagency outdoor recreatn	237	6/30/89
S	1355	Motor vehicle operatns/state	57	7/1/89
	1358	Administrative procedure act	175	7/1/89
		Section 36		7/1/90
S	1369	Waterfront sewer systems	349 PV	11/1/89
S	1370	Taxing district boundaries	217	5/3/89
S	1379	Bid price adjustment	59	7/23/89
	1385	Insurance entity status	151	4/21/89
S	1386	Small works roster creation	244	7/23/89
S	1388	Good samaritan statute	223	7/23/89

PV - Partial Veto; E1 - 1st Special Sess.; E2 - 2nd Special Sess.

HOUSE BILLS PASSED BY BOTH HOUSES

2995

House No.	Relating to:	Chapter No.	Effective Date
	1395 Public disclosure exemptions	238	7/23/89
S	1397 Water use efficiency	348 PV	7/23/89
	1400 Family court commissioners	199	7/23/89
S	1408 PERS service credits	309	7/23/89
	1412 Veterans' license plates		Vetoed
S	1414 Judicial info system fund	364	7/23/89
S	1415 Tuition fees	245	7/23/89
	1418 Moral nuisances	70	7/23/89
S	1426 Hound stamp	365	7/23/89
S	1430 Gender equality/higher ed	341	7/23/89
	1438 Public transportatn report	396	7/23/89
S	1444 Students at risk programs	233 PV	7/23/89
	1445 Financial aid-1/2 time stdnt	254	7/23/89
	1454 Transportation benefit dist	53	7/23/89
S	1455 District court elections	227	7/23/89
S	1457 Indeterminate sentencing brd	259	7/23/89
S	1458 Correctns/intrastate compact	177	4/27/89
	1467 Capital facilities account	397	7/1/89
	1468 Excellence in ed awards	75	7/23/89
2S	1476 WA marketplace program	417 PV	7/23/89
	1478 Pharmacy board regulations	352	7/23/89
S	1479 Appropriations 87-89 Gov	3 EI PV	5/12/89
	1480 Productivity board changes	56	7/1/89
S	1484 Bond sales/budget 1989-91	14 EI	7/1/89
	Section 18		6/1/89
	1485 Postsecondary ed loans	166	7/23/89
	1502 Vehicle permit fees	398	7/23/89
S	1503 Ferry contracts bond	58	4/19/89
S	1504 Indoor air quality/pub bldg	315	7/23/89
	1512 Appropriatns/capital project	15 EI	6/1/89
	1518 Industrial insurnce coverage	368	7/1/89
	1520 Ferry system salary survey	327	5/11/89
	1524 Correctional industries	185	7/23/89
S	1542 Offender financial obligatns	252	7/23/89
	Sections 18, 22, 23 and 24		7/1/89
	Sections 1-17, 19-21, 25, 26 and 28		7/1/90
	1545 Vehicle registration fraud	192	7/23/89
	Section 2		9/1/89
S	1547 Medical support enforcement	416 PV	5/13/89
S	1548 Paternity establishment	55	7/23/89
	1552 Mobile home tenant lot fees		Vetoed
S	1553 Econ dev finance authority	279	7/23/89
S	1558 Steroids/regulating use	369	7/23/89
S	1560 Medical care provisions	260	7/23/89
S	1568 Solid waste disposal	399	7/23/89
S	1569 Forest protection	362	7/23/89
S	1572 Minor party nominations	215	7/23/89
	1573 Levy reduction funds	141	7/1/89
S	1574 Natural gas/city tax	384	7/1/90
S	1581 Family and medical leave	11 EI	9/1/89
S	1582 Child care pilot program		Vetoed
S	1599 Alcoholism/drug appropriatns	3	2/17/89
	1618 Public housing authorities	363	7/23/89

PV - Partial Veto; EI - 1st Special Sess.; E2 - 2nd Special Sess.

House No.	Relating to:	Chapter No.	Effective Date
S 1619	Alcoholism/drug treatment	270 PV	7/23/89
S 1630	Manufactured homes status	343 PV	3/1/90
1631	Convention centers financing	277	7/23/89
S 1635	Support enforcement	360 PV	7/23/89
	Sections 9, 10 and 16		5/12/89
	Section 39		7/1/90
S 1639	Fire district regulation	63	7/23/89
1645	MV dealers/manufacturers	415 PV	7/23/89
S 1651	Flood-plain management	64	7/23/89
1656	Land development regulations	428 PV	7/23/89
	Section 2		7/1/90
S 1658	Sexual exploitation/minors	32	7/23/89
1664	MV tinted glass use	210	7/23/89
S 1671	Solid waste reform	431 PV	7/23/89
	Sections 49 and 50		7/1/89
1689	Licensing fees refund	68	7/23/89
1690	Motor vehicle fuel tax	193	4/27/89
1698	Precinct boundaries	278	7/23/89
1709	Medical aid purchases	189	7/23/89
S 1711	Crime prevention training	357 PV	1/1/90
1718	WSP/disability retirement	108	7/1/89
1719	Retirement benefits/excess	191	4/27/89
1729	Title 30 RCW cleanup	220	7/23/89
S 1737	Crime victims compensation	5 E1 PV	7/1/89
	Sections 3 and 7		5/14/89
S 1756	Telecommunicatns/extend area	282	7/23/89
1757	Substitute teachers	263	5/5/89
S 1759	Education staff diversifictn	370	7/23/89
1762	Discrimination/guide dog	61	7/23/89
1768	Building permit fees	256	7/23/89
1769	Student exchange programs	290	7/23/89
1772	Fish species names	218	7/23/89
S 1774	Ski area safety	81 PV	7/23/89
1776	Volunteer firefighters fund	194	7/1/89
1777	Residential placemnt/juvenile	269	7/23/89
1778	Trade show tax status	392 PV	7/23/89
S 1788	Puyallup tribal claims	4 E1	8/9/89
2S 1793	Alcohol/controlled substance	271 PV	5/7/89
	Sections 502 and 504		6/1/89
	Sections 229-233, 501, 503 and 505-509		7/1/89
1794	State purchase/real property	356	7/23/89
1802	Snohomish cnty/appeals court	328 PV	7/23/89
1841	Instructional materials cmte	371	7/23/89
1844	House-to-house sales/regs	216	7/23/89
S 1853	Oil spill damage assessments	388	5/13/89
S 1854	Water pollution damages	262 PV	5/5/89
S 1857	Public water systems	207	7/23/89
S 1858	SBA 7a loan guaranty program	212	7/23/89
1862	Teachers service credit	289	7/23/89
S 1864	Nursing home care/quality	372 PV	7/23/89
	Section 2		7/1/89
1872	Hitchhiking/county regulatn	288	5/8/89
1885	Judicial retirement system	139	7/23/89

PV - Partial Veto; E1 - 1st Special Sess.; E2 - 2nd Special Sess.

House No.	Relating to:	Chapter No.	Effective Date
S 1889	Public employee immunity	413 PV	7/23/89
S 1894	Dental hygienists/dentists	202 PV	7/23/89
1904	Transportation impact fees	296	7/23/89
1909	Abandoned intangible property		Vetoed
1912	Juvenile fingerprinting	6	7/23/89
1917	Real estate appraiser law	414 PV	7/23/89
	Sections 2, 3, 7-8 and 26		7/1/89
	Sections 1, 4 and 9-22		7/1/90
S 1952	Durable power of attorney	211	7/23/89
S 1956	Adoption provisions	255	7/23/89
S 1958	Chiropractic board members	258 PV	7/23/89
S 1965	Boarding home definition	329	7/23/89
S 1968	Long-term health care	427 PV	7/23/89
	Sections 2-24, 26-28, 30-33 and 36-43		5/14/89
1976	Project cost evaluation	182	7/23/89
1980	Educational dist job sharing	206	7/23/89
S 1983	Contempt of court laws	373 PV	7/23/89
1993	Poultry labeling/uncooked	257	5/5/89
1996	Voter registration/cancel	261	7/23/89
S 2000	Produce handlers standards	355	5/12/89
2001	Livestock provisions	286	7/23/89
2010	Disabled/hunt from vehicle	297 PV	7/23/89
S 2011	Commercial fishing licenses	316	1/1/90
S 2012	Port district land improvmt	298	7/23/89
2013	Parks/recreation tax levies	184	7/23/89
S 2014	Special ed/handicapped child	400	7/23/89
2016	Gender equity/athletics	339	7/23/89
S 2020	Athletes/tuition-fee waivers	340	7/23/89
S 2024	Regulatory fairness	374 PV	7/23/89
S 2036	Metropolitan park districts	319	7/23/89
2037	Mount Saint Helens recovery	213	7/23/89
S 2041	Landlord-tenant law	342	8/1/89
2045	Fuel tax/mileage based	142	7/23/89
2051	Federally assisted housing	188	4/27/89
2053	Bond redemption tax levies	287	7/23/89
2054	Involntrly committed/release	401	5/13/89
2060	Industrial ins/horse racing	385 PV	5/13/89
S 2066	Student transportatn safety	330	7/23/89
S 2070	Building code/moved building	313 PV	7/23/89
2075	Headlight policy/24 hours	195	7/23/89
S 2088	Insurer holding company	228	7/23/89
2118	Preschool-8 certificates	402	7/23/89
2129	Cultures/languages/diversity	236	7/23/89
2131	Mobile home electrical inspct	344	7/23/89
2135	Farm labor liens	229	5/3/89
S 2136	Mobile home relocatn assist	201	4/28/89
S 2137	Target sectors/econ dvlopmt	423 PV	7/23/89
2142	Litigation expenses/cities	285	7/23/89
2155	Parenting act changes	375 PV	5/12/89
2158	Cancer center/health facility	65	7/23/89
2161	Distinguished professorship	187	7/23/89
2167	Mobile home parks	274	5/8/89
2168	Radioactive waste/service chrg	376	5/12/89

House No.	Relating to:	Chapter No.	Effective Date
2222	Pesticides/agric workers	380	7/23/89
	Sections 69, 71-73 and 78-81		1/1/90
	Section 76		7/1/90
2242	Oil spill/financl respnsblty	2 E1	8/9/89
2244	Maternity care/low-income	10 E1	8/9/89
2245	Basic ed salary allocations	16 E1	8/9/89
2247	Parenting act/tech correctn	2 E2	6/1/89

**HOUSE MEMORIALS AND RESOLUTIONS PASSED
BY BOTH HOUSE AND SENATE**

Fifty-First Legislature
1989 Regular Session
1989 First Special Session
1989 Second Special Session

No. Subject:

HOUSE JOINT MEMORIALS

4400	Hanford/natl energy center
4401	Federal budget/fund removal
4015	Student loans
4018	Appliance energy conservatn

HOUSE CONCURRENT RESOLUTIONS

4400	Joint session
4401	Notify Gov legis organized
4404	Cutoff dates established
4405	Jt session/medal of merit
4406	Memorial/former legislators
4408	Economic dev board reports
4412	Jt session/prime minister
4415	P.J. Gallagher overpass
4416	Notify Gov/sine die
4417	Transmittal of bills
4419	Reintroducing legislation
4421	Adjournment/1989 1st Spec
4422	Legis organized/Gov notified
4423	Transmittal of bills
4424	Notify Gov/sine die

**SENATE BILLS PASSED BY BOTH HOUSE AND SENATE
SHOWING THE ACTION BY THE GOVERNOR THEREON**

Fifty-First Legislature
1989 Regular Session
1989 First Special Session
1989 Second Special Session

Senate No.	Relating to:	Chapter No.	Effective Date	
S	5009	Vessel reg/exemptions	102	7/23/89
2S	5011	Instit spouse/asset alloc Sections 1-5	87 PV	7/1/89 10/1/89
S	5014	Police dogs	26	7/23/89
S	5018	Co-op assoc/incorporation	307	7/23/89
	5022	UTC/reporting requiremnts	107	7/23/89
	5023	Tariff changes/provisions	152	7/23/89
	5030	Writs of certiorari/language	7	7/23/89
	5031	RCW/internal ref correctns	8	7/23/89
	5032	RCW/obsolete secs/repealed	9	7/23/89
S	5033	RCW/technical corrections	14	7/23/89
S	5034	RCW/double amds/repeals	10	7/23/89
S	5035	Insurance/foster parents	403	7/23/89
	5037	Dirsdom insurers/comp of bd	24	7/23/89
	5040	Ctrl sub/corr fac/sntnce enh	124	7/23/89
S	5041	Inmate calls/monitoring auth	31	7/23/89
	5042	Coll brgn agrmts/pub/implmnt	46	7/23/89
	5045	Corrcn laws affctd by veto	11	7/23/89
	5046	Gender specific lang elimntd	12	7/23/89
S	5048	Cncl prev child abuse/exten	304	7/23/89
	5054	Minority teacher recruitment	146	7/23/89
2S	5065	Foster care/citzn review bd	17 E1	8/9/89
S	5066	Self defense	94	7/23/89
S	5071	Surrogate parenting	404	5/13/89
2S	5073	Bigotry/bias inf cntrl repos Null and void/funds not provided	366	
	5079	Variable interest rates/UCC	13	7/23/89
S	5085	Financial planner regulation	391	7/23/89
S	5088	Telemarketing regulation	20	1/1/90
	5089	Transfers between supr cts	15	7/23/89
	5090	Unrnkd feln/seriousnss level	99	7/1/89
S	5097	State militia	19	7/23/89
S	5098	Telecommunctn co regulation	101	7/23/89
S	5099	WSP/suspension w/o pay	28	7/23/89
S	5107	Vulnerable adults/registry	334	7/23/89
S	5108	Abused child/abuser/visitn	326	7/23/89
2S	5111	Work release provis/modified	89	7/23/89
	5121	Mobile sub abuse aware prog		Vetoed
S	5126	Low-lvl waste/surveillance	106	7/23/89
S	5127	Bdry review bds eliminated	84 PV	7/23/89
S	5128	Local improvmts/notice req	243	7/23/89
	5137	Nurses retire accts/transfer	116	4/20/89
S	5138	MV inspct/other co/state reg	110	7/23/89

PV - Partial Veto; E1 - 1st Special Sess.; E2 - 2nd Special Sess.

Senate No.	Relating to:	Chapter No.	Effective Date
S 5142	Yr end fisc rpts reqmt/chang	168	7/23/89
5143	Candidates' names/ballots	155	7/23/89
S 5144	Co auditors/presrv documents	204	7/23/89
S 5147	Credit servs/def revised	303	7/23/89
5150	POW/recognition day	128	7/23/89
S 5151	Sr cit park pass extended	135	7/23/89
5152	Insur form filing req/amd	25	9/1/89
5154	Sanitary control/shellfish	200	7/23/89
5156	Cedar river sockeye salmon	85 PV	7/23/89
5167	Campaign finance reporting	280	1/1/90
S 5168	Wstrn lbrly ntwrk/pvt n-prft	96	6/1/89
5172	Utility's credit/eapmt loans	268 PV	5/5/89
S 5173	Disclosure/impropr gvt activ	284	7/23/89
2S 5174	Hydropower plan	159	7/23/89
S 5184	Limousine operators	283	7/23/89
5185	Family day care zoning	335	7/23/89
S 5186	Judicial conduct commission	367	12/89*
	*Pending voter approval of SSJR 8202		
S 5191	Good time credit statutes	248	7/23/89
S 5193	Optometry	36	7/23/89
S 5196	Drought relief	171	4/27/89
S 5197	Executive state officer	158	7/23/89
S 5208	Washington condominium act	43 PV	7/1/90
S 5213	Stat of limitn/charge accts	38	7/23/89
S 5214	Abuse/neglect mandatory rpt	22	7/23/89
S 5221	Advance college pymt prgrm		Vetoed
5231	Antique firearms defined	132	7/23/89
5233	Crime of burglary/provisions	412 PV	7/1/90
5233	Crime of burglary/provisions	1 E2	7/1/90*
	*Partial veto override		
2S 5011	Instit spouse/asset alloc	87 PV	7/1/89
	Sections 1-5		10/1/89
S 5234	Crim indent sys/provis revsd	90	7/23/89
S 5241	Small business growth	312	7/23/89
5246	Deed of trust foreclosures	361	7/23/89
5250	Surface mining reclamation	230	7/23/89
S 5252	Unfit buildings/dwellings	133	7/23/89
S 5263	Arbitratn/unilatrl proposals	45	7/23/89
S 5265	Charter boats/state waters	295	7/23/89
S 5266	Vocatnl intructr certfctn	29	7/23/89
S 5275	High voltage fields	143	7/23/89
5277	Fire dist service charges	27	7/23/89
S 5288	Salmon smolt production	336	7/23/89
S 5289	Regional fisheries groups	426 PV	7/23/89
S 5293	College classes/Clallam co	306 PV	7/23/89
S 5297	Secret ballots/open meetings	42	7/23/89
5301	Factory built housing	134	7/23/89
S 5305	Equine activities immunity	292	7/23/89
S 5314	Sex crimes/public schools	320	7/23/89
S 5315	Vessel oil spills		Vetoed
5329	License delinquency fee	170	7/23/89
S 5348	Fishing regulation	172	7/23/89
S 5350	Mental health commissioners	174	7/23/89

Senate No.	Relating to:	Chapter No.	Effective Date
S 5352	1989-91 appropriations	19 El PV	7/1/89
5353	LEOFF service credit	88	7/23/89
S 5357	Insur educ provider defined	323	7/1/89
S 5362	Antipsychotic medications	120	4/20/89
5368	Urban arterial priorities	160	7/23/89
S 5369	Mobile home availability	294	7/23/89
5370	School self-study	83	7/23/89
2S 5372	Recreational boating laws rev	393	7/23/89
S 5373	Transportation appro 1989-91	6 El PV	5/20/89
2S 5375	DNA identification system	350 PV	7/23/89
5381	Vehicular homicide penalties	405	7/23/89
5393	Nurses/educational assistnce	115	7/23/89
2S 5400	Mental health systems	205	5/3/89
5403	Surplus state property	144	7/23/89
S 5418	Altering pension funding	273	5/8/89
	Sections 13,17,18,22,23,25,27,28		9/1/90
S 5419	Oregon boats fish WA waters	147	7/23/89
5440	Tow truck regulation	111	7/23/89
S 5441	Commercial driver's licenses	178	10/1/89
	Sections 25,26,28,32		4/1/92
S 5443	Vehicle laws	337 PV	7/23/89
	Section 22		1/1/90
5452	Vehicle license fees	156	7/23/89
5464	Boxing and wrestling	127	4/20/89
5466	Building code council	246	7/23/89
S 5469	Alcoholism patient records	162	7/23/89
S 5472	Vessel dealer exemptions	Vetoed	
S 5474	Court interpreter certificat	358 PV	7/23/89
5480	Malicious harassment	95	7/23/89
S 5481	Impaired physician program	119	4/20/89
S 5486	Real estate brokers licenses	161	7/23/89
	Section 2		1/1/91
S 5488	Theft of livestock/penalties	131	7/23/89
5492	Health care provider immunity	377	7/23/89
S 5499	MV liability insurance	353	1/1/90
S 5501	DOC/health contract providers	157	7/23/89
5502	Valuable materials/sale/adv	148	7/23/89
S 5506	Public works bd proj/approp	181	4/27/89
S 5521	Capital budget	12 El PV	6/1/89
S 5531	Excellence in ed program	77	
	Null and void/funds not provided		
5536	State employees' benefits bd	324	7/23/89
S 5543	Nonprofit corps annual rept	291	7/23/89
5552	Interstate tariff/file reqmt	186	7/23/89
S 5553	Excursion busses/deregulatn	163	7/23/89
S 5560	Temporomandibular jt disordr	331	1/1/90
S 5561	Fin fish culture facilities	293	5/8/89
S 5566	Safe drinking water act	422 PV	7/23/89
5579	Past due accounts reporting	100	7/23/89
5580	Uncollectable acct/write off	78	7/23/89
5583	Wash business corp act	165	7/23/89
5590	Firefighters pension fund	91	7/1/89
S 5591	Hwy ROW/unfranchised use	224	7/23/89

PV - Partial Veto; El - 1st Special Sess.; E2 - 2nd Special Sess.

Senate No.	Relating to:	Chapter No.	Effective Date
	5592 St hwy facilities/damages	196	7/23/89
	5595 Drug samples/distribution	164	4/22/89
S	5614 Substance abuse prgm/dentist	125	4/20/89
	5617 Teaching/math/engr/science	66	7/23/89
	5636 UC/state-federal relationship	92	7/23/89
S	5641 Service chg/vessel contracts	112	7/23/89
S	5644 Milwaukee Road transfer	129	7/23/89
S	5648 Washington port federation	425 PV	7/23/89
2S	5658 Risk management program	419 PV	7/1/89
2S	5660 Child care grants	126	
	Null an void/funds not provided		
S	5663 County officials defense	250	7/23/89
	5668 Juvenile proceedings/venue	71	9/1/89
	5676 Route 901 scenic highway		Vetoed
	5679 Industrial insurance funds	190	7/23/89
	5680 RCW/obsolete language	140	7/23/89
S	5681 Asbestos projects	154	4/22/89
S	5686 Agriculture statutes	354	7/23/89
	Sections 70-81.84-86		1/1/90
	Section 30		1/1/91
	5689 Industrial insur investments	179	7/23/89
	5701 Financial institutions	180	4/27/89
S	5713 Medical test sites licensure	386	7/1/89
	Sections 1-22		7/1/90
	5715 Immigration consulting regs	117	7/1/89
	5731 Governmt obligations invest	97	7/23/89
S	5733 Trademark registratn modify	72	7/23/89
	5736 School const/local funding	321	5/11/89
	5737 ESD's/annual leave	208	7/23/89
	5738 Student motivation prgms	209	7/23/89
S	5746 Interstate truck drivers	104	7/23/89
	5756 Sureties/public works bonds	145	7/23/89
S	5759 School breakfast program	239	7/23/89
	5771 Rent assignments/perfection	73	7/23/89
S	5776 Law enforcement training	299 PV	7/23/89
S	5782 Defrauding public utility	109	7/23/89
S	5786 Harbor line relocation	79	7/23/89
S	5790 Sale of loan servicing	98	1/1/90
S	5807 Indian & historic graves	44	7/23/89
	5809 Shopping cent directnl signs		Vetoed
S	5810 Hazard materl responsibility	406	7/23/89
S	5812 Common carrier liabil insur	264	7/23/89
S	5819 Poaching penalties	314	7/23/89
	5824 Health care payments	122	7/23/89
	5826 Student teachng pilot project	253	5/5/89
S	5827 Pet ID/minimize theft	359	5/12/89
	5833 Juvenile sentencing stds	407	7/23/89
S	5838 Agricultural livestock liens	67	7/23/89
S	5850 Funeral contracts	390	7/23/89
	5853 Machine gun use/penalty	231	7/23/89
S	5857 Disabled/fixed assets trans	265	7/23/89
	5858 School directors meetings	232	5/3/89
S	5859 Sch directors' associatn	325	6/30/89

Senate No.	Relating to:	Chapter No.	Effective Date
S 5866	Credit card tax payments Section 13	378	7/23/89 1/1/90
S 5868	Big game permits	153	7/23/89
5871	Wine retailers licenses	149	7/23/89
5874	Maritime commemorative	82 PV	7/23/89
S 5886	Sexually transmittid diseases	123	7/23/89
5887	Air pollution control auth	150	7/23/89
S 5889	Water utility conservation *Pending voter approval of SJR 8210	421 PV	12/89*
S 5891	Water resource policy		Vetoed
S 5897	Alcohol/drug treatment	18 E1	7/1/89
S 5903	Medically fragile children	183	7/23/89
S 5905	Building code council authy	266	7/23/89
5907	Fire protection districts	267	7/23/89
S 5911	State timber sales	424 PV	7/1/89
5916	Meat labeling		Vetoed
5926	Hanford low-level waste plan	418 PV	7/23/89
S 5933	State employee leave sharing	93	4/20/89
S 5947	Sentences/abuse/mitigation	408	7/23/89
5950	Child sexual abuse	317	5/11/89
2S 5960	Indigent defense services	409	5/13/89
5983	Water rights/superior court	80	7/23/89
S 5984	Yakima river water conservtn	429	7/23/89
5987	Alternative fuels	113	7/23/89
5990	Network telephone tax limit	103	7/23/89
5991	Juvenile offender assaults	410	7/23/89
S 6003	School postretirement benefi	69	7/23/89
6005	Domestic violence victims	411	7/23/89
S 6009	Custodial interference	318	7/23/89
6012	Surplus school prop leasing	86 PV	7/23/89
S 6013	Metro muni corps charges	389	7/23/89
S 6033	Hanford cleanup policy *With exceptions See New Section 8	322	7/23/89*
S 6048	HIV testing for insurance	387	5/13/89
2S 6051	Employer child care	430	5/15/89
6057	Homeless children/schools	118	7/23/89
S 6074	Public facilities districts	8 E1	8/9/89
6076	Motorcycle awareness program	203 PV	5/3/89
6095	Providing branch campuses	7 E1	8/9/89
6150	Supplemental pension rates	1 E1	8/9/89
6152	Creating Dept. of Health	9 E1 PV	7/1/89
6155	Tech corr/child care fund	3 E2	6/1/89

**SENATE MEMORIALS AND RESOLUTIONS PASSED
BY BOTH SENATE AND HOUSE**

Fifty-First Legislature

1989 Regular Session
1989 First Special Session
1989 Second Special Session

No. Subject:

SENATE JOINT MEMORIALS

S	8001	Foreign harvesting of salmon
	8002	West States Recycl Coalition
	8010	Oregon/Idaho jt trade cmpct
	8011	Greenhouse/sea level use

SENATE JOINT RESOLUTIONS

	8200	Victims rights/const amdt
S	8202	Judicial Conduct Commission
	8210	Water companies/conservation

SENATE CONCURRENT RESOLUTIONS

8403	Jt sel comm/emp-employee rel
8405	Adopting Joint Rules
8412	Spanish Quincentennial cmte
8415	Tax/spend reform task force
8416	Adjourn Sine Die
8421	Leg organized/Gov notified
8423	Transmittal of bills
8424	Adjourn Sine Die/Gov notified
8425	Northwest Exploratory Conf
8426	Reintroduction of bills
8427	Adjourn Sine Die

**GOVERNOR'S MESSAGES ON HOUSE BILLS
SIGNED AFTER ADJOURNMENT**

Fifty-First Legislature
1989 Regular Session
1989 First Special Session
1989 Second Special Session

May 31, 1989

To the Honorable, the House
of Representatives of the
State of Washington
Ladies and Gentlemen:

I have the honor to advise you that on May 31, 1989, Governor Gardner approved the following House Bill entitled:

HOUSE BILL NO. 2244: Relating to maternity care.

Sincerely,
Terry Sebring, Counsel.

June 1, 1989

To the Honorable, the House
of Representatives of the
State of Washington
Ladies and Gentlemen:

I have the honor to advise you that on June 1, 1989, Governor Gardner approved the following House Bills entitled:

HOUSE BILL NO. 1182: Relating to local government roles in hazardous waste siting;

SUBSTITUTE HOUSE BILL NO. 1484: Relating to state general obligation bonds and related accounts;

HOUSE BILL NO. 1512: Relating to capital appropriations;

SUBSTITUTE HOUSE BILL NO. 1581: Relating to family leave;

HOUSE BILL NO. 2245: Relating to the basic education salary allocation;

HOUSE BILL NO. 2247: Relating to technical correction and clarification to the parenting act.

Sincerely,
Terry Sebring, Counsel.

**GOVERNOR'S MESSAGES ON HOUSE BILLS
VETOED AND PARTIALLY VETOED**

Fifty-First Legislature
1989 Regular Session
1989 First Special Session
1989 Second Special Session

May 11, 1989

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 and 19, Engrossed Substitute House Bill No. 1028 entitled:

"AN ACT Relating to recreational fishing licenses."

Section 18 of this bill provides half-price hunting and fishing licenses to veterans with a service connected disability of 30 percent or greater. Section 19 of this bill creates a reduced rate (\$5) steelhead punch-card for persons under 15 or 70 years and older. Currently, persons in these age brackets pay \$15. To enact these sections will cause the Department of Wildlife the loss of approximately \$160,000 over the next biennium.

I regret denying these groups reduced fees; however, we need to approach the issue of special groups in consistent fashion to avoid greater erosion of the funding for this department. When the Legislature created the Department of Wildlife in 1987 (HB 758), it directed the Wildlife Commission to conduct a study of license fees with its report due by July 1989. At a minimum, the Legislature should review this work before adding to the list of reduced or free licenses.

With the exception of sections 18 and 19, Engrossed Substitute House Bill No. 1028 is approved.

Respectfully submitted,
Booth Gardner, Governor.

May 11, 1989

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, Substitute House Bill No. 1031 entitled:

"AN ACT Relating to state budget request."

Over the last two years, the Legislative Budget Committee, in response to legislative request, has examined the State's Capital Budget process. Concurrently, the Office of Financial Management (OFM) has conducted similar studies. Both of these groups have expressed a need for greater technical review and analysis of capital projects by a group independent of the requesting agency. I concur with this finding. However, section 2 of this bill proposes that OFM conduct such a review of capital budget requests without providing the requisite funding in the bill or in the 1989-91 Budget. While I support the idea of additional technical review, I cannot approve section 2 without the requisite funding.

With the exception of section 2, Substitute House Bill No. 1031 is approved.

Respectfully submitted,
Booth Gardner, Governor.

May 13, 1989

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 16, Engrossed Substitute House Bill No. 1051 entitled:

"AN ACT Relating to developmentally disabled adults."

Section 16 of this bill amends RCW 71.05.325 relating to the release of certain committed individuals. Similar language is contained in House Bill No. 2054, section 1. To avoid confusion, I am vetoing section 16.

With the exception of section 16, Engrossed Substitute House Bill No. 1051 is approved.

Respectfully submitted,
Booth Gardner, Governor.

May 11, 1989

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 1 and 3, Substitute House Bill No. 1065 entitled:

"AN ACT Relating to sexual offenses."

Section 1 of this measure authorizes courts to assess fees for sex offender treatment and makes such fees a priority for collection. At this time, the only assessment receiving such priority is for restitution to victims. This is proper and should be maintained. However, other recipients of court-ordered assessments, including the crime victim's compensation fund and local governments, should not be required to await payment until sex offender treatment costs are paid. This priority places an improper burden on other recipients.

In addition, section 1 conflicts with the provisions of House Bill No. 1542, section 4. That measure revises the authority of the Department of Corrections with respect to collection and distribution of financial obligations of offenders.

Section 3 amends the statute of limitations for child sexual offenses. These same provisions are amended by Senate Bill No. 5950, section 3. That measure makes additional, necessary changes to the same statute. In order to avoid confusion, I am vetoing section 3 of this act.

With the exception of sections 1 and 3, Substitute House Bill No. 1065 is approved.

Respectfully submitted,
Booth Gardner, Governor.

For Veto Message on HOUSE BILL NO. 1096, see page 2516.

May 12, 1989

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. 1157 entitled:

"AN ACT Relating to sole source purchasing by vocational-technical institutes."

House Bill No. 1157 grants Vocational Technical Institutes (VTIs) the authority to enter into sole source contracts for the purchase of equipment, facilities, or services when they are limited to a single source of supply. I am advised that school districts, VTIs, and other public entities already have the power to engage in sole source contracts in situations envisioned by this bill.

Since public entities already have this power, the enactment of a sole source procedure for only one operation of a school district and not other public entities,

including the other operations of a school district, could possibly be construed as negating the power already attached to these other public bodies.

To avoid this possible confusion, I believe we should retain the safeguards and protections which are provided by current law or codify new sole source provisions for all public entities.

For the reasons stated above, I am vetoing House Bill No. 1157 in its entirety.

Respectfully submitted,
Booth Gardner, Governor.

May 11, 1989

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. 1221 entitled:

"AN ACT Relating to auctioneers and auction companies."

An auctioneer, licensed under RCW 18.11, must comply with licensing requirements applicable to regulated "goods". As such, existing statutes require an auctioneer to obtain a vehicle dealer's license, post surety bonds, and acquire a temporary sub-agency license. These licenses ensure that the appropriate measures have been taken to protect consumers in these purchases.

This bill eliminates the temporary sub-agency license requirements, revises place of business requirements, and relaxes dealer licensing and surety bond requirements for auctioneers and auction companies. The changes provide for simplified departmental procedures while adequate consumer protection remains in effect, with one exception.

In reviewing the surety bond requirement, it is not clear why auctioneers selling mobile homes or travel trailers should not be required to post a bond comparable to those required for mobile home and travel trailer dealers. Passage of this section would not provide the public with adequate consumer protection.

With the exception of Section 4, Substitute House Bill No. 1221 is approved.

Respectfully submitted,
Booth Gardner, Governor.

May 12, 1989

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, Substitute House Bill No. 1251 entitled:

"AN ACT Relating to annexation for municipal purposes."

Substitute House Bill No. 1251 resulted from recommendations of the Local Governance Study Commission. The Commission found that Washington has comparatively restrictive annexation procedures, and that the problems of providing services to citizens in high-density unincorporated areas result in part from those restrictive procedures. The purpose of Substitute House Bill No. 1251 is to improve municipal annexation procedures and facilitate annexation of urbanized land. That is a laudable goal and one that I fully endorse.

A portion of section 1 of the bill, which resulted from an amendment to the original bill, would have the effect of increasing the number of signatures necessary at certain times to initiate an annexation under the petition/election method for a non-code city or town. That is contrary to the overall purpose of the legislation and the recommendations of the Local Governance Study Commission.

With the exception of section 1, Substitute House Bill No. 1251 is approved.

Respectfully submitted,
Booth Gardner, Governor.

May 5, 1989

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. 1254, entitled:

"AN ACT Relating to immunity from civil liability."

This bill was introduced as a Governor and Attorney General request bill to address concerns which arose out of a specific factual situation. A citizen reported the violation of a tax law to a state agency, the agency took enforcement action, and the party who was alleged to have violated the law sued the citizen for slander and libel even though the information reported was factual. Truth is a defense to any slander or libel lawsuit; however, the request bill allows citizens to be represented and protected against the financial cost of defending against frivolous suits. Sections 1, 2 and 4 address this situation and provide appropriate protection so citizens can feel secure in reporting possible violations of the law to regulatory agencies. The agency then can verify the facts and take appropriate action.

Section 3 was added to Substitute House Bill No. 1254 late in the session and was not subject to thorough legislative discussion and standing committee review. It provides that if an agency fails to respond to a complaint regarding a matter of concern to the agency, the person filing the complaint would be immune from civil liability on claims arising from the communication of the complaint.

I understand that the intent of this section is to ensure that good faith citizen complaints are acted upon by governmental agencies by providing immunity from suit to people who may choose to go public with their concerns. That is an admirable purpose which I support. However, I am concerned that the language used in this section could be interpreted to mean that immunity would be conferred even when statements are made that go beyond the original communication to the agency, such as inferences made about the character of an individual. These claims may arise from the communication and therefore be subject to the immunity provisions. That broadened immunity from civil action is more than what is needed in these instances.

In addition, under section 3, if an agency failed to reasonably respond to a complaint, the complainant would be granted immunity to communicate to other persons information about a private individual that was actually false and damaging to the individual's reputation, as long as the complainant claimed he reasonably believed the information was true. Unfortunately, proving or in this case disproving, the complainant's state of mind is not easy. The injured individual would be precluded from taking action against the person who disseminated the false information.

Also, section 3 fails to indicate what is meant by "if an agency failed to reasonably respond to a complaint". Citizens often expect immediate responses to their complaints regardless of the complexity of the issue or the capacity of the agency to respond. The Legislature should discuss whether this kind of immunity to make false charges is good public policy or if additional safeguards or standards should be included before this provision becomes law.

With the exception of section 3, Substitute House Bill No. 1254 is approved.

Respectfully submitted,
Booth Gardner, Governor.

April 18, 1989

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. 1289, entitled:

"AN ACT Relating to authorized business entertainment practices by liquor manufacturers, importers, or wholesalers."

House Bill No. 1289 permits manufacturers, importers and wholesalers of alcoholic beverages to give retailers and their employees, food and beverages at business meetings, tickets and transportation to athletic and other entertainment events, and food and beverages at those events. Current state liquor control laws prohibit these practices. The "tied house" provisions of the original Steele Act prohibit financial ties between retailers and their suppliers.

Proponents of this legislation maintain that the practices permitted by this bill are normal business practices that occur routinely between business people and their clients. They argue that transactions between alcoholic beverage suppliers and retailers should not be treated differently than other business transactions. However, our state treats liquor sales in a control or regulated fashion and has not adopted the open market approach used in some states.

The primary purpose of the "tied house" and other provisions of the state's liquor laws is to treat the alcoholic beverage business differently than other businesses—and for very sound historical reasons. In the past, close financial ties between suppliers and retailers led to reduced competition and coercive sales practices. In addition, the increased cost of this proposed business entertainment will ultimately be passed on to the consuming public when they purchase these products.

I believe it is unwise to relax the requirements of the "tied house" laws. This breach in the Steele Act could lead to further erosion of a law that has served the state well.

For this reason, I have vetoed House Bill No. 1289 in its entirety.

Respectfully submitted,
Booth Gardner, Governor.

May 12, 1989

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. 1301 entitled:

"AN ACT Relating to radon studies and education."

This bill requires the Department of Social and Health Services to maintain a public education program on radon gas and radon progeny. Additionally, it requires the department to study the existence of radon in schools, state buildings, and individual residential structures throughout the state. These programs are certainly laudable, and the department has been supportive of the policies of this bill during the legislative session.

However, the appropriation is not sufficient to meet the requirements of this bill. The department's budget will not support absorbing the costs of these provisions. Despite the positive policy goals of this legislation, I cannot sign into law new or expanded initiatives which are not sufficiently funded, and which might result in taking resources away from currently mandated programs.

It is my understanding that the \$48,000 appropriation was intended for use in receiving federal funding. The federal Indoor Radon Abatement Act of 1988 does include a grant assistance program, beginning in October of this year, to assist states with certain radon testing and education activities. However, the eligibility requirements and the criteria for distribution of available funds have not yet been determined. It is not even known whether a state will need to contribute matching funds to participate in the program. Once this grant program has been defined, the Department of Social and Health Services will take the necessary action to apply for participation and will advise me if legislative action is required.

For the reasons stated above, I have vetoed Engrossed Substitute House Bill No. 1301 in its entirety.

Respectfully submitted,
Booth Gardner, Governor.

May 11, 1989

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 206, Substitute House Bill No. 1305 entitled:

"AN ACT Relating to public utility taxation."

Section 206 creates a new exemption to the public utility tax for electrical power purchased for resale. This exemption would create an unfair competitive advantage for firms which purchase electrical power and then resell it. Such power would be subject only to a B&O tax of 1.5% while other power in the state is subject to a public utility tax of 3.852%.

To our knowledge, only one firm would benefit from this exemption. The purpose of the exemption was to eliminate the double taxation of such electrical power. In this case, a firm purchases electrical power from a utility. The utility pays a public utility tax on such power of 3.852%. The firm which purchases the power then sells it to a subsidiary. Since the power is a sale by the firm, it is part of its gross receipts and subject to a 1.5% B&O tax. The firm argues that the public utility tax is unfair double taxation.

Unfortunately, double taxation is the rule with the B&O tax, not the exception. The B&O tax is a gross receipts tax which is imposed on gross income with no deductions. Since the firm is in business and sells the power, the value of the power is part of their gross receipts. What the firm in fact wants is a deduction for the costs of doing business. In effect, this is tax reform, but only for one firm not for everybody. The need for tax reform is real. This piecemeal revision of the tax code is not the appropriate way to address the shortcomings of the existing tax system.

Furthermore, no logical argument has been presented which would indicate that electrical power for resale should be exempt. Under this bill, the power purchased by the firm in this case would be subject to a B&O tax of only 1.5%. All other power sold for in-state use is subject to a public utility tax of 3.852%. There is no reason why this power should be taxed at a lower rate.

With the exception of section 206, Substitute House Bill No. 1305 is approved.

Respectfully submitted,
Booth Gardner, Governor.

April 4, 1989

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. 1324, entitled:

"AN ACT Relating to creating a department of health."

Four months ago, I announced my support for the creation of a cabinet-level state health agency. I am convinced of the need to establish a comprehensive department to address health issues that affect the citizens of the state. Currently, the state has responsibilities as a protector of the public health, a health care provider of last resort, a regulator of health services, and a purchaser of health services. The state must increase its role in evaluating the state's health needs by planning for the future.

I made clear at that time, and throughout this legislative session, that the challenge before us in the creation of a Department of Health was of greater consequence than the mere reorganization of existing state health programs.

In providing the citizens of the state a structure for addressing these issues, I believe we must look beyond the interests of the bureaucracy, the service providers, and those with financial interests in the field. We must focus on the kind of agency that will serve the citizens best. A state Department of Health must have the ability to assess, analyze, and act on issues of public health, health care costs, health care quality, and access to health care.

The original version of this bill, which I proposed to you, provided the structure to realize those goals. The bill as it has been returned to me does not. While I strongly support the creation of a Department of Health, I am vetoing Engrossed Substitute House Bill No. 1324.

I would like to outline the substantive issues of my original proposal that were unacceptably weakened through committee amendment.

Quality

The bill I proposed to you provided for assessment of health quality, development of health quality policies, and an enhanced ability to assure delivery of quality health care. My proposal combined health regulatory and planning programs from four different agencies, and introduced new quality-related programs, such as the Office of Consumer Affairs and the evaluation of population-based data.

I support the refinements made to my proposal that tie the department's quality-related studies with the Board of Health's State Health Report. However, I do not support limiting the department's ability to assess quality of care to those issues approved by the Board of Health or the Legislature. A cabinet level agency should have the autonomy independently to identify and address health quality issues.

The policy development role of the Department of Health, as defined in Engrossed Substitute House Bill No. 1324, is limited to the secretary's seat on the Board of Health. As with the quality-related studies, this agency should also have the autonomy to develop health-quality policies. While the Board of Health and the Department of Health will work closely together in many ways, they should remain independent entities. The executive request bill provided the necessary transfer of planning functions currently carried out by DSHS to the Department of Health. The role of policy development and planning is extremely important to the functions of the Department of Health.

I am baffled with the Legislature's unwillingness to include the Board of Pharmacy within the Department of Health. This is not an inconsequential act. Creation of a Department of Health that includes the Board of Pharmacy is consistent with the goal of defining health issues across the entire spectrum of health services. Recognizing pharmacology as an important health area requires that the Board be fully included in the department, thereby giving this subject full presence in state health deliberations. The members of the Board of Pharmacy understand this and are supportive of my approach to including their functions in the Department of Health, an approach which is sensitive to the policy and oversight role appropriate to this dedicated and hard-working board.

Cost Containment

Rapidly increasing health care costs negatively affect access to and quality of care. State government has a central role in containing health care costs, and the appropriate placement of that role is within a Department of Health. I want to identify clearly my position on cost containment as something more sophisticated than just rate regulation. We must find ways of making health care affordable to all citizens of the state. Rate regulation is but one tool. An informed citizenry, as informed consumers, can affect the cost of the care they purchase. Volume health care purchasers, large employers and health insurance companies can apply pressure to identify ways to provide some health care services more efficiently. However, these efforts are not enough. The health care marketplace is not a free

market system in which a consumer can be assured of equitable and efficient care. The gaps in the system are significant enough that some protection must be in place for the good of all citizens.

Perhaps the most meaningful tool in controlling health care costs is through proper health care practice. This requires education of those to whom we turn for care, changes in lifestyle for each of us, and achieving consensus on hard ethical and value laden choices on distribution of health resources. These efforts will take time to accomplish. In the meantime we must have in place some mechanisms that will protect us from the uncertainties of an unfettered marketplace in an area as essential to our well-being as health care.

For these reasons the Department of Health must have cost containment capabilities. These should include the ability to:

- 1) Evaluate and analyze available data and information to determine the outcome and effectiveness of health services, utilization and payment methods;
- 2) Develop, based on these analyses and with public input, policies and recommendations on what actions the state, as well as health care consumers, purchasers and providers, should take to contain costs; and
- 3) Assure that state cost containment programs are carried out. This would include any gubernatorial or legislative directive based on the agency's policy recommendations, the certificate of need program, and some form of hospital rate regulation.

I want you to understand clearly that I do not demand that the hospital rate regulation debate occur within the Department of Health bill. However, when this debate comes to a close, the Department of Health should be the agency with executive responsibility.

I remain convinced that my proposal for a modified rate regulating system within the Department of Health is the most effective way to free hospitals from unnecessary regulation, provide incentives for cost containment, and at the same time provide safeguards to the citizens of the state. It is in the best interests of the citizens of this state to create a Department of Health with the authority to deal with issues of cost and access in this manner.

Executive Authority

In addition to not addressing the health-specific issues listed above, Engrossed Substitute House Bill No. 1324 includes certain administrative mandates which are more appropriately addressed through the authority of the executive. These include organizational structure, processes for communication between state agencies, and placement of agency programs. The governor is charged with ensuring that the laws of this state are faithfully executed. If these mandates were to be enacted, the executive would be constrained in the ability to carry out the constitutional duties of office with regard to administration of the Department of Health.

Engrossed Substitute House Bill No. 1324 goes beyond identifying goals and objectives for the department. It sets forth organizational structures and precepts which once enacted would become cumbersome. This micro-management of the executive branch through legislation is not acceptable.

Organizational Structure (subsection 2 of section 103)

I have long supported the organizational concepts contained in this subsection. In fact, I proposed these concepts as the goals and objectives for the department. However, mandating an organizational structure limits the executive's administrative abilities. These are concepts and theories of organization which are inappropriate as legislative mandates.

Communication Between Agencies (subsection 2 of section 301)

As a result of concerns raised by one of the health profession boards about the ability of the board to effectively interact with an agency, I proposed that the new Department of Health be required to enter into written operating agreements with all such boards. It is my intent that

these agreements provide accountability to the boards, for the department's administration of the boards' policies, goals, and objectives.

The Legislature managed to take the proposal for written operating agreements and make it unworkable by requiring that these agreements be jointly promulgated in rule. This is an inappropriate use of the Administrative Procedure Act, and a step which would result in unnecessary administrative expense and costly litigation. The executive can ensure that the boards and the department reach agreement on issues of administrative support without the public expense and burden of jointly promulgating rules.

Parent-Child Health Services (subsection 6 of section 201)

Another of my priorities for this legislative session is the First Steps Initiative. This is a comprehensive children's program that would be implemented by various divisions of the Department of Social and Health Services, including the Bureau of Parent-Child Health Services. It is imperative that this bureau remain within DSHS at least until the First Steps program is operational.

The Department of Health proposal is the largest reorganization effort undertaken in many years. The Department includes a number of different programs, some of which are social service in nature. It is more appropriate to analyze each of the programs before making a decision to transfer them to the Department of Health. This includes the Bureau of Parent-Child Health Services which I believe would be more appropriately retained within the Department of Social and Health Services at this time. I am committed to carefully reviewing the Bureau of Parent-Child Health Services' programs and making recommendations to the Legislature as to the appropriate administrative agency for each of those programs.

I envision a Department of Health that will allow Washington State to be progressive in its involvement in health issues. This will require responsibility for the full breadth of health issues: classic public health, quality assurance, cost containment, policy planning, and access. This will allow Washington State to address the health of the state as a whole, and not in a compartmentalized fashion as it does now. This department will have an improved ability to assess available data, develop policy with public involvement, and assure action. This Department of Health will have the public's interest in mind: consumer protection, consumer empowerment, public involvement in policy development, and assurance of public health. The Department of Health I envision is not just a reorganization of state government, but a new way for the state to be involved in the health of the state.

The Department of Health created by Engrossed Substitute House Bill No. 1324 is a department of the past. It is only a department of public health and regulation.

In taking this action today, I urge you to join me in my vision of a comprehensive, progressive Department of Health. There is still time left in this legislative session to negotiate a bill that will be acceptable to us all.

Respectfully submitted,
Booth Gardner, Governor.

May 11, 1989

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. 1334 entitled:

"AN ACT Relating to senior citizens volunteering in the schools."

Section 1 creates the six-plus-sixty volunteer program to encourage senior citizens to volunteer in our public schools. Section 2 requires the Superintendent of Public Instruction to develop a model intergenerational child care program. Both

the Superintendent of Public Instruction and I support these programs as outlined. The six-plus-sixty program is permissive and allows the superintendent to develop the program if monies are available. The model child care program in section 2 is mandated without any funds available and, therefore, the program cannot achieve its expected result.

With the exception of section 2, Engrossed House Bill No. 1334 is approved.

Respectfully submitted,
Booth Gardner, Governor.

For Veto Message on ENGROSSED SUBSTITUTE HOUSE BILL NO. 1339, see pages 2516-2517.

May 12, 1989

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 1 and 5, Engrossed Substitute House Bill No. 1369 entitled:

"AN ACT Relating to the repair of waterfront sewer systems."

Section 1 states the intent of the Legislature that owners of single-family salt waterfront residences be allowed to expand, remodel, or rebuild their homes by upgrading their sewage disposal systems or replacing them with modern effective systems. Existing on-site systems for homes on salt waterfront properties pose significant water quality problems for both ground water and for Puget Sound. This problem will only become aggravated as more individuals and families seek to expand, repair, or rebuild their homes, thereby placing additional pressures on these inadequate on-site systems. There is clearly a question as to whether modern systems are or can be effective given the sensitive water quality issues at stake. This is a question that needs detailed examination by local county health officials, the Department of Social and Health Services, the Department of Ecology and the State Board of Health.

Section 5 directs the appropriate committees of the House and Senate to investigate on-site systems and to report to their respective houses at the 1991 Legislature. House and Senate committees do not need statutory authority to report to their respective chambers.

Under this bill, the Legislature sets effluent standards to be met by new on-site disposal systems. These standards will take effect November 1, 1989, unless the State Board of Health adopts regulations, which may be more restrictive than stipulated in the bill, by that date. The bill also provides local government with authority to adopt more restrictive regulations for on-site disposal systems.

With the exception of sections 1 and 5, Engrossed Substitute House Bill No. 1369 is approved.

Respectfully submitted,
Booth Gardner, Governor.

May 12, 1989

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. 1397 entitled:

"AN ACT Relating to water use efficiency and conservation."

The definition of "water use efficiency" contained in section 4 uses the concepts and terminology utilized in the energy conservation arena. I agree that the work done with respect to energy conservation should be the model for use in water conservation. However, the definition contained in this bill does not match the concept utilized by the Northwest Power Planning Council.

The federal legislation which introduced the successful implementation of this concept is the Northwest Power Act. That act makes explicit and repeated provision for consideration of environmental values. For example, the Northwest Power Act provides that costs include "such quantifiable environmental costs and benefits as the Administrator determines.....are directly attributable to such measure or resource." The federal legislation further provides for methods to determine quantifiable environmental costs and benefits.

To assure conformity with existing state laws, such as the State Environmental Policy Act, the Department of Ecology must interpret "water use efficiency" to require explicit consideration of environmental and other public costs of efficiency measures and of alternative sources of water supply.

In the absence of a statutory definition, the Department of Ecology shall interpret the term "water use efficiency" in a manner which is consistent with existing state law and based on the least cost approach used by the Northwest Power Planning Council.

With the exception of section 4, Substitute House Bill No. 1397 is approved.

Respectfully submitted,
Booth Gardner, Governor.

May 13, 1989

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. 1412 entitled:

"AN ACT Relating to remembrance tabs for honorably discharged veterans."

This bill permits veterans to purchase license tabs for five dollars each, depicting the United States flag and an insignia representing the time period of their service. The intent is to allow a veteran to commemorate his or her service to our country.

Currently, front registration tabs which indicate year and month of renewal are being reinstated by the Department of Licensing at the request of the Washington State Patrol. Money to fund this reinstatement is in the budget. The space available on the front license plate does not allow for the placement of both veteran commemorative tabs and year/month tabs. A veto of this legislation is necessary due to the space limitations of the plates and the visual difficulty extraneous tabs would pose for law enforcement personnel.

I have instructed the Department of Licensing, the Washington State Patrol and the Department of Veterans Affairs to work with veterans' groups in developing an alternative method of recognition for our veterans.

For the reasons stated above, I am vetoing Engrossed House Bill No. 1412 in its entirety.

Respectfully submitted,
Booth Gardner, Governor.

May 4, 1989

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, 15, and 16, Engrossed Substitute House Bill No. 1444 entitled:

"AN ACT Relating to students at risk."

I requested this bill as a part of my effort to restructure our public education system and improve student performance. Most of the bill will improve the ability of the office of the Superintendent of Public Instruction and local school districts to respond to the diverse needs of students at risk of dropping out of high school.

Under the learning assistance program, as student's test scores improve, school districts receive less funds. Section 4 of the bill attempts to eliminate this disincentive. Unfortunately, a technical drafting error creates both confusion and potentially higher program costs.

Section 6 provides a broad prohibition on the use of tobacco products on public school property. I strongly support the goal of reducing the number of children who become addicted to cigarettes and other tobacco products which cause health problems. Although there have been some concerns raised about the ban, the provision does have an effective date of September 1, 1991. The delay will allow local districts to plan for implementation and allow the legislature the opportunity to address any technical concerns, such as whether it applies to property leased to private parties, before the effective date. Hence, I have decided not to remove this section.

Section 15 requires the Superintendent of Public Instruction to establish an awards program related to outcomes-based education programs. Although I support the concept of establishing an awards program for outcomes-based education programs, this section is overly specific and directive. I have retained the appropriation in section 18 to allow the Superintendent of Public Instruction to design an awards program for the recognition of schools in school districts that have shown significant and continuous improvement in student basic skills performance as well as other desired outcomes identified by the school district and community.

Section 16 requires the Superintendent of Public Instruction to develop a model curriculum for an outcomes-based health and physical education learning assistance education program. No funds are provided for this activity in the bill or in the House or Senate draft budgets.

With the exception of sections 4, 15, and 16, Engrossed Substitute House Bill No. 1444 is approved.

Respectfully submitted,
Booth Gardner, Governor.

May 13, 1989

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 5, 6, 7, 8, 9, 10, 11, 12, 13, and 14, Second Substitute House Bill No. 1476 entitled:

"AN ACT Relating to the development of marketplace programs."

This legislation establishes both the Washington Marketplace Program and the Office of Capital Projects in the Department of Trade and Economic Development. Sections 1 through 4 codify the successful pilot Washington Marketplace Program currently operated by the department. Through this program the department will work with organizations in communities to help local businesses find new markets for their products.

The provisions of sections 5 through 14 would establish the Office of Capital Projects in the department to assist businesses in the state to increase their participation in large capital construction projects. This office would assist firms in the formation of business consortia to compete for large-scale capital projects.

The concept that the state should increase its role in assisting state firms to compete more effectively in international markets is an important one. New efforts by the federal government and by the international community to open international markets for capital construction projects may well provide additional opportunities for state firms. There may well be a useful role to be played by the state in assisting firms to respond to new opportunities in these markets. However, the lack of any funds to support this new function leads me to veto sections 5 through 14.

With the exception of sections 5, 6, 7, 8, 9, 10, 11, 12, 13 and 14, Second Substitute House Bill No. 1476 is approved.

Respectfully submitted,
Booth Gardner, Governor.

May 12, 1989

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 202(2), Substitute House Bill No. 1479 entitled:

"AN ACT Relating to the budget."

My reason for vetoing this portion of the 1987-89 supplemental budget is as follows:

Section 202(2) restricts the amount that the Department of Social and Health Services may transfer into the General Assistance-Unemployable (GA-U) program. The GA-U caseload will experience significant growth in the last two months of the current biennium because of the Thurston County Superior Court's April 24, 1989 ruling directing that clients who are terminated from ADATSA shelter receive GA-U until they are assessed for GA-U eligibility. The Department of Social and Health Services has estimated the cost of this caseload growth will be \$1.7 million. The proviso in section 202(2) restricts the transfer to the estimated amount. The estimate is not precise, however.

The ADATSA shelter program has experienced volatile and unpredictable caseload growth, and it is difficult to predict the cost of shifting that population to GA-U. If the actual cost exceeds the estimate by any amount, the Department would have to impose a ratable reduction to remain within appropriated funds. It is not possible for the Department to implement a ratable reduction this late in the biennium. Furthermore, the other clients on GA-U, with physical and mental disabilities, would be faced with a sudden and unanticipated reduction in their living allowances. The Department must have unrestricted transfer authority in order to fund the actual cost of the GA-U caseload at the close of the biennium.

With the exception of section 202(2), Substitute House Bill No. 1479 is approved.

Respectfully submitted,
Booth Gardner, Governor.

May 13, 1989

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, Substitute House Bill No. 1547 entitled:

"AN ACT Relating to medical support enforcement."

Section 8 of this bill incorrectly amends RCW 26.23.050 which was also amended by section 15 of Engrossed Substitute House Bill No. 1635. To avoid confusion, I am vetoing section 8 of this bill.

With the exception of section 8, Substitute House Bill No. 1547 is approved.

Respectfully submitted,
Booth Gardner, Governor.

April 28, 1989

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. 1552, entitled:

"AN ACT Relating to mobile home tenant lot fees."

The provisions of Engrossed House Bill 1552 amend existing law regarding the collection of the fee charged to mobile home park tenants and mobile home park owners to fund the Office of Mobile Home Affairs administered by the Department of Community Development. These provisions contradict provisions contained in sections 6, 7 and 8 of Engrossed Substitute House Bill 2136, which I am signing today.

Both section 1, the only section of Engrossed House Bill 1552, and section 7 of Engrossed Substitute House Bill 2136, amend RCW 59.22.060. In addition, sections 6 and 8 of Engrossed Substitute House Bill 2136 impact the same provisions in a manner inconsistent with Engrossed House Bill 1552. Sections 6 and 8 direct county treasurers to collect an administrative fee to fund the Office of Mobile Home Affairs, plus a separate fee instituted to generate revenue for a new Mobile Home Park Relocation Fund.

In order to eliminate contradictory provisions contained in these two pieces of legislation, I am vetoing Engrossed House Bill No. 1552 in its entirety.

Respectfully submitted,
Booth Gardner, Governor.

May 11, 1989

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. 1582 entitled:

"AN ACT Relating to child care."

This bill allows before and after school child care programs provided by school districts to qualify for employment day care funds, but exempts them from licensure requirements. Presently, the Department of Social and Health Services requires such programs to be certified as meeting licensing standards before receiving funds. This bill would remove the agency's authority to guarantee that these funds are used in programs that meet minimal standards under which private day care providers must operate.

Originally, this bill would have created pilot programs for school districts to provide low-income families with child care services. It is essential that we increase access to child care services for low income families to promote economic independence. Such access is a key element of the Family Independence Program. However, these programs must also ensure that children receive quality care and this is a duty of the Department of Social and Health Services.

For the reasons stated above, I am vetoing Substitute House Bill No. 1582 in its entirety.

Respectfully submitted,
Booth Gardner, Governor.

May 7, 1989

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, 14, 26, 27, and 28, Engrossed Substitute House Bill No. 1619 entitled:

"AN ACT Relating to alcoholism and other drug addiction."

These five sections each conflict with amendments to the same statutes which are made in Engrossed Second Substitute House Bill No. 1793, the Omnibus Drug Act, and Substitute Senate Bill No. 5469. This bill is a housekeeping recodification

bill, while the Omnibus Drug Act and Substitute Senate Bill No. 5469 contain substantive modifications reflecting legislative policy changes. Therefore, I am vetoing these sections to avoid conflict and confusion.

Section 2 of this bill amends RCW 70.96A.010 which is also amended by section 304 of E2SHB 1793. Section 35 (22) repeals RCW 70.96.150 which is amended by section 308 of E2SHB 1793. In addition, section 14 of this bill provides a new section that is similar to the first paragraph of section 308 of E2SHB 1793 but lacks the new second paragraph. I have signed SHB 1619 first to avoid repealing the amended language in section 308 of E2SHB 1793. Section 26 of this bill amends RCW 70.96A.120 which is also amended by section 306 of E2SHB 1793. Section 27 of this bill amends RCW 70.96A.140 which is also amended by section 307 of E2SHB 1793. Section 28 of this bill amends RCW 70.96A.150 which conflicts with section 1 of SSB 5469 which I have already signed.

With the exception of sections 2, 14, 26, 27, and 28, Engrossed Substitute House Bill No. 1619 is approved.

Respectfully submitted,
Booth Gardner, Governor.

May 12, 1989

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 25, Substitute House Bill No. 1630, entitled:

"AN ACT Relating to clarifying the property classification of manufactured homes."

Section 25 of Substitute House Bill No. 1630 amends the definition of "mobile home" contained in RCW 82.50.010. Section 20 of Substitute Senate Bill No. 5443 amends the same statute. The definition contained in section 20 of Substitute Senate Bill No. 5443 is more comprehensive than that contained in section 25 of Substitute House Bill No. 1630. To avoid confusion, I have vetoed section 25 of this bill.

With the exception of section 25, Substitute House Bill No. 1630 is approved.

Respectfully submitted,
Booth Gardner, Governor.

May 12, 1989

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 38, Engrossed Substitute House Bill No. 1635 entitled:

"AN ACT Relating to support enforcement."

This bill was submitted at the request of the Department of Social and Health Services to clarify and strengthen support enforcement procedures.

Section 38 was amended to create a process for petitioning courts to require an accounting of support payment expenditures. Although the procedural requirements of this section are intended to protect receiving parents from frivolous charges and harassment, I believe the result of these changes could encourage an increase in such behavior.

Accountings can be required under section 15 of this Act which amends RCW 26.23.050. It allows Superior Court support orders to state that a receiving parent may be required to submit an accounting of support payment expenditures. This language allows the court to order an accounting without the potential for harassment contained in section 38.

With the exception of section 38, Engrossed Substitute House Bill No. 1635 is approved.

Respectfully submitted,
Booth Gardner, Governor.

May 13, 1989

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 12, 13, 14, 15, 16, and 17, Engrossed House Bill No. 1645 entitled:

"AN ACT Relating to the relationship between motor vehicle dealers and manufacturers."

Engrossed House Bill No. 1645 creates a separate regulatory process to monitor the relationship between motor vehicle dealers and manufacturers. The bill provides procedures for filing with the Department of Licensing any dispute between a dealer and manufacturer regarding location, relocation, cancellation, or non-renewal of a franchise.

This bill addresses many of the inequities in the contractual relationships state motor vehicle dealers have had with manufacturers. The sections being enacted provide a new balance between dealers and manufacturers which should promote healthier franchises, clarify agreements, and encourage action in good faith by both parties, with benefits to the public interest of consumers.

However, sections 12 through 17 allow creation of geographic "relevant market areas." This would permit a dealer of new vehicles to intervene against a manufacturer's actions for location or relocation of a new franchise of the "same line make of motor vehicle" within a ten-mile radius in urban areas or within a fifteen-mile radius in areas where the population of the county is less than four hundred thousand. This language interferes with the competitive nature of the market. It provides a significant procedural and economic limitation to entry in the market as well as promoting higher prices. The burden of proof to establish "good cause" for the new or relocated dealership is on the manufacturer and there is no consumer representative in the process.

A 1986 study conducted by the Federal Trade Commission, entitled "The Effect of State Entry Regulation on Retail Automobile Markets," estimates that the impact of similar market area restrictions can be as much as a seven percent increase in the average price of new cars in areas experiencing urban population growth.

Government must be careful not to interfere with the market flow of commercial transactions and to ensure that any necessary interference not compromise the public interest. In past veto messages, I have indicated my concerns about establishing market areas for new motorcycle franchise dealers (1985 - Substitute Senate Bill No. 3333) and motor vehicle fuel dealers (1986 - Engrossed Senate Bill No. 4620). Both measures had the effect of significantly inhibiting competition, which would adversely affect the consuming public. I remain convinced that the public does not benefit from this type of market interference.

With the exception of sections 12, 13, 14, 15, 16, and 17, Engrossed House Bill No. 1645 is approved.

Respectfully submitted,
Booth Gardner, Governor.

May 14, 1989

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 1, 3, and 4, House Bill No. 1656 entitled:

"AN ACT Relating to regulation of the sale of lands."

I vetoed similar language contained in Substitute Senate Bill No. 5208, because the interests of purchasers were not adequately protected.

The Legislature responded by making changes to sections 2 and 5, so I am approving those sections today. However, sections 1, 3 and 4 still substantially limit the rights of individual condominium purchasers.

Section 1 is related to public offering statements. It states that an interest in a condominium is not a security for state regulatory purposes, under RCW 21.20, if the seller delivers to the purchaser a copy of the securities and exchange commission public offering statement. State security provisions do apply to an interest in a condominium in some cases. This section exempts a developer from having to give the carefully tailored public offering statement required by state law to purchasers. Purchasers need the information in the more detailed state public offering statement, since developers are given expanded rights to do phased projects and to control the homeowners' associations during the phasing.

Section 3 limits the time in which a purchaser can take action for breach of a warranty of quality. Purchasers must take action within four years of the time they take possession, regardless of when the defect is discovered.

Furthermore, the statute of limitations can possibly be interpreted to run four years after common elements are completed, regardless of when a purchaser buys into the project. I urge the Legislature to look at the interrelationship of purchasers' rights and the expanded rights of developers to ensure a balance. Under current case law, purchasers have three years from the date a construction defect is discovered, or should reasonably have been discovered, to bring an action. Hence it offers more protection to purchasers.

Section 4 leaves unclear when a conveyance is completed for purposes of determining when the risk of loss shifts to the purchaser, determining when the statute of limitations begins to run, and ascertaining when the seller has a right to the purchase funds. Under current case law, the risk of property loss shifts to the purchaser at the time of conveyance, and the statute of limitations on certain actions against the builder under state law begins to run from the time of conveyance. Note, the provisions in the Uniform Condominium Act (UCA) requires a developer to file a certificate of substantial completion before the conveyance occurs. I believe current case law offers more protection for the purchaser, but recommend the Legislature consider adopting the provision in the UCA.

With the exception of sections 1, 3, and 4, House Bill No. 1656 is approved.

Respectfully submitted,
Booth Gardner, Governor.

May 15, 1989

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 7, 14, 44, 105, and 106, Engrossed Substitute House Bill No. 1671 entitled:

"AN ACT Relating to solid waste."

This is landmark legislation. It is a major step forward in solid waste management and is entirely consistent with my explicitly stated goal that this state do far more in the area of waste reduction and recycling.

This bill makes significant changes in the way this state manages solid waste. Specifically, the thrust of this bill is to move solid waste management toward waste reduction and recycling in order to provide greater environmental protection and to minimize costly cleanup of environmental problems. Over the last two years, the Joint Select Committee for Preferred Solid Waste Management has examined this issue thoroughly and this legislation is the result of effort. The bill puts into place mechanisms to ensure that waste reduction and recycling is treated as a priority and implemented in order to minimize reliance on incineration and landfills. It

establishes as a fundamental strategy the segregation of waste at its source in order to clean out of the waste stream those materials that have resource value, and to segregate those wastes which pose particular environmental hazards for proper management.

However, I have found it necessary to veto a number of sections of this bill. Section 7 removes a requirement in current statute that any city preparing an independent solid waste management plan must provide for disposal sites wholly within its jurisdiction. There has been a very long debate, involving many complex issues, over the proper county-city roles in the area of solid waste management. I am concerned that section 7 is inconsistent with the intent expressed in section 1 which is to encourage regional solutions.

Section 14 amends RCW 35.21.120 and makes technical changes clarifying city authority over solid waste handling. However, the same technical changes to RCW 35.21.120 were also made in section 1 of Substitute House Bill No. 1568. To avoid confusion, I am vetoing section 14.

Section 44 exempts business establishments from paying the B&O tax on the value of core deposits or credits on returnable products such as batteries, starters, brakes and other products. These deposits constitute gross proceeds and, in Washington, gross proceeds are taxed. Further, the reference to "other products with returnable value" is unqualified and potentially opens up a broad category of unknown products which are exempt from the B&O tax. I do not believe the incentive to recycle most of the currently discussed items will be impacted by the taxable status of the returnable value. For these reasons I am vetoing section 44.

Section 105 states that the Department of Ecology may give grants to local governments for regional facilities to manage wastes on an integrated waste management basis. This section duplicates the direction provided in section 1 that regional solutions be encouraged. Section 105 also directs the Department to give grants for integrated waste facilities; however, the Department already has this authority under current law. Finally, this section directs the Department to spend public funds on landfills and incineration facilities -- clearly designated in Engrossed Substitute House Bill 1671 as lower waste management priorities -- which possibly might come at the expense of the higher waste management priorities. By vetoing this section, I do not intend to compromise movement toward regional cooperation and facilities; clearly, section 1(7) of Engrossed Substitute House Bill No. 1671 states that regional solutions and intergovernmental cooperation are required if we are to solve this state's solid waste management problems.

Section 106 states that a facility that achieves an integrated waste management strategy, and which receives a substantial volume of waste from a region, shall be provided flexibility by local government preparing a solid waste management plan. The thrust of this amendment is inconsistent with the objectives of Engrossed Substitute House Bill No. 1671. First, there are not several waste management priorities. There is a priority among them, and clearly the bill, as well as current statute, states that waste reduction and recycling are of the highest order. Second, the reference, "provided flexibility," suggests that a facility has some added leeway to depart from the reduction and recycling element which Engrossed Substitute House Bill No. 1671 requires to be adopted as part of each local government's solid waste management plan. The apparent inconsistency of this section with the overall intent of Engrossed Substitute House Bill No. 1671, and the ambiguity and the public policy implications warrant a veto of section 106.

With the exception of sections 7, 14, 44, 105, and 106, I am pleased to sign Engrossed Substitute House Bill No. 1671.

Respectfully submitted,
Booth Gardner, Governor.

May 12, 1989

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 and 5, Substitute House Bill No. 1711 entitled:

"AN ACT Relating to establishing a crime prevention employee training program in businesses operating during late night hours."

This bill will enhance security for employees of businesses that are open late at night, through physical safety specifications and educational programs. I applaud the intent of the bill and most of its provisions.

Section 2, however, would require that crime prevention programs be developed or certified by the Department of Labor and Industries. This would impose a significant cost on the Department, which is not funded. It would also involve the Department in the establishment of specific crime prevention procedures for individual establishments, a function that is more appropriately performed by the employer.

Crime prevention training can be a meaningful factor in reducing risks to employees who work late at night and in the early hours of the morning. I believe this is an essential protection for workers. While I am vetoing section 2, I am also asking the Department of Labor and Industries to adopt rules to require employers to develop appropriate instruction programs.

Section 5 references section 2, which I have vetoed. This section is also objectionable. It runs contrary to the fundamental intent of the Washington Industrial Safety and Health Act by shifting responsibility for training from the employer to the employee. For these reasons, I have also vetoed section 5.

With the exception of sections 2 and 5, Substitute House Bill No. 1711 is approved.

Respectfully submitted,
Booth Gardner, Governor.

May 14, 1989

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 8, 9, 10, 11 and 12, Engrossed Substitute House Bill No. 1737 entitled:

"AN ACT Relating to crime victims compensation."

There are areas where government should act with restraint. These areas are delineated by the constitutions of the United States and the State of Washington. Both unequivocally protect freedom of speech and artistic expression as set forth in a long line of state and federal court cases defining First Amendment rights.

The provisions in sections 9, 10, 11 and 12 of this bill are unacceptable intrusions of these rights. These sections impose excise taxes on adult entertainment materials and services significantly higher than the tax already imposed on other similar retail materials, i.e. eighteen percent higher. While I can understand citizens' feelings about pornographic material, there are several major difficulties associated with this revenue source. The first is the intrusion into freedom of speech, which is manifested by these sections. This is dubious public policy, and would almost certainly be challenged in court. Such a challenge must be considered as having a high likelihood of success, if not a certainty, and would entail significant litigation expenses for the state. I believe the Legislature publicly acknowledged these concerns when it decided not to use this tax as a funding source on Engrossed Second Substitute House Bill No. 1793.

Second, administration of this tax would be extremely difficult. Potentially, the Department of Revenue would be required to specifically list all services, magazines, video tapes, etc., which are subject to this tax. Closely related to this will be a taxpayer compliance problem. Given the nature of the materials being taxed, it is reasonable to assume that compliance will be at a much lower level than with other types of retail sales. Additionally, mail order sources may be substituted for in-state sales. In either case, audit expenses associated with this tax are likely to be very high. Given these difficulties plus the high probability of incurring litigation expenses in a defense of these new taxes, I must veto sections 9 through 12.

Section 8 of this bill would require the Office of Financial Management to conduct a study of the Public Safety and Education Account by December 1, 1989. The bill specifies a number of items that are to be included in the study and would require a comprehensive look at a complex area of state government. The bill, however, does not provide an appropriation for the study.

The type of study that is anticipated by this section cannot be conducted within available resources. The Office of Financial Management, along with the Department of Labor and Industries, has been studying this issue on a more limited basis as resources permit, and will continue to do so. For this reason, I have vetoed section 8.

With the exception of sections 8, 9, 10, 11 and 12, Engrossed Substitute House Bill No. 1737 is approved.

Respectfully submitted,
Booth Gardner, Governor.

For Veto Message on SUBSTITUTE HOUSE BILL NO. 1774, see page 2330.

May 13, 1989

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. 1778 entitled:

"AN ACT Relating to the business and occupation tax on nonprofit trade and professional organizations for convention, educational seminar and trade show registration income."

Engrossed House Bill No. 1778 creates a specific exemption for income received by nonprofit organizations for trade shows and educational seminars. No other state besides Washington treats this type of income in the way that our current law does. This creates a competitive disadvantage for these organizations and entities operating facilities which host these events.

Section 2 would make the provisions of section 1 effective on July 1, 1991. In making changes that affect the state's revenues, it is sound public policy to recognize the effect of the changes in the same biennium that the legislation is passed. Where possible, these costs should not be pushed forward into future biennia.

With the exception of section 2, Engrossed House Bill No. 1778 is approved.

Respectfully submitted,
Booth Gardner, Governor.

May 7, 1989

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 107, Engrossed Second Substitute House Bill No. 1793 entitled:

"AN ACT Relating to alcohol and controlled substances abuse."

This omnibus bill represents a major accomplishment by the Legislature in working to address the serious and pressing issue of substance abuse in our state

and society. The Legislature is to be commended for its efforts to address this issue in a comprehensive fashion. It also contains the essence of five Governor-request bills which address this issue.

Section 107 of the bill would prohibit and force closure of needle exchange programs, currently operating in Tacoma and Seattle which are a means to reduce HIV/AIDS transmission and encourage treatment referral. These model programs have received national attention for their innovative and credible management of the needle exchange. Both programs are operated and strictly controlled by local public health authorities and are structured to accommodate maximum research benefit. I do not condone use of illegal drugs or their taking by intravenous means. The reality is that these programs have very little potential for encouraging more illegal drug use but a very high potential for limiting the spread of serious and deadly diseases which impact not only the persons involved but others. For both humane and economic reasons, we must do everything we can to halt the spread of AIDS.

With the exception of section 107, Engrossed Second Substitute House Bill No. 1793 is approved

Respectfully submitted,
Booth Gardner, Governor.

May 11, 1989

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 8 and 9, Engrossed House Bill No. 1802 entitled:

"AN ACT Relating to the court of appeals."

Under existing law, Superior Court judges are considered employees of the state and the county within which they preside and receive half of their salary from each. As a result of this dual status, they are eligible for medical benefits provided by both the state and their respective counties, if the county chooses to provide such coverage. A recent survey indicated that 18 of the state's 39 counties provide some form of medical benefit for Superior Court judges ranging from self-pay supplemental coverage to full benefits.

Sections 8 and 9 of this bill would exclude Superior Court judges whose benefits are provided by the state from the definition of employees eligible for county medical benefits. The apparent purpose of these amendments is to prevent judges from receiving full-blown, dual medical benefits from counties if they also receive state benefits, thereby avoiding the cost of dual coverage. This makes good fiscal sense.

However, the bill goes beyond simply prohibiting dual benefits. It would also prohibit coverage that some counties have chosen independently to provide, which is only supplemental to the primary state benefit and is no more extensive than coverage provided other county employees. In at least one large county, the supplemental county coverage is provided under a self-pay plan by the judge at no additional cost to the county.

I do not believe that counties should be prevented from entering into such supplemental coverage arrangements for their Superior Court Judges. I would, however, support future legislation similar to sections 8 and 9 that would permit counties the option of providing supplemental coverage if it does not exceed that offered to other county employees. The county could then decide to offer the supplemental coverage at county expense or via self-pay.

With the exception of sections 8 and 9, Engrossed House Bill No. 1802 is approved.

Respectfully submitted,
Booth Gardner, Governor.

May 5, 1989

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 5, Substitute House Bill No. 1854 entitled:

"AN ACT Relating to resource damage assessment under the state water pollution control act."

Section 1 states that the Legislature finds that there is confusion regarding the measure of natural resource damages and that the intent of this bill is to clarify existing law.

This intent, however, is contradicted by section 5 which states that the act is intended to apply prospectively only and not retroactively. This will continue the ambiguity contrary to the rule of statutory construction that remedial or clarifying legislation, in civil matters such as this, is intended to apply retroactively.

With the exception of section 5, Substitute House Bill No. 1854 is approved.

Respectfully submitted,
Booth Gardner, Governor.

May 12, 1989

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, Engrossed Substitute House Bill No. 1864 entitled:

"AN ACT Relating to quality of care in nursing homes."

Section 18 requires that the Department of Social and Health Services, in cooperation with the state's area agencies on aging, prepare and distribute printed information regarding the availability of long-term care services in the state. In addition, nursing homes are required to make the information available prior to accepting new residents for admission. While there is value in the information required under this section, there is no budget appropriation for the development, printing and distribution of this material.

With the exception of section 18, Engrossed Substitute House Bill No. 1864 is approved.

Respectfully submitted,
Booth Gardner, Governor.

May 13, 1989

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 1 and 4, Substitute House Bill No. 1889 entitled:

"AN ACT Relating to public employee immunity."

Under current law, state officers and employees can be defended by the Attorney General for acts or omissions performed in good faith within their official scope of duties, and the state will bear the cost of the litigation and any judgment or settlement that results. To qualify, the employing agency, after reviewing the facts and circumstances, must recommend that the state assume the responsibility for the defense. The Attorney General then either approves or declines the defense. This process of reviewing and evaluating such cases has proven to be effective. Although the state has rarely declined a defense, the right to decline has been upheld by the Supreme Court in State v. Herrmann, 89 Wn. 2d 349 (1977).

Amendments to RCW 4.92.070 in section 1 of the bill eliminate existing authority of the Attorney General to make a finding regarding whether or not the employee's acts or omissions were in good faith and within the scope of official duties. Additionally, section 1, when compared on a word-for-word basis with the existing statutes repealed by section 4, inappropriately expands and mandates the state via the Attorney General to represent state officers, employees, or volunteers charged with violation of criminal statutes. A review of several instances in which employees have requested criminal defense because they felt their actions were within the scope of their job does not support the need for expanding the present statutes.

The effect of these changes in section 1 would be to modify the law so that a defense by the state is more of an entitlement, with no administrative or executive officer being expressly empowered to determine eligibility or lack thereof. The current law has worked well. It has served the interests of both the state and its employees and has provided for the defense of employees in civil rights actions for alleged violations of 42 U.S.C. Sec. 1981 or 1983. I therefore see no valid reason to change the process.

Sections 2 and 3 of the bill represent important substantive additions to the law. They require the state to indemnify and hold harmless employees who are acting within the scope of their duties when the action that gave rise to the liability or civil or criminal lawsuit occurred. They also require judgment creditors in actions against employees to seek satisfaction of judgment only from the state.

With the exception of sections 1 and 4, Substitute House Bill No. 1889 is approved.

Respectfully submitted,
Booth Gardner, Governor.

May 3, 1989

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 17 and 27, Substitute House Bill No. 1894, entitled:

"AN ACT Relating to technical changes in chapter 18.29 and 18.32 RCW."

RCW 43.03.240 specifically designates all part-time boards which perform regulatory or licensing functions with respect to a specific profession, occupation, business, or industry as Class Three Groups for purposes of compensation. Members of boards classified as Class Three Groups receive up to \$50 for each day during which the member attends an official meeting or performs statutorily prescribed duties. Both the Board of Dental Examiners and the Dental Disciplinary Board are included in the definition of the part-time boards under RCW 43.03.240 which is the Class Three reimbursement and compensation statute.

Sections 17 and 27 of Substitute House Bill No. 1894 attempt to change the compensation of the Board of Dental Examiners and the Dental Disciplinary Board by amending their respective practice acts to refer to RCW 43.03.250 which authorizes reimbursement of \$100 per day. Enactment of these two sections would clearly be in conflict with the statutory criteria contained in RCW 43.03.240 which says a Class Three Board "performs regulatory or licensing functions with respect to a specific profession". Both boards fit within their existing Class Three ranking. Additionally, the Office of Financial Management, pursuant to a statutory requirement, reviewed all part-time board's compensation and reported to the legislature in November 1988. This report is under consideration by the respective legislative committees.

With the exception of sections 17 and 27, Substitute House Bill No. 1894 is approved.

Respectfully submitted,
Booth Gardner, Governor.

April 20, 1989

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. 1909, entitled:

"AN ACT Relating to abandoned property held by local governments."

Engrossed House Bill No. 1909 provides that a local government holding abandoned intangible property that is not forwarded to the Department of Revenue may transfer the money to its current expense fund after it is determined to be abandoned. The original intent of this bill was to clarify the record retention process for such property under the Uniform Unclaimed Property Act.

That intent, however, became unclear after the bill was amended. I am advised that the bill could now be interpreted to allow local governments to retain unclaimed property that should be turned over to the State. Even though that may not have been the intent of the measure, I am unwilling to risk the possibility of such and interpretation.

For that reason, I have vetoed Engrossed House Bill No. 1909 in its entirety.

Respectfully submitted,
Booth Gardner, Governor.

May 13, 1989

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 5 and 6, Engrossed House Bill No. 1917 entitled:

"AN ACT Relating to the licensing and certification of real estate appraisers."

I support the approach in the bill to certify real estate appraisers. It is a voluntary certification program, which is the lowest level of regulation that will meet the anticipated need. It is also structured suitably, with the Department of Licensing responsible for actual certification and administration, assisted by an advisory board.

There are, however, several problems with the creation of the real estate appraiser certification board. I have expressed my concern with the proliferation of permanent statutory boards on numerous occasions. I believe that these boards create confusion in the public's mind and reduce government's accountability to the people. There are relatively few advisory functions that cannot be performed by temporary, nonstatutory bodies appointed by agency directors.

I am also concerned with the ambiguity surrounding this board's ability to conduct administrative hearings. The Administrative Procedure Act already specifies a hearings procedure in some detail. I think it advisable to use this procedure for hearings on real estate appraiser certification issues as it is used for numerous other matters.

Because I think advice from the public and industry representatives is indispensable to state agencies with regulatory responsibilities, I am asking the Director of the Department of Licensing to appoint an advisory body under existing statutory authority.

This partial veto will leave a number of inaccurate references in the remaining portions of the bill which should be corrected by the Legislature.

With the exception of sections 5 and 6, Engrossed House Bill No. 1917 is approved.

Respectfully submitted,
Booth Gardner, Governor.

May 5, 1989

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 and 10, Substitute House Bill No. 1958 entitled:

"AN ACT Relating to board membership and licensing requirements."

RCW 43.03.240 specifically designates all part-time boards which perform regulatory or licensing functions with respect to a specific profession, occupation, business, or industry as class three groups for purposes of compensation. Members of boards classified as class three groups receive up to \$50 for each day during which the member attends an official meeting or performs statutorily prescribed duties. Both the Board of Chiropractic Examiners and the Chiropractic Disciplinary Board are included in the definition of the part-time boards under RCW 43.03.240.

Sections 2 and 10 of Substitute House Bill No. 1958 attempt to change the compensation of the Board of Chiropractic Examiners and the Chiropractic Disciplinary Board by amending their respective practice acts to refer to RCW 43.03.250. Enactment of these two sections would clearly be in conflict with RCW 43.03.240.

Additionally, the Office of Financial Management, pursuant to a statutory requirement, reviewed all part-time boards and reported to the Legislature in November, 1988. This report is under consideration by the respective legislative committees. This is the appropriate forum to consider changes in compensation for all boards within a class or changes in language to recategorize groups of boards from one class to another.

With the exception of sections 2 and 10, Substitute House Bill No. 1958 is approved.

Respectfully submitted,
Booth Gardner, Governor.

May 14, 1989

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 25, 29, 34 and 35, Engrossed Substitute House Bill No. 1968 entitled:

"AN ACT Relating to long term care."

Section 25 requires the Department of Social and Health Services to promulgate rules regarding adult family home resident rights, but limits the rules by requiring them to be "equal" to those already in place. Senior advocates and caregivers may recommend the expansion or modification of resident rights, and the department would be prohibited from responding under this language.

Section 29 requires the department to create a written training program for adult family home operators and to report to the Legislature. No appropriation is made to carry out the requirements of this section.

Section 34 repeals the rule-making authority the department needs to regulate congregate care facilities.

Section 35 is a preemptive zoning statute that designates residential facilities serving up to 15 persons as permitted uses under local zoning statutes. The language is overly broad and vague as written and may present a problem to local governments. The Legislature will receive a report from all local governments on the need for these facilities in 1990.

With the exception of sections 25, 29, 34 and 35, Engrossed Substitute House Bill No. 1968 is approved.

Respectfully submitted,
Booth Gardner, Governor.

May 12, 1989

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 21, Substitute House Bill No. 1983 entitled:

"AN ACT Relating to contempt of court."

Section 21 of this act amends RCW 26.09.160, which is also amended by section 1 of Substitute Senate Bill No. 6009. That measure substantially revises statutes relating to custodial interference and failure to adhere to the residential provisions of parenting agreements. In order to avoid confusion, I have vetoed section 21 of this act.

With the exception of section 21, Substitute House Bill No. 1983 is approved.

Respectfully submitted,
Booth Gardner, Governor.

May 8, 1989

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 6, House Bill No. 2010 entitled:

"AN ACT Relating to permitting hunting by nonambulatory disabled persons."

Current law prohibits hunters from carrying a loaded weapon in a motor vehicle and prohibits hunting from a non-highway vehicle or snowmobile. This legislation would give disabled hunters the opportunity to hunt by allowing hunting from a non-highway vehicle or snowmobile.

This legislation sets good policy regarding the enhancement of the hunting opportunities for disabled persons. The need to veto section 6 relates solely to an inconsistency. Existing law prohibits hunting from, across or along the maintained portion of a public highway. It is stated in new section 2, "No hunting shall be permitted from a motor vehicle that is parked on or beside the maintained portion of a public road." Yet section 6 implies that disabled hunters may shoot from, across or along public highways. To remove this inconsistency, it is necessary to veto section 6, which then leaves the current prohibition in place.

With the exception of section 6, House Bill No. 2010 is approved.

Respectfully submitted,
Booth Gardner, Governor.

May 12, 1989

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, 6, and 7, Substitute House Bill No. 2024 entitled:

"AN ACT Relating to regulatory fairness."

Section 4 of Substitute House Bill No. 2024 imposes new notification requirements on state agencies when they are developing rules that affect small businesses. There are four separate notification procedures specified in the section. Because of the way the section is drafted, agencies could be subject to legal challenge if they did not notify by all sections which apply to a given business. The language is subject to two interpretations due to the fact the word "and" is used at the end of subsection 3, rather than "or."

These new procedures would be in addition to the expanded notification and public access requirements mandated by the new Administrative Procedure Act

(APA) under RCW 34.05. That act will go into effect in July of this year. The new APA mandates advance notice of rule making through the state register, authorizes agency solicitation of comments from the public on proposed rules, encourages the creation of committees to discuss rules in advance of official notice, requires the creation of a rule-making docket in each agency, and requires agencies to send notices of proposed rule adoptions to any citizen who requests them.

The Legislature, state agencies, the Bar Association, the Attorney General's Office, and interest groups, including representatives of small business, spent four years perfecting the new APA, including its uniform rule-notice requirements. To create an entirely new set of requirements applicable only to a single special interest group before the APA becomes effective is not necessary. It would also have an unanticipated fiscal impact on many state agencies.

Sections 6 and 7 authorize the Joint Administrative Rules Review Committee to review executive agency compliance with the Regulatory Fairness Act and the sufficiency of small business economic impact statements. Currently, this committee reviews rules for conformance with underlying legislative intent and procedural correctness. To give the committee expanded authority to review the substance of detailed economic impact statements prepared by agencies is beyond the scope of the committee.

Concerns regarding agency compliance with the Regulatory Fairness Act can already be brought before the agency, the Business Assistance Center, and ultimately the courts. To add one more forum to this field is both unnecessary and duplicative.

With the exception of sections 4, 6, and 7, Substitute House Bill No. 2024 is approved.

Respectfully submitted,
Booth Gardner, Governor.

May 13, 1989

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 6, House Bill No. 2060 entitled:

"AN ACT Relating to the horse racing industry."

The main objective of House Bill No. 2060 is to improve the process by which industrial insurance premiums for the horse racing industry are assessed, and in so doing, to improve the industrial insurance coverage of the horse racing industry as a whole. With the exception of section 6, I fully endorse this bill.

Section 6 requires the House Commerce and Labor Committee and the Senate Economic Development and Labor Committee, in conjunction with the Horse Racing Commission and the Department of Labor and Industries, to conduct a study of industrial insurance coverage of the horse racing industry in general and coverage for jockeys specifically. Although I concur with the Legislature in the need for such a study, I feel that the practice of placing legislative studies into statute is both unnecessary and unwarranted. Although I am vetoing this section, I am directing the Horse Racing Commission and the Department of Labor and Industries to participate and cooperate fully in this study.

With the exception of section 6, House Bill No. 2060 is approved.

Respectfully submitted,
Booth Gardner, Governor.

May 11, 1989

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. 2070 entitled:

"AN ACT Relating to the state building code."

The provisions of Substitute House Bill No. 2070 address problems arising from the application of the State Building Code to buildings and structures that are to be moved. Section 3 is not related to this issue in any way. The section would have the effect of requiring the State Building Code Council to adopt rules pursuant to RCW 34.05, the Administrative Procedure Act, for the purpose of proposing a biennial budget for submission to the Office of Financial Management.

This provision would impose an undue and unnecessary administrative burden on the State Building Code Council, the Department of Community Development, and the Office of Financial Management. The provision would not provide additional benefits to the public which would justify the additional administrative requirements. State agencies are not currently required to adopt administrative rules when proposing budgets, as required in this provision, and there is no compelling reason to establish extraordinary requirements to apply to the budget of the State Building Code Council.

The provision would also require the State Building Code Council to adopt rules pursuant to RCW 34.05, the Administrative Procedure Act, regarding changes to codes adopted or amended by the State Building Code and to consider local government amendments to the State Building Code with impact on residential buildings. This provision would be duplicative of provisions of section 3 of Substitute Senate Bill No. 5905, which I have signed and which has thereby been enacted into law.

With the exception of section 3, Substitute House Bill No. 2070, is approved.

Respectfully submitted,
Booth Gardner, Governor.

May 14, 1989

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 and 5, Engrossed Substitute House Bill No. 2137 entitled:

"AN ACT Relating to targeted sectors for economic development."

Engrossed Substitute House Bill No. 2137 establishes new programs in the Department of Trade and Economic Development focused on significant industries in the state facing the prospect of major growth or change. The legislation provides a framework for state action to encourage the competitiveness of these industries. It ensures that the state assist these industries only after taking a careful look at the industry and after consideration of issues such as international markets, training needs, and the availability of financing. It provides a thoughtful and appropriate structure for state activities of this type.

Section 4 of the bill, however, establishes an advisory committee for the program as a whole and subcommittees for each of three targeted industries. While I agree with the need to involve affected industries in the development and operation of programs to address their competitive needs, and while legislative involvement in this process may be valuable, the structure to achieve these ends is administratively cumbersome and overly complex.

I have therefore vetoed Section 4 of the bill. I will, however, ensure that affected industries will be involved in the development and operation of the programs and that such action is consistent with the spirit of Engrossed Substitute House Bill 2137.

Section 5 of the bill provides for a targeted sector program for manufactured wood products in the Department of Trade and Economic Development. I agree that there is a need for state involvement to increase the capacity of our state's wood products firms to manufacture new value-added wood products for domestic and international markets. However, the Legislature has appropriated funds in section 309(8) of this year's operating budget for new activities by the department, in cooperation with the state's wood products industry, to increase the competitiveness of state firms in these markets. The provisions contained in section 5 are duplicative of the budget provisions and would be unnecessarily burdensome.

While vetoing section 5, I will, however, ensure that state activities to increase the competitiveness of the state's manufactured wood products industry are undertaken in a fashion consistent with the thoughtful approach to other industrial sectors as provided for in this legislation.

With the exception of Sections 4 and 5, Engrossed Substitute House Bill No. 2137 is approved.

Respectfully submitted,
Booth Gardner, Governor.

May 12, 1989

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 27, Engrossed House Bill No. 2155 entitled:

"AN ACT Relating to technical corrections and clarifications to the parenting act of 1987 and related provisions."

Section 27 of this bill amends RCW 26.09.120, which is also amended in an incompatible manner by section 11 of SHB 1635.

With the exception of section 27, Engrossed House Bill No. 2155 is approved.

Respectfully submitted,
Booth Gardner, Governor.

HISTORY OF INITIATIVES

NO.	Intro. & 1st Rdg.	Committee Report	2nd Rdg. Amend- ments	3rd Rdg. Final Passage	Other Action	
99.		271		293	29,243 293,1394	CH. 4
102.		253,307		358	34 127,358	

HISTORY OF HOUSE BILLS

NO.	Intro. & 1st Rdg.	Committee Report	2nd Rdg. Amend- ments	3rd Rdg. Final Passage	Other Action	Action by Gov.
1000.	22					
1001.	22	125	182	182		
1002.	22	125	183	183		
1003.	22	125	183	183		
1004.	22	125	184			
1004. (Sub.)			184	184		
1005.	22	125	184			
1005. (Sub.)			185	185		
1006.	22					
1007.	22	366	603			
1007. (Sub.)			603	604,1851	1851 2324,2401	2728 CH. 241
1008.	38					
1009.	22					
1010.	23	132	241	241	151 241,1430 1549,1568	2164 CH. 21
1011.	23	253,444	672		672	
1011. (Sub.)			672	672		
1012.	23					
1013.	23	382	610			
1013. (Sub.)			610	610		
1014.	23					
1015.	23					
1016.	23					
1017.	23	234				

NO.	Intro. & 1st Rdg.	Committee Report	2nd Rdg. Amend- ments	3rd Rdg. Final Passage	Other Action	Action by Gov.
1018.	23					
1019.	23	234	706	706,1852	670 705,1852 2324,2401	2962 CH. 394
1020.	23	73	200	200,1888	1887 2615,2622	2932 CH. 275
1021.	24	405	668	668		
1022.	24	93	182	182		
1023.	38					
1024.	38	216	259	259	259,1430 1549,1568	2164 CH. 30
1025.	38	147	222	222	1571 1588,1645	2245 CH. 47
1026.	38	162,405	775	776	775,1395 1549,1568	2164 CH. 37
1027.	38	162	222	222	1573 1651,1683	2339 CH. 130
1028.	39	351	819			
1028. (Sub.)			819	820,2445	2043-2047 2173,2393- 2397,2445 2615,2622	3007 PV CH. 305
1029.	39	382				
1030.	39					
1031.	39	444	776			
1031. (Sub.)			776	776	1864,2022- 2023,2339 2615,2622	3007 PV CH. 311
1032.	39	406	687	687	685 687,1572 1651,1683	2339 CH. 136
1033.	39	253	485	485	484,1572 1651,1683	2339 CH. 137

NO.	Intro. & 1st Rdg.	Committee Report	2nd Rdg. Amend- ments	3rd Rdg. Final Passage	Other Action	Action by Gov.
1034.	39				66	
1035.	39	162	223	223		
1036.	39					
1037.	40	445,522	982		973,982	
1037. (Sub.)			982	982		
1038.	40	147	223	223	1430 1549,1568	2164 CH. 16
1039.	40	427	730			
1039. (Sub.)			730	730	1430 1549,1568	2164 CH. 17
1040.	40					
1041.	40	216	335			
1041. (Sub.)			335	336		
1042.	40	179	357	357,1853	1853 2324,2401	2721 CH. 221
1043.	40	217,322	604	604,1931	1930 2615,2622	2721 CH. 222
1044.	40	217	259			
1044. (Sub.)			259	259		
1045.	40	147			151	
1046.	41					
1047.	41	132	670	671,2017	2015-2017 2615,2622	2728 CH. 251
1048.	41	126				
1049.	41	235	395	395	1430 1549,1568	2165 CH. 39
1050.	41					
1051.	59	271,618	980		973,980	

NO.	Intro. & 1st Rdg.	Committee Report	2nd Rdg. Amend- ments	3rd Rdg. Final Passage	Other Action	Action by Gov.
1051. (Sub.)			980 983-991	991,2038	980,982 2029-2038 2615,2622	3008 PV CH. 420
1052.	59					
1053.	59	198	256	256	256	
1054.	59	271				
1055.	59	162	896	896	203,895	
1056.	59	322	604			
1056. (Sub.)			604	605,1802	1802 2161,2243	2640 CH. 176
1057.	60					
1058.	60	198	415	415	75	
1059.	60					
1060.	60	148	224	224,1854	1853 2324,2401	2721 CH. 225
1061.	60	271				
1062.	60	162	396	396	1571 1588,1645	2245 CH. 48
1063.	60					
1064.	61					
1065.	61	253,427	821		820,821	
1065. (Sub.)			821	822,1661	1660 2324,2401	3008 PV CH. 332
1066.	61	323	820	820	75	
1067.	61	271	481			
1067. (Sub.)			481	481	1572 1651,1683	2339 CH. 121
1068.	61	445	896		895	

NO.	Intro. & 1st Rdg.	Committee Report	2nd Rdg. Amend- ments	3rd Rdg. Final Passage	Other Action	Action by Gov.
1068. (Sub.)			896	898		
1069.	61					
1070.	61	235	669	669,2402	668,1999 2173,2332- 2333,2402 2616,2622	2932 CH. 276
1071.	62	253	494		494	
1071. (Sub.)			494	495,2176	2175 2616,2622	2962 CH. 395
1072.	62	236	488	488,1854	1854 2324,2401	2721 CH. 219
1073.	62	217,445	890	890	888	
1074.	62	445,524	766		766	
1074. (Sub.)			766	767,1848	1847 2161,2243	2962 CH. 338
1075.	62					
1076.	62				108	
1077.	62	218	397	397,1803	1803 2161,2243	2640 CH. 173
1078.	62	254	901		895,901	
1078. (Sub.)			901	901		
1079.	63	382				
1080.	63	236	292	292	292	
1081.	63	236	398	398	2175-2178	
1082.	63	236	398	398		
1083.	63					
1084.	63					
1085.	64	323	822	822,1855	1855 2324,2401	2962 CH. 345

NO.	Intro. & 1st Rdg.	Committee Report	2nd Rdg. Amend- ments	3rd Rdg. Final Passage	Other Action	Action by Gov.
1086.	64	218,524	723			
1086. (Sub.)			723	723,2257	2178- 2181,2257 2616,2622	2962 CH. 346
1087.	64					
1088.	64	132	185			
1088. (Sub.)			185	185		
1089.	67	148				
1090.	67	163				
1091.	67					
1092.	67					
1093.	68					
1094.	68					
1095.	68					
1096.	68	163	415	415	1573,1651 1683,2516	2516 VETOED
1097.	68	406	901		895,901	
1097. (Sub.)			902	902,2345	2342-2345 2616,2622	2962 CH. 379
1098.	68					
1099.	68					
1100.	68					
1101.	68	198				
1102.	69	237				
1103.	69	148	242	242,2459	108 242,1902 1957,2548 2621,2622	2962 CH. 347
1104.	69	406	675		674	

NO.	Intro. & 1st Rdg.	Committee Report	2nd Rdg. Amend- ments	3rd Rdg. Final Passage	Other Action	Action by Gov.
1104. (Sub.)			675-677	746 1860,1861	677,746 1855-1859 2401,2424	2728 CH. 240
1105.	69					
1106.	69	163	224	224		
1107.	69	366				
1108.	69					
1109.	69	237	399	399		
1110.	70	218	260	260		
1111.	70					
1112.	70	351				
1113.	70					
1114.	70					
1115.	70	271	422		126	
1115. (Sub.)			422	422,1862	1862 2324,2401	2728 CH. 242
1116.	70	323				
1117.	70	272	481	482	1571 1588,1645	2245 CH. 49
1118.	70	272	973	973		
1119.	70	218,619	973		242	
1119. (Sub.)			973	973		
1120.	71	366				
1121.	71					
1122.	71					
1123.	71	179,446	731		730	
1123. (Sub.)			731	731		

NO.	Intro. & 1st Rdg.	Committee Report	2nd Rdg. Amend- ments	3rd Rdg. Final Passage	Other Action	Action by Gov.
1124.	71	428				
1125.	71					
1126.	71	307			108	
1127.	71	446	974			
1127. (Sub.)			974	978		
1128.	71					
1129.	72	323,524	798	798	798	
1130.	72	308			132	
1131.	72					
1132.	72	382				
1133.	72	406,619	695		695	
					696,723	
					1960-1963	
					2173,2397-	
					2398,2449	2962
1133. (Sub.)			695- 696,732	733,2449	2616,2622	CH. 381
1134.	72					
1135.	73					
1136.	73	254,446	777			
1136. (Sub.)			777	777		
1137.	77					
1138.	77	163	257	257	257 1205,1394	1459 CH. 5
1139.	77					
1140.	77					
1141.	77					
1142.	78	308				
1143.	78	383				

NO.	Intro. & 1st Rdg.	Committee Report	2nd Rdg. Amend- ments	3rd Rdg. Final Passage	Other Action	Action by Gov.
1144.	78					
1145.	78					
1146.	78	446				
1147.	78					
1148.	79					
1149.	79					
1150.	79					
1151.	79					
1152.	79					
1153.	79					
1154.	79	237	997-1006	1006	888 891,997	
1155.	79				126	
1156.	80	324	823	823		
1157.	80	254	485	485,1931	485,1931 2616,2622	3008 VETOED
1158.	80	218	486	486		
1159.	80					
1160.	80	351,624	689		689	
1160. (Sub.)			689 690,733	763	689,690 723,733 762,763	
1161.	80	218	260			
1161. (Sub.)			260	260		
1162.	80	219	261	261	1571 1588,1645	2245 CH. 76
1163.	80	219	278	278	278,1571 1588,1645	2245 CH. 74

NO.	Intro. & 1st Rdg.	Committee Report	2nd Rdg. Amend- ments	3rd Rdg. Final Passage	Other Action	Action by Gov.
1164.	81					
1165.	81	447,524	823		347	
1165 (Sub.)			823	824		
1166.	81					
1167.	81					
1168.	81	132	200			
1168. (Sub.)			200	200	1430 1549,1568	2165 CH. 40
1169.	81	132	201			
1169. (Sub.)			201	201	1430 1549,1568	2165 CH. 34
1170.	81	133	201	201	1430 1549,1568	2165 CH. 33
1171.	81					
1172.	81	198,308	1006	1007	895	
1173.	82	133	315		314	
1173. (Sub.)			315	315,1863	1863 2324,2401	2961 CH. 333
1174.	82	163,525	813		812	
1174. (2nd Sub.)			813	813		
1175.	82	164,525	814	814	812	
1176.	82	286,525	1655	1655	315,1655	
1177.	82	238	399	399		
1178.	82	148				
1179.	82	447			496	
1180.	83	308,526	724			

NO.	Intro. & 1st Rdg.	Committee Report	2nd Rdg. Amend- ments	3rd Rdg. Final Passage	Other Action	Action by Gov.
1180. (2nd Sub.)			724	724,2258	2181- 2187,2258 2616,2622	2962 CH. 383
1181.	83					
1182.	83	148	225,2725	225,2726	2725,2768 2769	3006 CH. 13 E1
1183.	83	352	902		895,901	
1183. (Sub.)			902	902,1870	1869 2324,2401	2932 CH. 281
1184.	83					
1185.	83					
1186.	83	406				
1187.	83					
1188.	83					
1189.	84	383,526	903	903,1888	895 901,1888	2728 CH. 235
1190.	84	324,526	734			
1190. (Sub.)			734	734		
1191.	84					
1192.	84	272	699		672,699	
1192. (Sub.)			699	700	1571 1588,1645	2165 CH. 18
1193.	84					
1194.	84					
1195.	84	1470				
1196.	85	286	891	891	777,888	
1197.	85	254,367	422		422	
1197. (Sub.)			422	422		

NO.	Intro. & 1st Rdg.	Committee Report	2nd Rdg. Amend- ments	3rd Rdg. Final Passage	Other Action	Action by Gov.
1198.	85	126	202	202,1805	1804 2161,2243	2728 CH. 249
1199.	85					
1200.	85					
1201.	85					
1202.	85					
1203.	85					
1204.	86					
1205.	86	219	291	291	291,1571 1588,1645	2245 CH. 50
1206.	86					
1207.	86					
1208.	86	309	482			
1208. (Sub.)			482	482,2262	2188-2190 2259-2261 2616,2622	2962 CH. 382
1209.	86	352				
1210.	86					
1211.	86					
1212.	86					
1213.	86					
1214.	87	286				
1215.	87	219	393	393		
1216.	87					
1217.	87	238	777			
1217. (Sub.)			777,819	819	777,2191- 2201,2244 2616,2623	2961 CH. 308

NO.	Intro. & 1st Rdg.	Committee Report	2nd Rdg. Amend- ments	3rd Rdg. Final Passage	Other Action	Action by Gov.
1218.	87					
1219.	87					
1220.	87	383	824	824	1573 1651,1683	2339 CH. 105
1221.	87	324	488			
1221. (Sub.)			489	489,1935	1932-1935 2616,2623	3009 PV CH. 301
1222.	87	164	225	225		
1223.	87	447	761	761	761	
1224.	87	272	441	441		
1225.	88	272	441	441		
1226.	88	273	479	479		
1227.	88	133,447				
1228.	88					
1229.	88	219				
1230.	88					
1231.	88	220	394	394,1805	1805 2161,2243	2640 CH. 197
1232.	88	324				
1233.	88	254			374	
1234.	88					
1235.	89					
1236.	89					
1237.	89	447,526	825		497	
1237. (Sub.)			825	825		
1238.	89					

NO.	Intro. & 1st Rdg.	Committee Report	2nd Rdg. Amend- ments	3rd Rdg. Final Passage	Other Action	Action by Gov.
1239.	89	325	778	778	151,1573 1651,1683	2339 CH. 138
1240.	89	149	416	416		
1241.	89	149	487	487	1930 2324,2401	2721 CH. 226
1242.	89					
1243.	89					
1244.	89					
1245.	90					
1246.	90					
1247.	90	383,624				
1248.	90	325				
1249.	90	254,428	735	735	1395 1549,1568	2165 CH. 23
1250.	90	255	482			
1250. (Sub.)			482	482	1587 1723,1802	2640 CH. 198
1251.	90	179	416			
1251. (Sub.)			416,442	443,2550	416,1963 2246,2550 2621,2622	3009 PV CH. 351
1252.	90	149	416			
1252. (Sub.)			416	416	1572 1651,1683	2339 CH. 114
1253.	90	149	487	487,1868	1864-1868 2324,2401	2961 CH. 300
1254.	91	309	492		491	
1254. (Sub.)			492	492,2452	1806,1861 2398,2452 2616,2623	3010 PV CH. 234

NO.	Intro. & 1st Rdg.	Committee Report	2nd Rdg. Amend- ments	3rd Rdg. Final Passage	Other Action	Action by Gov.
1255.	91					
1256.	91					
1257.	91	407	685			
1257. (Sub.)			685	685		
1258.	91	220	417 496,670	670,1806	417 496,1806 2161,2243	2640 CH. 169
1259.	91	325	489			
1259. (Sub.)			489	489	1430 1549,1568	2165 CH. 41
1260.	91	199				
1261.	92	199	258		258	
1261. (Sub.)			258	258		
1262.	92	220				
1263.	92	325	903		901	
1263. (Sub.)			903	903		
1264.	110	273	479			
1264. (Sub.)			480	480		
1265.	110					
1266.	110					
1267.	110	287	904	904	901	
1268.	111					
1269.	111	287				
1270.	111	164	226	226		
1271.	111					
1272.	111	164	420	420		
1273.	111	325			151,1015	

NO.	Intro. & 1st Rdg.	Committee Report	2nd Rdg. Amend- ments	3rd Rdg. Final Passage	Other Action	Action by Gov.
1274.	111	428				
1275.	111	527				
1276.	111					
1277.	112					
1278.	112	220	600		489,600	
1278. (Sub.)			600	748	601,748	
1279.	112	255				
1280.	112	309	483			
1280. (Sub.)			483	483		
1281.	112	407,527				
1282.	112	180	394	394	1571 1588,1645	2245 CH. 60
1283.	112	309	979	979		
1284.	112	238			262	
1285.	112	428				
1286.	112	287	863	863	685 806,1587 1723,1802	2640 CH. 167
1287.	113	326	605			
1287. (Sub.)			605	605	1571 1588,1645	2245 CH. 51
1288.	113					
1289.	113	164	226	226	1430 1549,1568	3010 VETOED
1290.	113	180	291	291	291,1571 1588,1645	2245 CH. 54
1291.	113	180	417			
1291. (Sub.)			417	418		

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1292.	113	326	605	606		
1293.	113	326	736		736	
1293. (Sub.)			736	736		
1294.	113	428,528	737			
1294. (Sub.)			737	737 2632,2960	2632,2959	
1295.	114					
1296.	114					
1297.	114					
1298.	114	288	483	483		
1299.	114					
1300.	114	367				
1301.	114	255,624	826			
1301. (Sub.)			826	826,2239	2238-2239 2616,2623	3011 VETOED
1302.	114	273				
1303.	114	180				
1304.	115					
1305.	115	367	815		814	
1305. (Sub.)			815	815,2436	2051-2056 2059-2060 2144,2436 2616,2623	3012 PV CH. 302
1306.	115	326				
1307.	115	255	484	484		
1308.	115	255	492	492	492	
1309.	115					
1310.	115	429				

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1311.	115					
1312.	115					
1313.	115					
1314.	116					
1315.	116					
1316.	116					
1317.	116					
1318.	116					
1319.	116	326	671		671,1015	
1320.	116	383				
1321.	116	429	665		664	
1321. (Sub.)			665	665		
1322.	116	429	666			
1322. (Sub.)			666	667	1587 1723,1802	2932 CH. 272
1323.	117	429	667	667		
1324.	117	367,624	768		374	
1324. (Sub.)			768-770	770	1205,1394	3012 VETOED
1325.	118					
1326.	118	238,448	863		806	
1326. (Sub.)			863	863		
1327.	118					
1328.	118	309	905	905	904	
1329.	118	448	979		497	
1329. (Sub.)			979	979		

NO.	Intro. & 1st Rdg.	Committee Report	2nd Rdg. Amend- ments	3rd Rdg. Final Passage	Other Action	Action by Gov.
1330.	118	180	395	395	1571 1588,1645	2245 CH. 62
1331.	118					
1332.	118					
1333.	119					
1334.	119	352	826	827,2327	444,2208- 2209,2327 2616,2623	3015 PV CH. 310
1335.	119					
1336.	119	273				
1337.	119	327	812		811	
1337. (Sub.)			812	812,1870	1870 2324,2401	2728 CH. 247
1338.	119	407				
1339.	119	352	933		933	
1339. (Sub.)			933	933	1068 1134,1135 2517-2518	2516 VETOED
1340.	119	310				
1341.	119	384				
1342.	120	238	420	420	1685 2324,2401	2721 CH. 214
1343.	120	288	493	493		
1344.	120					
1345.	120					
1346.	120					
1347.	120					
1348.	120	310	493	493	1572 1588,1645	2245 CH. 52

NO.	Intro. & 1st Rdg.	Committee Report	2nd Rdg. Amend- ments	3rd Rdg. Final Passage	Other Action	Action by Gov.
1349.	120					
1350.	120	149	202	202	1430 1549,1568	2165 CH. 35
1351.	121					
1352.	121	384	685	686		
1353.	121					
1354.	121	327	490	490,2555	1807 2345,2402 2521,2554 2621,2622	2728 CH. 237
1355.	121	327,529	816		814	
1355. (Sub.)			816	816	1572 1588,1645	2245 CH. 57
1356.	121					
1357.	121					
1358.	122	149	203	203,1808	1807 2161,2243	2640 CH. 175
1359.	122					
1360.	122	408,529	816	816 2637,2966	814 2637,2966	
1361.	122					
1362.	123					
1363.	123					
1364.	123					
1365.	123					
1366.	123	448			519	
1367.	123					
1368.	123	327				
1369.	123	273	697		697	

NO.	Intro. & 1st Rdg.	Committee Report	2nd Rdg. Amend- ments	3rd Rdg. Final Passage	Other Action	Action by Gov.
1369. (Sub.)			697	698,1937	1935 2616,2623	3016 PV CH. 349
1370.	124	368	606			
1370. (Sub.)			606	606,1872	1871 2324,2401	2721 CH. 217
1371.	124					
1372.	124	430				
1373.	124	221				
1374.	124	165	334	334	334	
1375.	128	448				
1376.	128	239				
1377.	128	430				
1378.	128	310,529	705			
1378. (2nd Sub.)			705	748	705,747	
1379.	128	352	606			
1379. (Sub.)			606	607	1572 1588,1645	2245 CH. 59
1380.	128					
1381.	129					
1382.	129					
1383.	129	327	607	607		
1384.	129					
1385.	129	274	905	905,1937	904,1937 2324,2401	2442 CH. 151
1386.	129	353	607			
1386. (Sub.)			607	607,1809	1808 2161,2243	2728 CH. 244

NO.	Intro. & 1st Rdg.	Committee Report	2nd Rdg. Amend- ments	3rd Rdg. Final Passage	Other Action	Action by Gov.
1387.	129					
1388.	129	328	608			
1388. (Sub.)			608	608,1873	1872 2324,2401	2722 CH. 223
1389.	129					
1390.	129					
1391.	130					
1392.	130	448,529	911		908	
1392. (Sub.)			911-918	918		
1393.	130	310	906		281 358,904	
1393. (Sub.)			906	906		
1394.	130	239			293	
1395.	130	328	608	608	1685 2324,2401	2728 CH. 238
1396.	130	384				
1397.	130	430,530	736		735	
1397. (Sub.)			736	736,1942	1938-1942 2616,2623	3016 PV CH. 348
1398.	130	239	421			
1398. (Sub.)			421	421		
1399.	131					
1400.	131	199	257	257,1810	257,1810 2161,2243	2640 CH. 199
1401.	131					
1402.	131					
1403.	131					

NO.	Intro. & 1st Rdg.	Committee Report	2nd Rdg. Amend- ments	3rd Rdg. Final Passage	Other Action	Action by Gov.
1404.	131	384	686	686	151	
1405.	131	311,408	865			
1405. (Sub.)			865	865	1902,1957	
1406.	135	384	672,699	699	444,672- 673,698	
1407.	135					
1408.	135	530	906		904	
1408 (Sub.)			906	906	1873,2000 2616,2623	2961 CH. 309
1409.	135					
1410.	136					
1411.	136	430			497	
1412.	136	368	610	611,1964	610,1964 2616,2623	3017 VETOED
1413.	136					
1414.	136	449	673			
1414. (Sub.)			673	673,1878	1877 2324,2401	2962 CH. 364
1415.	136	449,530	866		497	
1415. (Sub.)			866	866,2019	2017-2019 2616,2623	2728 CH. 245
1416.	136	199				
1417.	136	368,625	867	867		
1418.	137	239	421	421	1572 1588,1645	2245 CH. 70
1419.	137					
1420.	137					
1421.	137					

NO.	Intro. & 1st Rdg.	Committee Report	2nd Rdg. Amend- ments	3rd Rdg. Final Passage	Other Action	Action by Gov.
1422.	137					
1423.	137	449	946	947		
1424.	137	408				
1425.	137					
1426.	137	408	686			
1426. Sub.			686	687	1587 1723,1802	2962 CH. 365
1427.	138					
1428.	138	409				
1429.	138	430				
1430.	138	449	884		884	
1430. (Sub.)			884	884	1685 2161,2243	2962 CH. 341
1431.	138					
1432.	138					
1433.	138	328,530				
1434.	138					
1435.	138	409	798	798	798	
1436.	139					
1437.	139	221				
1438.	139	221	396	396,1889	1889 2616,2623	2962 CH. 396
1439.	139	449				
1440.	139					
1441.	139	328				
1442.	139	1850	2897		1850,2897	
1442. (Sub.)			2897	2914	2930	

NO.	Intro. & 1st Rdg.	Committee Report	2nd Rdg. Amend- ments	3rd Rdg. Final Passage	Other Action	Action by Gov.
1443.	139					
1444.	140	353,625	881		879	
1444. (Sub.)			881	883,2317	2312-2317 2616,2623	3017 PV CH. 233
1445.	140	199	502	503,2021	228,502 2019-2021 2616,2623	2728 CH. 254
1446.	140					
1447.	140	311	503	503		
1448.	140	328,629				
1449.	140					
1450.	140	329	611		358,611	
1450. (Sub.)			611	611		
1451.	140					
1452.	141	288	504			
1452. (Sub.)			504	504		
1453.	141	329	612	612	612	
1454.	141	430	806	806	1572 1588,1646	2245 CH. 53
1455.	141	450	806			
1455. (Sub.)			806	806	1685 2161,2243	2722 CH. 227
1456.	141					
1457.	141	240,531	907		293,904	
1457. (Sub.)			907	907,2515	2201-2203 2237,2339 2403,2515 2616,2623	2728 CH. 259
1458.	141	288	595			

NO.	Intro. & 1st Rdg.	Committee Report	2nd Rdg. Amend- ments	3rd Rdg. Final Passage	Other Action	Action by Gov.
1458. (Sub.)			595	595	1588 2161,2243	2640 CH. 177
1459.	141					
1460.	141					
1461.	142					
1462.	142					
1463.	142					
1464.	142					
1465.	142	311	595	595		
1466.	142					
1467.	143	289	596	596,1879	1878 2324,2401	2962 CH. 397
1468.	143	311	871	871	1572 1588,1646	2245 CH. 75
1469.	143					
1470.	143					
1471.	143					
1472.	143					
1473.	143					
1474.	143					
1475.	143	450	796			
1475. (Sub.)			796	796	2211,2244	
1476.	143	181,531	738		738	
1476. (2nd Sub.)			738	739,2514	2039-2040 2297,2409- 738 2410,2514	3018 PV CH. 417
1477.	144	409				

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1478.	144	256	596	597,2436	1906- 1924,1958 2435-2436 2616,2623	2962 CH. 352
1479.	144	1077	1207		1099 1100,1207	
1479. (Sub.)			1207	1208 2632,2768	2262-2293 2325,2632 2735-2769 2775	3019 PV CH. 3 E1
1480.	145	385,531	827	827	1572 1588,1646	2245 CH. 56
1481.	145					
1482.	145					
1483.	145	450				
1484.	145	2060	2715		2144,2715	
1484. (Sub.)			2715	2715	2768 2775	3006 CH. 14 E1
1485.	145	329	908	908	904,1588 2161,2243	2640 CH. 166
1486.	146					
1487.	146					
1488.	146	274	910	910	908	
1489.	146					
1490.	146	311				
1491.	146	385				
1492.	146					
1493.	146					
1494.	146					
1495.	147	329,532	740		740	

NO.	Intro. & 1st Rdg.	Committee Report	2nd Rdg. Amend- ments	3rd Rdg. Final Passage	Other Action	Action by Gov.
1495. (Sub.)			740	740		
1496.	147	409,532	771			
1496. (Sub.)			771	771		
1497.	153					
1498.	153	312			374	
1499.	153					
1500.	153					
1501.	154					
1502.	154	450	947	947,1893	1889 2616,2623	2962 CH. 398
1503.	154	274	490			
1503. (Sub.)			490	490	1572 1588,1646	2245 CH. 58
1504.	154	431	700		444,700	
1504. (Sub.)			700	700	1930 2324,2401	2961 CH. 315
1505.	154	329	911	911	908	
1506.	154					
1507.	154					
1508.	154					
1509.	154	385	687		400	
1509. (Sub.)			688	688		
1510.	154	312			597 662,677	
1511.	155	385				
1512.	155	1470	2637	2637	2636,2727 2768 2769	3006 CH. 15 E1

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1513.	155	274				
1514.	155				185	
1515.	155	450			497	
1516.	155					
1517.	155					
1518.	155	368	613	613,2203	2203 2616,2623	2962 CH. 368
1519.	155					
1520.	156	386	934	934,1944	933,1944 2616,2623	2961 CH. 327
1521.	156	386	797			
1521. (Sub.)			797	797		
1522.	156					
1523.	156	386				
1524.	156	289	597	597	1572 1651,1699	2640 CH. 185
1525.	156					
1526.	156					
1527.	156					
1528.	156					
1529.	157					
1530.	157					
1531.	157					
1532.	157					
1533.	157	431				
1534.	157					
1535.	157	330				

NO.	Intro. & 1st Rdg.	Committee Report	2nd Rdg. Amend- ments	3rd Rdg. Final Passage	Other Action	Action by Gov.
1536.	157	353				
1537.	158	386			828	
1538.	158					
1539.	158					
1540.	158					
1541.	158					
1542.	158	369,548	980			
1542. (Sub.)			981	981,2570	2557- 2570,2621	2728 CH. 252
1543.	158					
1544.	158					
1545.	158	274	708	708	708,1572 1651,1699	2641 CH. 192
1546.	159					
1547.	159	451	694		694	
1547. (Sub.)			694	694,1886	1879-1886 2324,2401	3019 PV CH. 416
1548.	159	451	689		689	
1548. (Sub.)			689	689	1572 1588,1646	2245 CH. 55
1549.	159					
1550.	159					
1551.	159					
1552.	159	386	935	935	933,1587 1723,1802	3019 VETOED
1553.	159	312	707			
1553. (Sub.)			707	707,1894	1893 2616,2623	2932 CH. 279

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1554.	159	289,560	936		933	
1554. (Sub.)			936	936		
1555.	160					
1556.	160	387				
1557.	160	451,560	919		519,908	
1557. (Sub.)			919	920		
1558.	160	387	872		872	
1558. (Sub.)			872	872,2327	1824,1861 2298,2326 2616,2623	2962 CH. 369
1559.	160					
1560.	160	312,560	771			
1560. (Sub.)			771	772,2206	2204-2206 2616,2623	2728 CH. 260
1561.	161	275				
1562.	161	256	597	598		
1563.	161					
1564.	174	451				
1565.	174	451	807			
1565. (Sub.)			807	807		
1566.	174					
1567.	174				400	
1568.	175	369	872		872	
1568. (Sub.)			872	873,1956	1950-1956 2616,2623	2962 CH. 399
1569.	175	369,561	873		872	
1569. (Sub.)			873	873,2293	2293 2616,2623	2962 CH. 362

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1570.	175	452	807	807		
1571.	175	452	808	808		
1572.	175	409	688			
1572. (Sub.)			688	688	1685 2161,2243	2722 CH. 215
1573.	175	432,630	871	871	1572 1651,1683	2340 CH. 141
1574.	175	409	936		933	
1574. (Sub.)			936	937,1960	1958 2616,2623	2962 CH. 384
1575.	175	432,561			444	
1576.	175					
1577.	176	452	947		497	
1577. (Sub.)			947	947		
1578.	176	452	948	948	497	
1579.	176	452	948	948	497	
1580.	176	453	808	808		
1581.	176	369,561	696		696	
1581. (Sub.)			696	746 2633 2948	697,703 2632,2944- 2948 2951	3006 CH. 11 E1
1582.	176	369,568	697		697	
1582. (Sub.)			697	719,2238	697 703-704 719,2238 2616,2623	3020 VETOED
1583.	176	353,568	702		702	
1583. (Sub.)			702		703,1015	
1584.	176	330,574	704		704	

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1584. (Sub.)			704	720	704,720	
1585.	177					
1586.	177	387				
1587.	177	330	704	705	704	
1588.	177					
1589.	177					
1590.	177					
1591.	177					
1592.	177					
1593.	178					
1594.	178					
1595.	178					
1596.	178	369	613	613		
1597.	178					
1598.	178					
1599.	178	240	241		241	
1599. (Sub.)			241	241,337	336 339,346	348 CH. 3
1600.	178					
1601.	178	312,576	867		867	
1601. (Sub.)			867-870	878	870,878	
1602.	178	433	937	937	242,933	
1603.	179					
1604.	187					
1605.	187					
1606.	187					

NO.	Intro. & 1st Rdg.	Committee Report	2nd Rdg. Amend- ments	3rd Rdg. Final Passage	Other Action	Action by Gov.
1607.	187	387				
1608.	188	453	949			
1608. (Sub.)			949	949		
1609.	188					
1610.	188					
1611.	188					
1612.	188					
1613.	188					
1614.	188					
1615.	188					
1616.	188					
1617.	189					
1618.	189	433	809	809	1588 2161,2243	2962 CH. 363
1619.	189	453	873		872	
1619. (Sub.)			873	874,2001	2000 2616,2623	3020 PV CH. 270
1620.	189	370,577	938	938	933	
1621.	189	453	809	809		
1622.	189	370,630				
1623.	189	387	717	717	717	
1624.	189	370	614			
1624. (Sub.)			614	614	2206-2207 2345-2346	
1625.	190				262,400	
1626.	190					

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1627.	190					
1628.	190					
1629.	190	240	314 339-346	400	314.346	
1630.	190	313	597			
1630. (Sub.)			597	598	1685 2161.2243	3021 PV CH. 343
1631.	190	388	817	817.2207	400 814.2207 2616.2623	2932 CH. 277
1632.	190					
1633.	190					
1634.	191					
1635.	191	454	1007		1007	
1635. (Sub.)			1007 1034	1036 2520	1008.1015 1033.1826- 1846.1862 2450-2452 2519-2520 2616.2623	3021 PV CH. 360
1636.	191					
1637.	191					
1638.	191					
1639.	191	370	614			
1639. (Sub.)			614	615	1572 1588.1646	2245 CH. 63
1640.	191					
1641.	191	454				
1642.	192				262	
1643.	192	454	674			

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1643. (Sub.)			674,788	788	674,788	
1644.	192					
1645.	192	370	778-787	787,2256	778 2246-2256 2616,2623	3022 PV CH. 415
1646.	192	330	615	615		
1647.	192					
1648.	192	388,577	956,2718	956,2718	2715,2718	
1649.	192					
1650.	192	371				
1651.	193	454	874		228,872	
1651. (Sub.)			874	874	1572 1588,1646	2245 CH. 64
1652.	193					
1653.	193	289				
1654.	193	371			374	
1655.	193	433				
1656.	193	454	701	701,2602	701,2601- 2602,2621	3022 PV CH. 428
1657.	193	433,577	981	981		
1658.	194	455	957			
1658. (Sub.)			957	957	1572 1588,1646	2165 CH. 32
1659.	194					
1660.	194	455				
1661.	194	410	875		872	
1661. (Sub.)			875	875		

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1662.	194					
1663.	194	331 501,635	764		764	
1663. (Sub.)			764	764		
1664.	194	577	908	909,2001	908,2001 2616,2623	2722 CH. 210
1665.	194	433	810	810		
1666.	194	331,578	799			
1666. (Sub.)			799	799		
1667.	195					
1668.	195	331	957		444	
1668. (Sub.)			957	957		
1669.	195	388	718			
1669. (Sub.)			718	718		
1670.	195					
1671.	195	455,635	741		741	
1671. (Sub.)			741-744	762,2023	744 762,1967- 1996,2023 2616,2623	3023 PV CH. 431
1672.	195					
1673.	195	410	718	718		
1674.	196					
1675.	196					
1676.	196	578	964		958,963	
1676. (Sub.)			964	964		
1677.	196					
1678.	196					

NO.	Intro. & 1st Rdg.	Committee Report	2nd Rdg. Amend- ments	3rd Rdg. Final Passage	Other Action	Action by Gov.
1679.	196					
1680.	196				262	
1681.	196	353				
1682.	196	331	491	491		
1683.	196					
1684.	196	578				
1685.	197					
1686.	197					
1687.	197					
1688.	197	371	615			
1688. (Sub.)			615	615		
1689.	197	371	616	616	1572 1588,1646	2245 CH. 68
1690.	197	371	616	616,1811	1810 2161,2243	2641 CH. 193
1691.	204					
1692.	204					
1693.	204					
1694.	205					
1695.	205					
1696.	205					
1697.	205	275	480	480		
1698.	205	388	671	671,2002	2002 2616,2623	2932 CH. 278
1699.	205					
1700.	205	455				
1701.	205	455	949			

NO.	Intro. & 1st Rdg.	Committee Report	2nd Rdg. Amend- ments	3rd Rdg. Final Passage	Other Action	Action by Gov.
1701. (Sub.)			949	949		
1702.	205	388	612	612	612	
1703.	206	434,578	992	992	992	
1704.	206					
1705.	206					
1706.	206	389				
1707.	206					
1708.	206					
1709.	206	389,579	992	993	1588 2161,2243	2641 CH. 189
1710.	206					
1711.	206	434,580	888		888	
1711. (Sub.)			888	888,2317	1924,2317 2616,2623	3025 PV CH. 357
1712.	207	372				
1713.	207	456			519	
1714.	207					
1715.	207	275	480	481		
1716.	207					
1717.	207					
1718.	207	434	810	810	1572 1652,1683	2340 CH. 108
1719.	207	434	811	811	1588,1722 2161,2243	2641 CH. 191
1720.	207					
1721.	207					
1722.	207					

NO.	Intro. & 1st Rdg.	Committee Report	2nd Rdg. Amend- ments	3rd Rdg. Final Passage	Other Action	Action by Gov.
1723.	208					
1724.	208	313	601	601		
1725.	208					
1726.	208					
1727.	208					
1728.	208	456				
1729.	208	354	617	617	1685 2324,2401	2722 CH. 220
1730.	208	354	617	617		
1731.	208	410	958	958		
1732.	209	435			1015	
1733.	209					
1734.	209					
1735.	209	581			358,2952	
1736.	209					
1737.	209	1077	1424		243,1424	
1737. (Sub.)			1424 1530 1945	1949 2634 2921	1428,1530 1945,2632 2916-2921 2941	3025 PV CH. 5 E1
1738.	209	354				
1739.	209	354				
1740.	210	354				
1741.	210	354,581	933		879 884,933	
1741. (Sub.)			933	934		
1742.	210	355			374	
1743.	210	355				

NO.	Intro. & 1st Rdg.	Committee Report	2nd Rdg. Amend- ments	3rd Rdg. Final Passage	Other Action	Action by Gov.
1744.	210	355				
1745.	210					
1746.	210	456	864		864	
1746. (Sub.)			864	864		
1747.	210	389	719	719		
1748.	210					
1749.	210				262	
1750.	211					
1751.	211					
1752.	211					
1753.	211					
1754.	211					
1755.	211					
1756.	211	389	801			
1756. (Sub.)			801	801,2004	2002 2616,2623	2932 CH. 282
1757.	211	410	725	726,1812	1811 2161,2243	2728 CH. 263
1758.	211					
1759.	211	276,581	879		879	
1759. (Sub.)			879	879,2209	2209 2616,2623	2962 CH. 370
1760.	212					
1761.	212					
1762.	212	389	864	864	1572 1588,1646	2245 CH. 61
1763.	212	331				

NO.	Intro. & 1st Rdg.	Committee Report	2nd Rdg. Amend- ments	3rd Rdg. Final Passage	Other Action	Action by Gov.
1764.	212	372				
1765.	212	410				
1766.	212					
1767.	212					
1768.	212	435,657	993	993,2326	2210,2325 2616,2623	2728 CH. 256
1769.	213	411	958	958,1895	1894 2616,2623	2932 CH. 290
1770.	213					
1771.	213	456	950	950		
1772.	213	332	618	618	1813,2000 2616,2623	2722 CH. 218
1773.	213					
1774.	213	389	959			
1774. (Sub.)			959	959	1572 1588,1646	2330 PV CH. 81
1775.	213	411				
1776.	213	435	865	865	1588 2162,2243	2641 CH. 194
1777.	213	390	959	959,2004	2004 2616,2623	2728 CH. 269
1778.	213	313	787	787,2005	2005 2616,2623	3026 PV CH. 392
1779.	214					
1780.	214					
1781.	214					
1782.	214				243	
1783.	214					

NO.	Intro. & 1st Rdg.	Committee Report	2nd Rdg. Amend- ments	3rd Rdg. Final Passage	Other Action	Action by Gov.
1784.	214					
1785.	214					
1786.	214					
1787.	214					
1788.	215	372	443		443	
1788. (Sub.)			443	443 2633 2916	2632 2915 2941	2962 CH. 4 E1
1789.	215					
1790.	215					
1791.	215	390	726	726		
1792.	215	355	662			
1792. (Sub.)			662	663		
1793.	215	289,390	504		504	
1793. (2nd Sub.)			504-518	518,2522	1603- 1644,2347- 2388,2435 2460-2500 2521-2522 2616,2623	3026 PV CH. 271
1794.	216	456	950	950	1587 1723,1802	2962 CH. 356
1795.	228					
1796.	230					
1797.	230	372	663			
1797. (Sub.)			663	663		
1798.	230				315	
1799.	230	457				
1800.	230					

NO.	Intro. & 1st Rdg.	Committee Report	2nd Rdg. Amend- ments	3rd Rdg. Final Passage	Other Action	Action by Gov.
1801.	231	332				
1802.	231	457,581	1502	1504	1498,1587 1723,1802	3027 PV CH. 328
1803.	231					
1804.	231					
1805.	231					
1806.	231					
1807.	231	435				
1808.	231					
1809.	231					
1810.	231	332				
1811.	232					
1812.	232	457			497	
1813.	232					
1814.	232	290,658	879		879	
1814. (Sub.)			879	879		
1815.	232					
1816.	232	457	876	876		
1817.	232					
1818.	232					
1819.	233				262	
1820.	233	457			262	
1821.	233					
1822.	233	333	599		598	
1822. (Sub.)			599	600		

NO.	Intro. & 1st Rdg.	Committee Report	2nd Rdg. Amend- ments	3rd Rdg. Final Passage	Other Action	Action by Gov.
1823.	233	435				
1824.	233					
1825.	233	1522	2144		1850 1851,2144	
1825. (Sub.)			2144	2160 2638,2959	2632,2634 2638,2959	
1826.	234					
1827.	234					
1828.	245	436	876			
1828. (Sub.)			877	877		
1829.	245	411				
1830.	245					
1831.	245					
1832.	246	372				
1833.	246					
1834.	246	458				
1835.	246					
1836.	246	390	888,900	900	888 889,900	
1837.	246				281	
1838.	246					
1839.	246	333	663	664		
1840.	246					
1841.	247	458	994	995,2210	2210 2616,2623	2962 CH. 371
1842.	247					
1843.	247					

NO.	Intro. & 1st Rdg.	Committee Report	2nd Rdg. Amend-ments	3rd Rdg. Final Passage	Other Action	Action by Gov.
1844.	247	391	709	709	444 708,1685 2162,2243	2722 CH. 216
1845.	247					
1846.	247					
1847.	247					
1848.	247					
1849.	247					
1850.	247	458				
1851.	248	436				
1852.	248					
1853.	248	411,582	740		740	
1853. (Sub.)			741	741,1814	1813 2162,2243	2962 CH. 388
1854.	248	373	664			
1854. (Sub.)			664	664,1814	1814 2162,2243	3028 PV CH. 262
1855.	248	391	496	609	496	
1856.	248					
1857.	248	458	877			
1857. (Sub.)			877	877	1588 2162,2243	2722 CH. 207
1858.	248	333,582	817		814	
1858. (Sub.)			817	817	1587 1723,1802	2722 CH. 212
1859.	248					
1860.	249					
1861.	249					

NO.	Intro. & 1st Rdg.	Committee Report	2nd Rdg. Amend- ments	3rd Rdg. Final Passage	Other Action	Action by Gov.
1862.	249	582	802	802	1572 1652,1699	2933 CH. 289
1863.	249					
1864.	249	458,583	772		497	
1864. (Sub.)			772	772,2512	2501-2512 2616,2623	3028 PV CH. 372
1865.	249	459	880	880	879	
1866.	249					
1867.	249					
1868.	249					
1869.	249					
1870.	250	333	889	890	880	
1871.	250					
1872.	250	459	802	802	1588 2162,2243	2933 CH. 288
1873.	250					
1874.	250					
1875.	250					
1876.	250	459				
1877.	250					
1878.	250					
1879.	251					
1880.	251	459				
1881.	251	313	602	602	2212- 2213,2237	
1882.	251	436				
1883.	251	459,584	1008		995,1008	

NO.	Intro. & 1st Rdg.	Committee Report	2nd Rdg. Amend- ments	3rd Rdg. Final Passage	Other Action	Action by Gov.
1883. (Sub.)			1008	1010		
1884.	251					
1885.	263	584	995	995	1572 1652,1683	2340 CH. 139
1886.	263					
1887.	263					
1888.	263					
1889.	264	460	877			
1889. (Sub.)			877	877,1896	1895 2616,2623	3028 PV CH. 413
1890.	264	411	708	763	708,762	
1891.	264	436	929		929	
1891. (Sub.)			929	929		
1892.	264	436				
1893.	264	460				
1894.	264	460	960			
1894. (Sub.)			960	960,1821	1815-1821 2162,2243	3029 PV CH. 202
1895.	264	391	726	727		
1896.	264	460			951,1015	
1897.	264					
1898.	264					
1899.	264					
1900.	265					
1901.	265					
1902.	265					

NO.	Intro. & 1st Rdg.	Committee Report	2nd Rdg. Amend- ments	3rd Rdg. Final Passage	Other Action	Action by Gov.
1903.	265	460				
1904.	265	412	727	727.2006	2006 2616.2623	2933 CH. 296
1905.	265					
1906.	265					
1907.	265					
1908.	265					
1909.	266	461	803	803	1572 1652.1683	3030 VETOED
1910.	266	437.584	830		829	
1910. (Sub.)			830-855	855		
1911.	266	461	951			
1911. (Sub.)			951	951		
1912.	266	437	701	701	701 1205.1394	1459 CH. 6
1913.	266					
1914.	266					
1915.	266					
1916.	266					
1917.	266	461.585	804	804.2399	497.1925- 1929.1958 2318.2399 2616.2623	3030 PV CH. 414
1918.	267	437				
1919.	267					
1920.	267					
1921.	267					
1922.	267					

NO.	Intro. & 1st Rdg.	Committee Report	2nd Rdg. Amend- ments	3rd Rdg. Final Passage	Other Action	Action by Gov.
1923.	267					
1924.	267					
1925.	267					
1926.	267					
1927.	268					
1928.	268					
1929.	268	461				
1930.	268					
1931.	268				315	
1932.	268					
1933.	268					
1934.	268					
1935.	268	462				
1936.	268					
1937.	268					
1938.	269					
1939.	269	437				
1940.	269	412				
1941.	269	437	960			
1941. (Sub.)			960	961		
1942.	269	462				
1943.	269					
1944.	269	412,585				
1945.	269					
1946.	269					

NO.	Intro. & 1st Rdg.	Committee Report	2nd Rdg. Amend-ments	3rd Rdg. Final Passage	Other Action	Action by Gov.
1947.	269					
1948.	270					
1949.	282	356,462			358	
1950.	282	438	721	721	721	
1951.	282					
1952.	283	463	996			
1952. (Sub.)			996	996	1587 1723,1802	2722 CH. 211
1953.	283					
1954.	283					
1955.	283					
1956.	283	373	804			
1956. (Sub.)			804	804,2007	2006,2621	2728 CH. 255
1957.	283	412	961	961		
1958.	283	463	930			
1958. (Sub.)			930	930,2011	2007-2011 2616,2623	3031 PV CH. 258
1959.	284					
1960.	284					
1961.	284					
1962.	284					
1963.	284	391,585	705		705	
1963. (Sub.)			705	747,2634	705 747,2632	
1964.	284	463	951			
1964. (Sub.)			951	951		

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1965.	284	463	962			
1965. (Sub.)			962	962.2022	2021 2616.2623	2961 CH. 329
1966.	284					
1967.	284					
1968.	284	463.586	773		497	
1968. (Sub.)			773	774.2548	2303- 2311.2339 2523-2532 2547-2548 2621.2622	3031 PV CH. 427
1969.	285					
1970.	285					
1971.	285					
1972.	300					
1973.	300					
1974.	300					
1975.	300					
1976.	300	412	727	727	1587 1723.1802	2641 CH. 182
1977.	300					
1978.	300	464				
1979.	300	464	893		892	
1979. (Sub.)			893	893		
1980.	300	391	728	782.1824	1824 2162.2243	2722 CH. 206
1981.	301					
1982.	301					
1983.	301	464	899		899	

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1983. (Sub.)			900	900,2220	2213-2220 2616,2623	3032 PV CH. 373
1984.	301	464,586	805	805		
1985.	301	464				
1986.	301					
1987.	301					
1988.	301					
1989.	301					
1990.	301					
1991.	302					
1992.	302					
1993.	302	438	899	899	1685 2162,2243	2728 CH. 257
1994.	302					
1995.	302	464				
1996.	302	465	930	930	1587 1723,1802	2728 CH. 261
1997.	302					
1998.	302					
1999.	302	334				
2000.	303	465	962			
2000. (Sub.)			962	963,2014	2011-2014 2616,2623	2962 CH. 355
2001.	303	356	684	684,1901	1896-1901 2617,2623	2933 CH. 286
2002.	303					
2003.	303	438			1015	

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2004.	303					
2005.	303					
2006.	303					
2007.	303	438				
2008.	303	465				
2009.	304					
2010.	304	391	728	728	1588 2162,2243	3032 PV CH. 297
2011.	304	438,586	893		892	
2011. (Sub.)			893	893,2555	2047- 2051,2173 2424-2429 2539,2542- 2546,2555 2621,2622	2961 CH. 316
2012.	304	413	722			
2012. (Sub.)			722	722,1823	1822 2162,2243	2932 CH. 298
2013.	304	465	952	952	1587 1723,1802	2641 CH. 184
2014.	304	392,658	880		879	
2014. (Sub.)			880	880,2026	2025 2617,2623	2963 CH. 400
2015.	304					
2016.	304	373	884	884	660,884 2346-2347 2390,2539 2617,2623	2962 CH. 339
2017.	304					
2018.	305					
2019.	305					

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2020.	305	392,586	885		884	
2020. (Sub.)			885	887,2431	1965- 1967,2173 2333-2335 2431,2621	2962 CH. 340
2021.	305					
2022.	305					
2023.	305	373,659	738		738	
2023. (Sub.)			739	739		
2024.	305	392	818		814	
2024. (Sub.)			818	818	2294 2329,2339 2617,2623	3032 PV CH. 374
2025.	305	466				
2026.	305					
2027.	305					
2028.	306					
2029.	306					
2030.	306	413	690		690	
2030. (Sub.)			690-694	694		
2031.	306	466	952		358	
2031. (Sub.)			952	952		
2032.	306					
2033.	306	466				
2034.	316					
2035.	316	466	931	931	931	
2036.	316	466	818		814	

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2036. (Sub.)			818	818	1587 1723,1802	2961 CH. 319
2037.	316	467	931	931	1588 2162,2244	2722 CH. 213
2038.	316					
2039.	317					
2040.	317					
2041.	317	413	963			
2041. (Sub.)			963	963,2297	2221,2297 2617,2623	2962 CH. 342
2042.	317					
2043.	317					
2044.	317	439				
2045.	317	439	722	722	1572 1652,1683	2340 CH. 142
2046.	317					
2047.	318					
2048.	318					
2049.	318					
2050.	318					
2051.	318	467	932	932	1587 1723,1802	2641 CH. 188
2052.	318					
2053.	318	588	953	953,2172	2171 2617,2623	2933 CH. 287
2054.	318	467	932	932	1587 1723,1802	2963 CH. 401
2055.	318					
2056.	318					

NO.	Intro. & 1st Rdg.	Committee Report	2nd Rdg. Amend- ments	3rd Rdg. Final Passage	Other Action	Action by Gov.
2057.	319	467			444	
2058.	319	467				
2059.	319	468,588	745	745	519,745	
					805,814	
					2057-2059	
					2173,2319-	3033
				805	2320,2400	PV
2060.	319	392	805	814,2400	2617,2623	CH. 385
2061.	319					
2062.	319					
2063.	319					
2064.	319					
2065.	319	439				
					892	
2066.	320	413	909		894,908	
					2221	2961
2066. (Sub.)			909	909,2222	2617,2623	CH. 330
2067.	320					
2068.	320	468				
2069.	320					
2070.	320	468	942		942	
					2165	3034
2070. (Sub.)			942	942,2166	2617,2623	PV CH. 313
2071.	320	468	964			
2071. (Sub.)			964	964		
2072.	320					
2073.	320					
2074.	320	588				

NO.	Intro. & 1st Rdg.	Committee Report	2nd Rdg. Amend-ments	3rd Rdg. Final Passage	Other Action	Action by Gov.
2075.	320	589	894	894	892,1587 1723,1802	2641 CH. 195
2076.	321	501	895		892	
2076. (Sub.)			895	895		
2077.	321	468			497	
2078.	321					
2079.	321					
2080.	321					
2081.	321					
2082.	321					
2083.	321					
2084.	321	469,589	965		497	
2084. (Sub.)			965	967		
2085.	322					
2086.	349					
2087.	349	469,589			497 967,1015	
2088.	349	392	729			
2088. (Sub.)			729	729	1587 1723,1802	2722 CH. 228
2089.	349					
2090.	349					
2091.	349					
2092.	350					
2093.	350				400	
2094.	350					
2095.	350					

NO.	Intro. & 1st Rdg.	Committee Report	2nd Rdg. Amend- ments	3rd Rdg. Final Passage	Other Action	Action by Gov.
2096.	350	469			519	
2097.	360					
2098.	360	439	943	943		
2099.	360					
2100.	360					
2101.	360					
2102.	360					
2103.	361	469	943	943		
2104.	361	469				
2105.	361					
2106.	361					
2107.	361					
2108.	361	470				
2109.	361					
2110.	361	439	944	944		
2111.	361					
2112.	361					
2113.	361					
2114.	362					
2115.	362					
2116.	362					
2117.	362	470				
2118.	362	470	996	996	1685 2162,2244	2963 CH. 402
2119.	362					
2120.	362					

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2121.	362					
2122.	362	470			497	
2123.	362					
2124.	363	592			1850 1851,2952	
2125.	363					
2126.	363	470	953	953		
2127.	363					
2128.	363					
2129.	363	471	892	893	892 2613-2615 2621,2622	2728 CH. 236
2130.	363					
2131.	363	471	944	944,2391	1847,1862 2390-2391 2617,2624	2962 CH. 344
2132.	364					
2133.	364				423	
2134.	364					
2135.	364	393	730	730	1587 1723,1802	2722 CH. 229
2136.	364	471,659	967		497	
2136. (Sub.)			968	971,2171	2167-2171 2617,2624	2645 CH. 201
2137.	364	471,659	765		764	
2137. (Sub.)			765	765,2523	1996- 1998,2174 2443-2445 2522-2523	3034 PV CH. 423
2138.	364					

NO.	Intro. & 1st Rdg.	Committee Report	2nd Rdg. Amend- ments	3rd Rdg. Final Passage	Other Action	Action by Gov.
2139.	364	413				
2140.	364	471,660	938		938	
2140. (Sub.)			938	941		
2141.	378					
2142.	379	472	945	945	400 1823,2000 2617,2624	2933 CH. 285
2143.	379					
2144.	379					
2145.	379					
2146.	379					
2147.	379					
2148.	379					
2149.	379	472				
2150.	379	472			497	
2151.	379	472	945			
2151. (Sub.)			945	945		
2152.	380	1505			1850 1851,2952	
2153.	380					
2154.	380	472				
2155.	380	473	946	946,2442	2222-2235 2294,2442 2617,2624	3035 PV CH. 375
2156.	380					
2157.	380	473				
2158.	380	473	895	895	895,1572 1588,1646	2245 CH. 65

NO.	Intro. & 1st Rdg.	Committee Report	2nd Rdg. Amend- ments	3rd Rdg. Final Passage	Other Action	Action by Gov.
2159.	380	473	774			
2159. (Sub.)			774	829	775,828	
2160.	381					
2161.	381	440	887	887	884,1587 1723,1802	2641 CH. 187
2162.	403					
2163.	403					
2164.	403					
2165.	403					
2166.	403					
2167.	403	473	954	954,2404	497,2056- 2057,2174 2323,2403 2617,2624	2933 CH. 274
2168.	403	473,660	765	765,2029	764,2027 2617,2624	2962 CH. 376
2169.	403					
2170.	403					
2171.	403				423	
2172.	404	474,593			497	
2173.	404					
2174.	404	474				
2175.	424					
2176.	425					
2177.	425	593	971	971		
2178.	425					
2179.	425					
2180.	425					

NO.	Intro. & 1st Rdg.	Committee Report	2nd Rdg. Amend-ments	3rd Rdg. Final Passage	Other Action	Action by Gov.
2181.	425					
2182.	425				519	
2183.	425					
2184.	425					
2185.	425	474			497	
2186.	425					
2187.	426					
2188.	426					
2189.	426					
2190.	426					
2191.	426					
2192.	426					
2193.	426					
2194.	426					
2195.	426					
2196.	426	756				
2197.	426					
2198.	427	474,593	855		497,855	
2198. (Sub.)			855	860 2638,2964	2637,2959	
2199.	478					
2200.	478					
2201.	478	593	910		908	
2201. (Sub.)			910	910		
2202.	499					
2203.	499					

NO.	Intro. & 1st Rdg.	Committee Report	2nd Rdg. Amend- ments	3rd Rdg. Final Passage	Other Action	Action by Gov.
2204.	518					
2205.	519	594				
2206.	679					
2207.	679					
2208.	679					
2209.	679					
2210.	679					
2211.	680					
2212.	862					
2213.	862					
2214.	1011					
2215.	1017	1209			1100	
2216.	1044	1522			1850 1851.2952	
2217.	1103					
2218.	1395					
2219.	1431					
2220.	1431					
2221.	1459	1558			1665.2952	
2222.	1536	1646	1709	1711 2600	1665 1709.2572- 2600.2621	2163 CH. 380
2223.	1574					
2224.	1574					
2225.	1574					
2226.	1574					
2227.	1574					

NO.	Intro. & 1st Rdg.	Committee Report	2nd Rdg. Amend- ments	3rd Rdg. Final Passage	Other Action	Action by Gov.
2228.	1574					
2229.	1574					
2230.	1574					
2231.	1602					
2232.	1602					
2233.	1602					
2234.	1603					
2235.	1603					
2236.	1603				1851	
2237.	1603		2417	2421	1850 1851,2416	
2238.	2165					
2239.	2639					
2240.	2639					
2241.	2639					
2242.	2645		2645	2645	2643,2722 2724	2933 CH. 2 E1
2243.	2725,2732 2922,2939				2952	
2244.	2733		2733	2733,2938	2733,2935- 2938,2943 2951	3006 CH. 10 E1
2245.	2733		2768	2768	2768,2775 2914 2929	3006 CH. 16 E1
2246.	2939				2952	
2247.	2965		2965	2965	2969,2974 2977	3006 CH. 2 E2
2248.	2965					

NO:	Intro. & 1st Rdg.	Committee Report	2nd Rdg. Amend- ments	3rd Rdg. Final Passage	Other Action	Action by Gov.
2249.	2970				2970	
2250.	2970				2970	

HISTORY OF HOUSE JOINT MEMORIALS

NO.	Intro. & 1st Rdg.	Committee Report	2nd Rdg. Amend- ments	3rd Rdg. Final Passage	Other Action
4000.	41	126	227	227	227,1587 1723,1802
4001.	64	181	261	262	261,1723 2324,2401
4002.	92	314	602	603	
4003.	92	314	603	603	
4004.	92	393			
4005.	131				
4006.	197	414	801	801	800
4007.	216				
4008.	216				
4009.	251				
4010.	251				
4011.	270				
4012.	270	414	723	723	
4013.	306				
4014.	322	440	954	954	
4015.	350	440	811	811	811,1587 1723,1802
4016.	350	414	813		812
4016. (Sub.)			813	813	
4017.	364	475	946		
4017. (Sub.)			946	946	
4018.	365	475	955	955	1588 2162,2244
4019.	404	594	955	955	
4020.	1044				

NO.	Intro. & 1st Rdg.	Committee Report	2nd Rdg. Amend- ments	3rd Rdg. Final Passage	Other Action
4021.	1103				
4022.	1497				
4023.	2645		2646	2646	2645
4024.	2733 2922, 2939				2952
4025.	2939				2952

HISTORY OF HOUSE JOINT RESOLUTIONS

NO.	Intro. & 1st Rdg.	Committee Report	2nd Rdg. Amend- ments	3rd Rdg. Final Passage	Other Action
4200.	41	165	227	227	
4201.	92				
4202.	92				
4203.	92	165	892	892	888
4204.	93	165	276		276
4204. (Sub.)			276	276	
4205.	93	1460			1546,1549
4206.	93				
4207.	124	501			
4208.	147	440			444
4209.	161	334			
4210.	179	440,594			444
4211.	179				
4212.	197				
4213.	234				
4214.	251	502			400,1850 1851,2952
4215.	251				
4216.	251				
4217.	252				
4218.	270				400
4219.	270	502			293
4220.	285	475	972		
4220. (Sub.)			972	972	
4221.	306				

NO.	Intro. & 1st Rdg.	Committee Report	2nd Rdg. Amend- ments	3rd Rdg. Final Passage	Other Action
4222.	365			
4223.	862			

HISTORY OF HOUSE CONCURRENT RESOLUTIONS

NO.	Intro. & 1st Rdg.	Committee Report	2nd Rdg. Amend- ments	3rd Rdg. Final Passage	Other Action
4400.	24		24	24	27 75,110
4401.	24		24	24	27 67,110
4402.	73				
4403.	73	181	419	419	
4404.	124		124	124	135 174,204
4405.	131		132	132	174,204
4406.	252		252	252	252,263 351,359
4407.	350	475			374
4408.	365	414	766	766,1902	764,1901 2617,2624
4409.	427				
4410.	427	1209			2952
4411.	1526		1950	1950	1945
4412.	1526		1526	1526	1526,1536 1549,1568
4413.	1851 2165,2302 2550,2639				
4414.	2165				
4415.	2551		2551	2551	2551,2571 2617,2624
4416.	2551,2620		2620	2620	2620 2621,2622
4417.	2551,2618		2618	2618	2618 2621,2622
4418.	2551		2552	2552,2718	2552,2717

NO.	Intro. & 1st Rdg.	Committee Report.	2nd Rdg. Amend- ments	3rd Rdg. Final Passage	Other Action
4419.	2631		2631	2631	2635,2636
4420.	2733				2769
4421.	2952		2952	2952	2953,2954
4422.	2956		2956	2956	2959,2969
4423.	2976		2976	2976	2978
4424.	2977		2977	2977	2978
4425.	2970		2970	2970	2970

HISTORY OF HOUSE FLOOR RESOLUTIONS

NUMBER AND SUBJECT	Introduced	Other Action	Adopted
4600 Rules/temporary	4		15
4601 Notify Senate/House organized	21		21
4603 Senator Lowell Peterson	74		75
4604 Permanent Rules/adopt	93	105	108
4605 Alexandra Asbury/dancer	73		74
4606 M.L. King, Jr.	75		76
4607 Shorecrest Marching Band	108		109
4608 Laurie Wetzel/volleyball	150		151
4609 D.A.R.E. program support	800		800
4610 Oil cleanup volunteers	228		229
4611 Ingraham Rams/football	151		151
4612 Bruce Caldwell/commendation	•		1/26(R)
4613 Cholesterol Awareness Week	•		2/13(R)
4614 Representative Katie Allen/tribute	277		277
4615 Andrea Jones recognition	•		2/8(R)
4616 Tacoma Stars thank you	•		2/3(R)
4617 Duane Vaagen commendation	243		243
4619 Kenney Presbyterian Home	281		281
4620 Guide and service dogs	356		357
4621 Hispanic community commended	293		294
4622 Vocational Education	347		347
4623 Rep. Joe Williams remembrance	•		2/17(R)
4624 Legislative Fitness Day	423		423
4625 Mitzi Mauldin/cosmetology	521		521
4626 Dr. "Sandy" MacColl/Group Health	1075		1075
4627 Science Day	•		3/3(R)
4628 Boy Scout commendation	520		521
4629 Burke family recognition	•		3/3(R)
4630 The Daily Chronicle/commend	724		725
4631 NW Christian School BB Team	•		3/9(R)
4632 Grandview Boys' BB Team	1022		1022
4633 Prosser Girls' BB Team	1022		1023
4634 Raymond Girls' BB Team	760		761
4635 Freedom of Information Day	•		3/13(R)
4636 T. C. Van Eaton/Eatonville founder	942		942
4637 Girl Scout recognition	875		876
4638 John L. O'Brien Building	1027		1031
4639 Mary O'Brien honored	1025		1027
4640 Shadle Park Girls' BB Team	•		3/28(R)
4644 Sealth High School BB Team	1051		1051
4646 North Kitsap HS Boys' Baseball Team	•		3/28(R)
4647 Skagit Valley Tulip Festival	•		4/6(R)
4648 Blaine School District applauded	1074		1075
4650 Redmond HS Boys' BB Team	1075		1076
4651 The Daily Globe News	1473		1473
4652 Earl Robinson honored	1099		1099
4653 Youth Celebration Day/Mason Cnty	1129		1129
4654 Dr. M. Thompson/Hearing programs	1439		1439
4655 Admiral Theatre/West Seattle	•		3/31(R)
4656 Science Month/Kurose & St. Andre	1419		1420
4657 Minority newspapers honored	1421		1421
4658 John Bovey honored/Centennial Polka	•		3/31(R)

• - Adopted by Rules (R) Committee.

NUMBER AND SUBJECT	Introduced	Other	
		Action	Adopted
4659 Tri-Cities Air Show	.		4/10(R)
4660 Cleveland HS commend/fossil search	1522		1523
4661 E. Slingerland honored/Dyslexia	1471		1472
4662 Kent News Journal honored/100 yrs	1472		1473
4663 Della M. Newman/Ambassador	1464		1465
4664 Eric Ray Petross Eagle Scout	.		4/6(R)
4665 Chiropractic profession recognized	.		4/10(R)
4666 Arbor Day/centennial ceremony	1579		1580
4667 Orting Centennial Celebration	1525		1525
4668 Small Issue Bonds/Sunset extension	2928		2929
4669 Washington Scholars honored	2331		2332
4670 Representative P.J. Gallagher	1537		1537
4671 Hillcrest Elementary/War on drugs	1585		1586
4672 George Nelson/Tree farmer	1586		1587
4673 CWU Men's BB Team/Coach Nicholson	.		4/11(R)
4674 Lakeside HS Girls' BB Team	1648		1649
4675 Earthquake awareness	1647		1648
4676 Positively WA media programming	1943		1944
4677 Smoke-free Class of 2000	1860		1860
4678 Washington State Street/in D.C.	2211		2211
4679 Debbie Armstrong Youth Challenge	2340		2341
4680 NHL franchise expansion	2448		2448
4681 WA Centennial Lewis & Clark Run	2245		2446
4682 Interim Business	2618		2620
4684 Snohomish HS Youth Challenge Award	2341		2341
4685 Injured worker/memorial day	2331		2331
4686 McLean/Prince/Grant/farms	2388		2390
4687 Seattle/1992 Super Bowl site	2338		2338
4688 St. Martin's College honored	2330		2330
4689 Winter Centennial Games	2341		2341
4690 Lilac Bloomsday Run/Spokane	2432		2432
4691 Neah Bay HS/oil cleanup	2399		2399
4692 Enumclaw Plateau/horse capital	2454		2454
4693 Vietnam veterans/toxic chemicals	2458		2458
4694 Pat Cochrane/condolences	2642		2643
4695 Notify Senate/SINE DIE/reg. sess.	2620		2620
4697 Rep. Zellinsky commendation	2552		2553
4698 Staff/thank you	2617		2617
4699 Notify Senate/organized/1st Special	2630		2630
4701 Western Viking newspaper	2641		2642
4702 Montie Montana Day/roper	2642		2642
4703 UW Med. Center/Health Sciences	2641		2641
4704 Associated Ministries/Nancy Hoff	2728		2729
4705 Des Moines recognition	2730		2731
4706 John White/rename AP House	2943		2944
4707 STUDY/UTC/solid waste regulations	2927		2928
4708 Louis H. Clerf. M.D. commended	2941		2941
4709 Notify Senate/SINE DIE/1st Special	2952		2952
4710 Notify Senate/organized/2nd Special	2956		2956
4711 Jesse Martin/cancer run	2957		2958
4712 Norwegian recognition	2958		2958
4713 Senator Warren Grant Magnuson	2971		2974
4714 Notify Senate/SINE DIE/2nd Special	2976		2976

* - Adopted by Rules (R) Committee.

HISTORY OF SENATE BILLS

NO.	Intro. & 1st Rdg.	Committee Report	2nd Rdg. Amend- ments	3rd Rdg. Final Passage	Other Action	Action by Gov.
5001. (Sub.)	365	1069			360	
5002. (2nd Sub.)	927	1209			926	
5004. (Sub.)	499	1136			498	
5009. (Sub.)	351	1105.1396	1480	1480	349 1475.1557 1573.1683	CH. 102
5011. (2nd Sub.)	791	1136.1396	1484	1484	791 1484.1557 1573.1683	PV CH. 87
5012. (Sub.)	712				711	
5013. (Sub.)	1011				1010	
5014. (Sub.)	365	1070	1206	1206	360 1446.1568	CH. 26
5018. (Sub.)	270	1051	1543	1543	263.293 1134.1394 1542.1957 2163.2459	CH. 307
5021. (Sub.)	927				926	
5022.	322	796	1527	1527	316.1526 1573.1683	CH. 107
5023.	927	1138	1591	1591	926.1590 1685.1723	CH. 152
5026. (Sub.)	1011	1211	1652	1654	1010.1649	
5027. (Sub.)	921				920	
5030.	680	1021	1100	1100	679 1135.1568	CH. 7
5031.	161	756	1100	1100	153 1135.1568	CH. 8
5032.	161	756	1128	1128	153 1205.1568	CH. 9
5033. (Sub.)	161	757	1130	1130	153.1557 1573.1683	CH. 14

NO.	Intro. & 1st Rdg.	Committee Report	2nd Rdg. Amend- ments	3rd Rdg. Final Passage	Other Action	Action by Gov.
5034. (Sub.)	161	757	1130	1130	153 1205,1568	CH. 10
5035. (Sub.)	680	1211,1396	1528	1528	678 1526,1957 2163,2459	CH. 403
5037.	285	1070	1447	1447	282,1447 1556,1568	CH. 24
5039. (Sub.)	216				204	
5040.	680	1138,1396	1485	1485	678 1572,1652	CH. 124
5041. (Sub.)	478	1105	1428	1428	477,1428 1446,1568	CH. 31
5042.	285	1036	1131	1131	282 1205,1568	CH. 46
5045.	161	757	1132	1132	153 1205,1568	CH. 11
5046.	162	757	1431	1431	153,1431 1556,1568	CH. 12
5048. (Sub.)	381	757,1212	1528	1528	378 1526,1957 2163,2459	CH. 304
5052.	713				711	
5054.	713	1045,1212	1485	1485	711,1076 1572,1652	CH. 146
5058. (Sub.)	713	1139			711	
5059.	427	1212			424	
5061. (Sub.)	197				187	
5064.	713	1139			711	
5065. (2nd Sub.)	1018 2770 2922	1139	2930	2030	1016,2769 2930,2934 2941	CH. 17 E1
5066. (Sub.)	499	1212	1462	1462	498,1573 1646,1683	CH. 94

NO.	Intro. & 1st Rdg.	Committee Report	2nd Rdg. Amend- ments	3rd Rdg. Final Passage	Other Action	Action by Gov.
5067. (Sub.)	252				245	
5070. (Sub.)	713				711	
5071. (Sub.)	751	1213	1680	1682,2388	750,2388 2431,2459	CH. 404
5072.	381				378	
5073. (2nd Sub.)	927	1214	1669,2600	2601	926 1669,2600 2618,2621	CH. 366
5075. (Sub.)	713	1105			711	
5079.	680	1021	1132	1132	678 1205,1568	CH. 13
5085. (Sub.)	306	1070	1447	1447,2295	299,2295 2401,2459	CH. 391
5087. (Sub.)	404	1215			402	
5088. (Sub.)	499	1036	1206	1206	498 1446,1568	CH. 20
5089.	285	759	1132	1132	282 1205,1568	CH. 15
5090.	252	759	1133	1133	245,1557 1573,1684	CH. 99
5091.	921				920	
5092.	404				402	
5094.	270				263	
5096.	921				920	
5097. (Sub.)	381	1037	1418	1418	378 1446,1568	CH. 19
5098. (Sub.)	680	1065	1101	1102	678,1521 1573,1652	CH. 101
5099. (Sub.)	365	1037	1432	1432	360 1556,1568	CH. 28
5106. (Sub.)	285	1146			282	

NO.	Intro. & 1st Rdg.	Committee Report	2nd Rdg. Amend- ments	3rd Rdg. Final Passage	Other Action	Action by Gov.
5107. (Sub.)	270	1215	1669	1669	263,2164 2244,2324	CH. 334
5108. (Sub.)	713	1215	1486	1486	711,1022 2235,2323 2401,2459	CH. 326
5109. (Sub.)	1431				1430	
5111. (2nd Sub.)	791	1217	1463	1463	791,1573 1646,1684	CH. 89
5116. (Sub.)	927				926	
5117. (Sub.)	921				920	
5119.	307	759			299,789	
5121.	751	1078,1397	1591	1592	750 1590,1957 2163,2459	VETOED
5125. (Sub.)	499				498	
5126. (Sub.)	404	796	1432	1432	402 1573,1652	CH. 106
5127. (Sub.)	1018	1146	1463	1463	1016,1521 1573,1652	PV CH. 84
5128. (Sub.)	680	1156	1669	1672	678,2164 2244,2324	CH. 243
5129.	927				926	
5130. (Sub.)	713				711,749	
5131. (Sub.)	927				926	
5132. (Sub.)	713				712	
5133.	713				712	
5134.	927				926	
5135. (Sub.)	927				926	
5136.	285				282	

NO.	Intro. & 1st Rdg.	Committee Report	2nd Rdg. Amend- ments	3rd Rdg. Final Passage	Other Action	Action by Gov.
5137.	680	1397	1486	1486	678 1572,1652	CH. 116
5138. (Sub.)	404	1066	1433	1433	402,1557 1573,1684	CH. 110
5140. (Sub.)	1011	1218,1397			1010	
5142. (Sub.)	307	1070	1530	1530	299,1530 1574,1684	CH. 168
5143.	713	1249	1592	1592	712,1590 1685,1723	CH. 155
5144. (Sub.)	307	1078	1595	1595	300 1595,1957 2163,2459	CH. 204
5145. (2nd Sub.)	1018				1016	
5146. (Sub.)	499				498	
5147. (Sub.)	713	1250	1672	1673	712,2164 2244,2324	CH. 303
5148. (Sub.)	1011				1010	
5149. (Sub.)	928				926	
5150.	322	1251	1487	1487	316 1572,1652	CH. 128
5151. (Sub.)	404	1106	1487	1487	402,1573 1646,1684	CH. 135
5152.	714	1070	1448	1448	712 1556,1568	CH. 25
5154.	714	1106	1673	1673	712 1801,2324	CH. 200
5155.	500				498	
5156.	322	1106,1251	1475	1475	316,1475 1572,1652	PV CH. 85
5166. (Sub.)	1018				1016	

NO.	Intro. & 1st Rdg.	Committee Report	2nd Rdg. Amend- ments	3rd Rdg. Final Passage	Other Action	Action by Gov.
5167.	1018	1251	1649	1651	1016 1649,2164 2244,2324	CH. 280
5168. (Sub.)	365	1037,1261	1475	1475	360,1475 1572,1652	CH. 96
5169.	1497				1497,1558	
5172.	307	796	1531	1531	300,1530 2296,2339 2431,2459	PV CH. 268
5173. (Sub.)	928	1261	1531	1532	926 1530,1957 2163,2459	CH. 284
5174. (2nd Sub.)	928	1156	1595	1595	926,1022 1685,1723	CH. 159
5175. (Sub.)	404				402	
5176.	381				378	
5177. (2nd Sub.)	1018				1016	
5178. (Sub.)	791				791	
5179. (Sub.)	351				349	
5181. (Sub.)	405				402	
5182. (2nd Sub.)	922				920	
5183.	928				926	
5184. (Sub.)	500	1066	1420	1420	498,1419 2235,2323 2401,2459	CH. 283
5185.	714	1264	1491	1491	712,1491 2235,2325 2448,2539 2618,2621	CH. 335

NO.	Intro. & 1st Rdg.	Committee Report	2nd Rdg. Amend- ments	3rd Rdg. Final Passage	Other Action	Action by Gov.
					790	
					795,1033	
					1550,1965	
					2296,2408	
					2513,2539	
5186. (Sub.)	792	1265	1553	1556,2514	2618,2621	CH. 367
					712,1957	
5191. (Sub.)	714	1037	1596	1596	2163,2459	CH. 248
					678,1206	
5193. (Sub.)	680	1070	1207	1207	1446,1568	CH. 36
5195. (Sub.)	751				750	
					498	
					1076,1957	
5196. (Sub.)	500	1045,1267	1532	1534	2163,2459	CH. 171
					926	
5197. (Sub.)	928	1270	1597	1597	1685,1723	CH. 158
5203. (2nd Sub.)	792	1270			791	
5204.	792	1273			791	
5206. (Sub.)	681	1280			678	
					316	PV
5208. (Sub.)	322	1079	1421	1421	1446,1568	CH. 43
5209.	381				378	
					678	
5213. (Sub.)	681	1280	1464	1464	1549,1557	CH. 38
					1016	
5214. (Sub.)	1018	1079	1448	1448	1556,1568	CH. 22
					920	
5215.	922	1106,1397	1542	1542	1542,2346	
5218.	922				920	
5220. (Sub.)	1012	1156			1010	

NO.	Intro. & 1st Rdg.	Committee Report	2nd Rdg. Amend- ments	3rd Rdg. Final Passage	Other Action	Action by Gov.
					920,1450 1999,2174 2391-2392 2446,2516	
5221. (Sub.)	922	1156	1451	1451,2446	2554,2617	VETOED
5222.	928	1157			926	
5225. (2nd Sub.)	1104	1158			1104	
5226.	751	1158			750	
5227. (Sub.)	792	1108			791	
					1016	
5231.	1018	1280	1534	1534	1574,1684	CH. 132
5232.	922	1160			920	
					712,1563 1957,2163 2459,2960- 2961,2970- 2971	
5233. (Sub.)	714	1160,1398	1563	1563		CH. 1 E2
					678,1557	
5234. (Sub.)	681	1039	1133	1134	1574,1684	CH. 90
					791,1563 2042,2437- 2442,2500 2553,2571	
5241. (Sub.)	792	1071,1398	1564	1564,2553	2618,2621	CH. 312
					282,1655	
5246.	286	1161	1656	1656	1801,2324	CH. 361
5248. (Sub.)	405				402	
					498,1715	
5250.	500	1048	1422	1715	1930,2324	CH. 230
					360,1557	
5252. (Sub.)	365	1109	1434	1434	1574,1684	CH. 133
5253.	681	1110			678	
5262.	714				712	

NO.	Intro. & 1st Rdg.	Committee Report	2nd Rdg. Amend- ments	3rd Rdg. Final Passage	Other Action	Action by Gov.
5263. (Sub.)	681	1042	1422	1422	678 1446,1568	CH. 45
5265. (Sub.)	752	1280,1398	1535	1535	750 1534,1957 2163,2459	CH. 295
5266. (Sub.)	714	1161	1449	1449	712 1022,1446 1556,1568	CH. 29
5268. (2nd Sub.)	928	1161			926	
5269. (2nd Sub.)	1431				1430	
5275. (Sub.)	752	1071,1398	1476	1476	750 1475,1573 1646,1684	CH. 143
5276.	1012				1010	
5277.	681	1021	1204	1204	678 1447,1568	CH. 27
5284.	365				360	
5285. (Sub.)	714	1283			712,1022	
5288. (Sub.)	381	1110	1580	1583,2404	378,1208 1449,1576 2041,2174 2404,2449 2554,2617	CH. 336
5289. (Sub.)	922	1284	1583	1585,2556	920,1576 2041,2174 2410-2412 2458-2459 2500-2501 2540-2541 2556,2615	PV CH. 426
5290. (Sub.)	714				712	
5293. (Sub.)	681	1284	1658	1660	679 1658,2164 2244,2324	PV CH. 306
5294. (Sub.)	922				920	

NO.	Intro. & 1st Rdg.	Committee Report	2nd Rdg. Amend- ments	3rd Rdg. Final Passage	Other Action	Action by Gov.
5297. (Sub.)	681	1080	1422	1422	679 1447,1568	CH. 42
5298.	922				920	
5299. (Sub.)	681	1285			679	
5301.	381	1111	1538	1538	378,1538 1646,1684	CH. 134
5305. (Sub.)	681	1285	1538	1538	678,1957 2163,2459	CH. 292
5307. (Sub.)	928				926	
5309.	1018				1016	
5312.	928				926	
5314. (Sub.)	1018	1162	1468	1468,2430	1016,1449 1465,1467 2042,2174 2321-2322 2430,2516 2554,2617	CH. 320
5315. (Sub.)	714	1286	1719	1722	712 1713,2339 2431,2459	VETOED
5318. (Sub.)	792				791	
5319. (Sub.)	1012				1010	
5324. (Sub.)	752	1080			750	
5328.	405	1071	1597		402,1597	
5329.	715	1164	1673	1673	712 1801,2324	CH. 170
5335.	752				750	
5336. (Sub.)	286	759			282	
5338. (Sub.)	2302,2770		2770	2773	2244,2302 2769,2770 2774,2897	
5339. (2nd Sub.)	792				791	

NO.	Intro. & 1st Rdg.	Committee Report	2nd Rdg. Amend- ments	3rd Rdg. Final Passage	Other Action	Action by Gov.
5348. (Sub.)	715	1287	1658	1658	712,1658 1801,2324	CH. 172
5350. (Sub.)	715	1080	1713	1714	712,1709 1713,2164 2244,2324	CH. 174
5352. (Sub.)	1136,2719	1723	1778- 1799,2719	1799 2719 2950	1135,1777 1848,1958 2719,2722 2841-2896 2915,2950 2953	PV CH. 19 E1
5353.	681	1399	1491	1492	678,1491 1572,1652	CH. 88
5354.	500				498	
5356.	351				349	
5357. (Sub.)	752	1164	1562	1562	750,1539 1558,1957 2163,2459	CH. 323
5362. (Sub.)	500	1081	1467	1468	499 1423,1465 1466,1557 1574,1684	CH. 120
5364.	792	1066			791	
5366. (Sub.)	715	1287			712	
5367. (Sub.)	405				402	
5368.	307	1111	1597	1597	300 1685,1723	CH. 160
5369. (Sub.)	500	1111	1674	1674	499,1957 2163,2459	CH. 294
5370.	752	1085	1423	1423	750 1447,1568	CH. 83
5371.	752				750	

NO.	Intro. & 1st Rdg.	Committee Report	2nd Rdg. Amend- ments	3rd Rdg. Final Passage	Other Action	Action by Gov.
					921.1549 2041.2329 2534-2538 2549.2554	
5372. (2nd Sub.)	922	1287.1399	1550	1550.2549	2618.2621	CH. 393
					2423.2939 2949.2951 2952	PV CH. 6 E1
5373. (Sub.)	2551.2940		2949	2949		
5374.	928				926.1022	
					927 1465.2237 2335-2336 2405.2449	PV CH. 350
5375. (2nd Sub.)	929	1292.1399	1465	1465.2405	2554.2617	
5377. (Sub.)	197				187	
5379. (Sub.)	405				402	
					245.1563 1715.2164 2244.2324	CH. 405
5381.	252	1293.1401	1563	1716		
					791 1563.1564 1692.2325 2603-2613	
5383. (Sub.)	792	1294.1401	1695	1695		
5384.	1012	1112			1010	
5385. (Sub.)	792				791	
5386. (Sub.)	478				477	
					750.1539 1646.1684	CH. 115
5393.	752	1112	1539	1539		
					1104.2144 2311.2518 2546.2557	
5400. (2nd Sub.)	1104	1506.2060	2160	2161.2546	2618.2621	CH. 205
5401.	1012				1010	
					678.1557 1574.1684	CH. 144
5403.	682	1085	1449	1449		

NO.	Intro. & 1st Rdg.	Committee Report	2nd Rdg. Amend- ments	3rd Rdg. Final Passage	Other Action	Action by Gov.
5418. (Sub.)	715	1401	1490	1490	712 1488,1573 1802,2324	CH. 273
5419. (Sub.)	500	1166	1450	1450	499,1557 1574,1684	CH. 147
5420. (Sub.)	929				927	
5430. (Sub.)	1019				1016	
5431.	922				921	
5435. (Sub.)	1012				1010	
5440.	427	1166	1481,1488	1489	424 1481,1483 1488,1573 1646,1684	CH. 111
5441. (Sub.)	752	1175	1451	1452	750 1451,1558 1574,1684	CH. 178
5443. (Sub.)	1012	1297	1564	1565,2301	1010 1563,2042 2301,2326 2401,2459	PV CH. 337
5450. (Sub.)	752	1176			750,1034	
5451. (Sub.)	1012				1011	
5452.	752	1308	1598	1598	750 1685,1723	CH. 156
5456.	366	1042			360	
5464.	427	1112	1434	1434	424,1558 1574,1684	CH. 127
5466.	753	1116	1598	1599	750,1957 2163,2459	CH. 246
5469. (Sub.)	753	1085	1591	1591	750,1590 1686,1723	CH. 162
5472. (Sub.)	793	1177	1452	1452	791,1558 1574,1684	VETOED

NO.	Intro. & 1st Rdg.	Committee Report	2nd Rdg. Amend- ments	3rd Rdg. Final Passage	Other Action	Action by Gov.
5474. (Sub.)	793	1071,1308	1678	1678	791,1957 2163,2459	PV CH. 358
5478.	753	1310			750	
5479. (Sub.)	1012	1311			1011	
5480.	715	1312	1566,1570	1570	712 1563,1566 1646,1684	CH. 95
5481. (Sub.)	500	1118	1477	1477	499,1208 1475,1558 1574,1684	CH. 119
5484. (Sub.)	753				750	
5486. (Sub.)	682	1178	1599	1599	678 1686,1723	CH. 161
5487.	682				678	
5488. (Sub.)	922	1312	1492	1492	921,1491 1572,1652	CH. 131
5489.	753	1178			750	
5491. (Sub.)	1012				1011	
5492.	682	1178	1569	1569	679 1566,1957 2163,2459	CH. 377
5499. (Sub.)	1019	1312	1577	1578	1016 1576,1957 2163,2459	CH. 353
5501. (Sub.)	682	1118	1599	1599	679 1686,1723	CH. 157
5502.	753	1316	1492	1492	751,1491 1572,1652	CH. 148
5503. (Sub.)	753	1118			751	
5506. (Sub.)	923	1179	1453	1453,2172	921,2172 2244,2324	CH. 181
5516. (Sub.)	923	1316			921	

NO.	Intro. & 1st Rdg.	Committee Report	2nd Rdg. Amend- ments	3rd Rdg. Final Passage	Other Action	Action by Gov.
5519.	793	1072,1179			791	
					1801,2144 2636,2710 2718-2719 2776-2841 2915,2938 2939,2941	
5521. (Sub.)	1851 2639	2074 2646	2240-2242 2710	2714 2939	2943	PV CH. 12 EI
5522. (Sub.)	753	1179			750	
5524.	1469				1462	
5525. (Sub.)	1019				1016	
5531. (Sub.)	1012	1067	1477	1477	1011,1475 1572,1652	CH. 77
5533. (Sub.)	500				499	
5536.	753	1318	1493	1493	751,1491 2235,2323 2401,2459	CH. 324
5542. (Sub.)	753				751	
5543. (Sub.)	682	1318	1678	1678	679,1957 2164,2459	CH. 291
5547. (Sub.)	753	1086			751	
5552.	754	1120	1679	1679	750 1802,2324	CH. 186
5553. (Sub.)	1013	1320	1600	1600	1011 1686,1723	CH. 163
5560. (Sub.)	478	1179	1524	1524	477 1524,1957 2164,2459	CH. 331
5561. (Sub.)	682	1042	1526	1527	679,1423 1526,1957 2164,2459	CH. 293
5566. (Sub.)	793	1120	1453	1453,2236	791,2236 2401,2459	PV CH. 422
5567. (Sub.)	682	1086			679	

NO.	Intro. & 1st Rdg.	Committee Report	2nd Rdg. Amend- ments	3rd Rdg. Final Passage	Other Action	Action by Gov.
5579.	754	1086	1495	1495	751 1494,1573 1646,1684	CH. 100
5580.	754	1087	1454	1454	751 1556,1568	CH. 78
5581. (Sub.)	754	1087			751	
5583.	381	1321	1600	1600	378 1686,1723	CH. 165
5590.	793	1401	1494	1494	791 1491,1494 1572,1652	CH. 91
5591. (Sub.)	1013	1321	1601	1601	1011,1957 2164,2459	CH. 224
5592.	1013	1181	1679	1679	1011 1802,2324	CH. 196
5594. (Sub.)	682	1321			679	
5595.	682	1181	1602	1602	679 1686,1723	CH. 164
5597.	683	1322	1483	1484	679 1475,1478 1481,1483 2000,2174	
5614. (Sub.)	683	1120	1496	1496	679,1208 1494,1573 1646,1684	CH. 125
5615.	923	1182			921,1034	
5616.	1013				1011	
5617.	1019	1182	1454	1454	1016 1556,1568	CH. 66
5622.	754				751	
5624. (2nd Sub.)	2770 2922 2940				2769	
5631.	683	1072			679	

NO.	Intro. & 1st Rdg.	Committee Report	2nd Rdg. Amend- ments	3rd Rdg. Final Passage	Other Action	Action by Gov.
5633. (Sub.)	683	1072			679	
					751	
5636.	754	1072	1569	1569	1208,1566 1646,1684	CH. 92
5641. (Sub.)	754	1182	1496	1496	751,1494 1572,1652	CH. 112
5644. (Sub.)	1019	1323,1402	1567	1567	1017 1539,1566 1646,1684	CH. 129
5647. (Sub.)	793	1402			791	
5648. (Sub.)	754	1323	1717	1719	751,2164 2244,2324	PV CH. 425
5651. (Sub.)	1013	1182			1011	
5654. (Sub.)	715	1327			712	
5656. (Sub.)	683				679	
5657.	754				751	
5658. (2nd Sub.)	1574		1950	1950	1573 1851,1945 2244,2324	PV CH. 419
5660. (2nd Sub.)	923	1327,1402	1497	1497	921,1494 1572,1652	CH. 126
5663. (Sub.)	793	1072	1494	1495	791 1423,1494 2236,2323 2401,2459	CH. 250
5668.	683	1048	1423	1423	679 1447,1568	CH. 71
5676.	683	1120	1523	1523	679,1523 1574,1684	VETOED
5677.	754				751	
5679.	1013	1182	1680	1680	1011 1802,2324	CH. 190

NO.	Intro. & 1st Rdg.	Committee Report	2nd Rdg. Amend- ments	3rd Rdg. Final Passage	Other Action	Action by Gov.
5680.	683	1121	1539	1540	679,1539 1646,1684	CH. 140
5681. (Sub.)	793	1043,1328	1575	1575	791 1566,1575 1686,1723	CH. 154
5685.	1013	1183			1011	
5686. (Sub.)	683	1328	1499	1500,2513	679,1498 2302,2429 2512,2540 2618,2621	CH. 354
5688. (Sub.)	754	1183			751	
5689.	715	1183	1647	1647	712 749,1647 1802,2324	CH. 179
5690.	1013				1011	
5691.	1497				1497	
5699.	1019				1017	
5700. (Sub.)	683	1183			679	
5701.	683	1183	1655	1655	679,1649 1802,2324	CH. 180
5702. (Sub.)	755				751	
5705. (Sub.)	755	1072			750,1134	
5713. (Sub.)	1013	1355 1403	1478 1545	1478 1545	1011,1475 1545,1957 2164,2459	CH. 386
5715.	715	1184	1455	1455	712 1034,1558 1574,1684	CH. 117
5723. (Sub.)	1019				1017	
5729.	1498				1479	
5731.	501	1073	1500	1500	499,1498 1572,1652	CH. 97

NO.	Intro. & 1st Rdg.	Committee Report	2nd Rdg. Amend- ments	3rd Rdg. Final Passage	Other Action	Action by Gov.
5733. (Sub.)	684	1088	1455	1455	679 1556,1568	CH. 72
5734.	923				921	
5736.	1013	1073,1359	1540	1540	1011 1539,1957 2164,2460	CH. 321
5737.	1019	1185	1656	1656	1017,1655 1802,2324	CH. 208
5738.	1014	1186	1657	1657	1011,1655 1802,2324	CH. 209
5746. (Sub.)	715	1186	1479	1479	712 1475,1573 1646,1684	CH. 104
5754. (Sub.)	1014				1011	
5756.	923	1186	1541	1541	921,1539 1646,1684	CH. 145
5759. (Sub.)	793	1048,1362	1576	1577,2406	791 1498,1500 1576,2041- 2042,2174 2322-2323 2406,2449 2554,2617	CH. 239
5771.	755	1088	1424	1424	751 1447,1568	CH. 73
5772. (Sub.)	1014	1186			1011	
5776. (Sub.)	755	1362	1657	1657	751 1655,1957 2164,2460	PV CH. 299
5782. (Sub.)	755	1188	1473	1474	751 1456,1573 1646,1684	CH. 109
5786. (Sub.)	755	1188	1456	1456	751 1556,1568	CH. 79
5789.	923				921	

NO.	Intro. & 1st Rdg.	Committee Report	2nd Rdg. Amend- ments	3rd Rdg. Final Passage	Other Action	Action by Gov.
5790. (Sub.)	755	1189	1456	1456	751,1573 1646.1684	CH. 98
5797.	1019				1017	
5798.	715				712	
5807. (Sub.)	684	1189	1457	1457	679 1556.1568	CH. 44
5808.	1014	1363	1680,1692	1695	1011 1680.1692	
5809.	1019	1366	1479	1480	1017 1475,1573 1646.1684	VETOED
5810. (Sub.)	1014	1366	1676	1676	1011 1674,1957 2164,2460	CH. 406
5812. (Sub.)	755	1121	1686	1686	751 1686,2164 2244,2324	CH. 264
5819. (Sub.)	793	1366	1541	1541	790 1539,1957 2164,2460	CH. 314
5821.	501	1088			499	
5824.	794	1190	1500	1500	790 1022,1498 1572,1652	CH. 122
5826.	794	1067,1368	1687	1687	791 1930,2324	CH. 253
5827. (Sub.)	755	1121	1435	1435,2407	751,2000 2175,2298- 2301,2406- 2407,2449 2554,2617	CH. 359
5830. (Sub.)	794	1190			791	

NO.	Intro. & 1st Rdg.	Committee Report	2nd Rdg. Amend- ments	3rd Rdg. Final Passage	Other Action	Action by Gov.
5833.	501	1088,1403	1501	1501,2408	499,1498 2237,2336- 2337,2407- 2408,2449 2554,2617	CH. 407
5835. (Sub.)	794	1190			790	
5838. (Sub.)	716	1190	1457	1457	712,1034 1556,1568	CH. 67
5842.	1019	1191			1017,1034	
5843. (Sub.)	794	1368			791	
5850. (Sub.)	923	1191	1576	1576	921,1566 1575,1957 2164,2460	CH. 390
5853.	755	1369	1696	1696	750,1692 1930,2324	CH. 231
5855. (Sub.)	923				921	
5857. (Sub.)	756	1370	1687	1687	751 1930,2324	CH. 265
5858.	716	1191	1711	1713	712 1711,2164 2244,2324	CH. 232
5859. (Sub.)	716	1192	1559	1559	712,1549 1558,1957 2164,2460	CH. 325
5864. (Sub.)	716	1192			712	
5866. (Sub.)	794	1403	1542	1543	790,1208 1498,1501 1542,1957 2164,2460	CH. 378
5868. (Sub.)	794	1123	1588	1588	790,1576 1686,1723	CH. 153
5871.	1020	1049	1436	1436	1017,1573 1646,1684	CH. 149
5872. (Sub.)	1575				1573	

NO.	Intro. & 1st Rdg.	Committee Report	2nd Rdg. Amend- ments	3rd Rdg. Final Passage	Other Action	Action by Gov.
5874.	684	1098	1436	1436	679 1556,1569	PV CH. 82
5886. (Sub.)	924	1194	1474	1474	921 1474,1573 1646,1684	CH. 123
5887.	794	1123	1544	1544	790,1542 1646,1684	CH. 150
5888.	716				712	
5889. (Sub.)	716	1370	1661	1661	712 1661,1957 2164,2460	PV CH. 421
5891. (Sub.)	716	1196	1483,1489	1490	712,1481 1483,1488 1572,1652	VETOED
5893. (Sub.)	756				751,1209	
5895.	1020				1017	
5897. (Sub.)	1575 2770,2922	2136	2239 2923	2240 2923	1573,2144 2239,2435 2769,2922 2929	CH. 18 E1
5903. (Sub.)	924	1370	1662	1662	921,1429 1802,2324	CH. 183
5905. (Sub.)	1020	1370,1417	1662	1664	1017,2164 2244,2324	CH. 266
5907.	716	1373	1696	1696	712 1692,2164 2244,2324	CH. 267
5911. (Sub.)	924,929 1014,1020	1374,1417	1593	1594,2539	921,1590 2043,2454- 2458,2538- 2539,2554 2618,2621	PV CH. 424
5916.	756	1123	1700	1700	751 1700,2164 2244,2324	VETOED
5917. (Sub.)	1020				1017	

NO.	Intro. & 1st Rdg.	Committee Report	2nd Rdg. Amend- ments	3rd Rdg. Final Passage	Other Action	Action by Gov.
5926.	1014	1196	1688	1689,2519	1011,2296 2453,2518- 2519,2540 2618,2621	PV CH. 418
5927. (Sub.)	794				790	
5929.	1014				1011	
5931. (Sub.)	1020	1378			1017	
5933. (Sub.)	716	1378	1498	1499	712,749 1498,1522 1573,1652	CH. 93
5947. (Sub.)	794	1380	1689	1690	790,2164 2244,2324	CH. 408
5948. (Sub.)	924	1196,1460			921	
5950.	716	1381	1675,1677	1677	712 1674,1676 1677,1957 2164,2460	CH. 317
5952. (Sub.)	1014				1011	
5960. (2nd Sub.)	1522		2432	2434	1521 1945,2432 2618,2621	CH. 409
5964. (Sub.)	924	1123			921	
5966.	684	1198	1499 1701,1716	1717	679,1481 1498,1499 1700,1708	
5983.	684	1049	1204	1205	679 1447,1569	CH. 80
5984. (Sub.)	756	1123	1589	1589	751 1576,1957 2164,2460	CH. 429
5987.	794	1073	1471	1471	791,1465 1471,1573 1646,1684	CH. 113
5990.	924	1382	1544	1544	921,1542 1646,1684	CH. 103

NO.	Intro. & 1st Rdg.	Committee Report	2nd Rdg. Amend- ments	3rd Rdg. Final Passage	Other Action	Action by Gov.
5991.	716	1198.1417	1664	1664	712.1957 2164.2460	CH. 410
5992.	795	1074.1418			791	
5993. (Sub.)	716	1382			712	
6002.	795	1125			791	
6003. (Sub.)	1015	1125	1437	1437	1011 1556.1569	CH. 69
6005.	795	1382	1578	1579	791 1576.1957 2164.2460	CH. 411
6009. (Sub.)	924	1382	1665	1667	921.2325 2402.2460	CH. 318
6012.	795	1125	1461	1461	791 1461.1573 1646.1684	PV CH. 86
6013. (Sub.)	924	1384	1699	1699	921 1699.2164 2244.2324	CH. 389
6032.	1015	1199			1011	
6033. (Sub.)	1020	1389	1559	1559	1017.1549 1558.1957 2164.2460	CH. 322
6034.	1020				1017	
6045.	1020				1017	
6048. (Sub.)	717		1714	1715	712.1709 1713.2164 2244.2325	CH. 387
6051. (2nd Sub.)	1015	1199.1418	1697	1698.2447	1011.1692 2296-2297 2392-2393 2447.2533 2554.2617	CH. 430
6052.	1505				1505	

NO.	Intro. & 1st Rdg.	Committee Report	2nd Rdg. Amend- ments	3rd Rdg. Final Passage	Other Action	Action by Gov.
6057.	717	1098	1466	1566	712,1465 1467,1566 1646,1684	CH. 118
6061. (Sub.)	924	1098,1391			921	
6074. (Sub.)	1575,2733		2734	2735	1573,2732 2734,2770 2775 2914	CH. 8 E1
6076.	1020	1126	1437,1529	1529	1017 1439,1957 2164,2460	PV CH. 203
6091.	1105				1104	
6095.	1105 2940	1202	1690 2942	1691 2942	1104,1690 2939,2942 2951 2952	CH. 7 E1
6106.	2302 2770,2922	2412	2415 2923	2416 2926	2244 2302,2415 2615,2769 2923,2931	
6145. (Sub.)	1851				1801	
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6155.	2970		2974	2974	2970 2977	CH. 3 E2

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8000.	252				245
8001. (Sub.)	717	1127	1461	1461	712,1461 1549,1557
8002.	924	1050	1589	1589	921,1576 1686,1723
8003.	925	1392			921
8005.	925	1392			921
8006.	925	1050			921
8010.	684	1074	1668	1668	679 1802,2325
8011.	925	1050	1560	1560	921 1550,1558 1646,1684
8013.	925	1127			921
8014. (Sub.)	1021				1017
8015.	925	1099			921

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					378
					1576,1590
					1700,2164
8200.	382	1050	1590,1708	1708	2244,2325
8201.	286	1128	1488		282,1488
					790
					795,1033
					1550,1957
8202. (Sub.)	795	1392	1550	1552	2164,2460
8207. (Sub.)	1021	1393			1017
					921
8210.	925	1394			1802,2325

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NO.	Intro. & 1st Rdg.	Committee Report	2nd Rdg. Amend- ments	3rd Rdg. Final Passage	Other Action
8400. (Sub.)	925	1203			921
					921,1850 1851,2453 2618,2621
8403.	925	1204	2453	2453	2618,2621
8404. (Sub.)	1431				1430
					230,278 349,358
8405.	234		278-280	280	349,358
8411.	1431				1430
					1395,1550 1558,1957 2164,2460
8412.	1431		1560	1561	2164,2460
					2244,2302 2402,2460
8415.	2302		2303	2303	2402,2460
					2622
8416.	2622		2622	2622	2624,2627
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- Funding, authorization to levy property tax and to issue general obligation bonds: HB 1906
- Instructional improvement program, matching grant fund to create endowed professorships: HB 1811
- Spokane intercollegiate research and technology institute established: 2SSB 5225
- State board of regents for higher education created, organization and duties: HB 2061
- Tuition and fees, waiver authorized for students in intercollegiate athletics: HB 1871
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- Tax distributions, allocation criteria: HB 1567

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- Assessments, not raised solely for addition of omitted property: SSB 5131
- Assessments, petition to create district, notice that rates may vary from estimates:
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- Assessments, specially benefited property: SB 5134
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- Notices, legal description of property affected: SSB 5132
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- Community-based services delivery system development: HB 1968, *SHB 1968, CH 427
- Excess levies, community-based care facilities, constitutional amendment: HJR 4221

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- School construction funds to receive funds from lottery account: HB 1327

MANUFACTURED HOUSING

- Factory-assembled structures and recreational vehicle account established: HB 1764
- Manufactured home real property act: *SHB 1630, CH 343

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- Washington marketplace program, in-state purchasing by Washington buyers: *2SHB 1476, CH 417

MARRIED PERSONS

- Allocation of assets between institutionalized spouse and community spouse: HB 1647, *2SSB 5011, CH 87
- Institutionalized spouse, medical assistance eligibility: HB 1627
- Marital deduction gifts: *HB 1350, CH 35
- Uniform premarital agreements act: HB 1900

MASSAGE THERAPY

- Licensing of practitioners, eligibility requirements: SHB 1233
- State employees health benefit plans, coverage of massage practitioners' services: HB 2179

MATERNITY CARE

- Maternity care access act, assistance to low-income women, eligibility: SHB 1963, *HB 2244, CH 10 E1

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- Recipients recognized: HCR 4405

MEDIATION

- Natural resources disputes, grants to finance mediation services: HB 1620

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- Maternity care for low-income women and infants: SHB 1963, *HB 2244, CH 10 E1
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- Supplemental health insurance, age not used as basis for rating cost to individual: HB 1505

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- Devices used to administer prescription drugs exempt from sales and use tax: HB 1148
- Medical test sites licensure required: HB 1626, *SSB 5713, CH 386
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 State hospitals, institutes for study and treatment of mental disorders: *2SSB 5400, CH 205
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 Need and demand, cities' and counties' review: *HB 2167, CH 274
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Alternative fuels, state vehicles: *SB 5987, CH 113

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- Records, process to gain access and exceptions: HB 1432, SSB 5070
- Registration, fraudulent, penalties: HB 1211, *HB 1545, CH 192
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- Rental car, liability limited: SHB 1068, SSB 5148
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- Annexation of portions of counties by cities, procedure: *SHB 1251, CH 351
- Attorneys' fees and costs, may reimburse prevailing party when judgment entered against city: *HB 2142, CH 285
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- Building permit exemptions, projects less than fifteen hundred dollars, requirements: SHB 1823, *SB 5466, CH 246
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- Jails, reimbursement rate for use by state agencies: HB 1012
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- Litter control account, litter removal: HB 2202
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- Neighborhood blight, power to acquire and dispose of property: SHB 1130
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- Solid waste, management, waste reduction and source separation strategies: *SHB 1671, CH 431
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- Tax, brokered natural gas at city utility tax rate: *SHB 1574, CH 384
- Telephone tax, exemption for resale of network telephone services: HB 2173, *SB 5990, CH 103
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- Water conservation programs: *SSB 5889, CH 421
- Water discharge fees, exemption, permits: HB 2211
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- Tuition waivers at state colleges and universities: HB 1186

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- Marine plastic debris action plan: SB 5364, *HB 1249, CH 23
- Milwaukee road, transfer of portions to parks and recreation commission: *SSB 5644, CH 129
- Reserved timber sales, board and departmental duties: *SSB 5911, CH 424
- Sustainable harvest, board of natural resources to offer for sale: *SSB 5911, CH 424
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- Education, training programs, standardization: HB 1532, SSB 5181
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- Coastal protection fund created: HB 1972
- Discharge of oil, penalties: HB 1972
- Exxon Valdez, federal government urged to provide resources to control and
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- Geologic explorations, information to department of natural resources: SHB 1280
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- Marine and ocean resources, joint committee: HCR 4414
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- Motor fuel quality testing and enforcement program: SHB 1450
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- Oil spills, vessels carrying petroleum products required to demonstrate financial
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lution, and the transportation of oil: HJM 4025
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- Tax on oil stored at terminals, oil pollution prevention and spill abatement: HB
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- Underground storage tanks, pollution liability reinsurance program: *2SHB 1180,
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- Underpayments, employer-paid employee contributions, employee need not reimburse when caused by employer error: HB 1093

* - Passed Leg.: E1 - 1st Special Sess.; E2 - 2nd Special Sess.

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Cultural diversity in-service training program, administration and development: HB 1814

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Lewis county applied learning center, appropriation: HB 2027

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Investment in government obligations authorized when permitted by trust document: *SB 5731, CH 97

TRUSTS

Marital deduction gifts, survival by spouse of common disaster, six-month time limit: *HB 1350, CH 35
 State trust funds, constitutional amendment: HJR 4215

UNCLAIMED PROPERTY

Abandonment presumed after one year: HB 1018
 State patrol, procedure, retention or disposition: SB 5119, *HB 1043, CH 222

UNDERGROUND STORAGE TANKS

Pollution liability reinsurance program: *2SHB 1180, CH 383

UNEMPLOYMENT COMPENSATION

Agricultural labor provisions repealed: HB 1629
 Agricultural workers, coverage extended to: *HB 2222, CH 380
 Agricultural workers, over age eighteen, coverage extended to: SSB 5830
 Aliens, eligibility: HB 1628, *SB 5636, CH 92
 Confidential information supplied employment security department to remain confidential: HB 1628, *SB 5636, CH 92
 Employer avoidance of contributions, legislative budget committee study: HB 1299
 Lockouts, eligibility of workers unemployed due to lockout: HB 2250
 Overpayments, assessment, appeal period: HB 1628, *SB 5636, CH 92
 Repayment of benefits to another state, collection by employment security department: HB 1628, *SB 5636, CH 92
 Strikes, disqualification for workers unemployed due to strike, exceptions: HB 2250
 Weekly benefits, deductions for earnings from temporary employment: HB 1084

UNIFORM COMMERCIAL CODE

Bulk sales, adoption of revised article: HB 2107
 Financing statements, change of debtor name: *HB 1047, CH 251
 Leases, article on leases added: HB 1947
 Variable interest rate as stated interest rate for negotiable instruments: HB 1215, *SB 5079, CH 13

UNIVERSITY OF WASHINGTON

Branch campuses, Tacoma and Bothell-Woodinville area: SHB 1822, *SB 6095, CH 7 E1
 Center for children and family studies created: SHB 1372
 DNA crime laboratory established: HB 1413
 Early entrance program, funding: HB 1992, SB 5615
 Forest resource information system, college of forestry report: SHB 1985
 Hardwood industry study, college of forest resources: HB 2058
 High-technology center: HB 1837, HB 1969, SHB 2023
 Mediation, committee established in graduate school of public affairs, membership: HB 1620
 Participatory management, center established: HB 1462
 Police, law enforcement officers' and fire fighters' retirement system: HB 1193

USURY

Pension plan loans, usury law: *HB 1239, CH 138

UTILITIES

Conservation investments: SSB 5948

Energy code for residential housing: HB 2094

Energy utilities, acquisition of energy conserving materials and equipment: *SB 5172, CH 268

Light and power company tax rate modified: *SHB 1305, CH 302

Municipal utilities, credit to equipment owners for energy conservation plan: HB 1177, SB 5172

Overhead electric lines: HB 2106

Recording of easements: SSB 5130

UTILITIES AND TRANSPORTATION COMMISSION

Budget filings by public service companies: *SB 5022, CH 107

Burden of proof in proceedings to modify orders or rules: HB 1936

Common carriers, interstate tariffs: *SB 5552, CH 186

Elimination of multiparty lines and mileage charges, feasibility study: *SHB 1756, CH 282

Energy conservation and efficiency investments: SHB 2172, SHB 2198

Exchange area boundaries for telecommunication companies: HB 1212

Excursion buses, regulation as charter buses: *SSB 5553, CH 163

Multiparty telephone lines and mileage charges, study: SB 6032

Petroleum products, price regulation, wholesale refiner-suppliers: HB 2165

Radio communication service companies, mandatory regulation: HB 1990

Solid waste regulations, study: HB 2113

Superior court order restraining or suspending commission order, notice and hearing: HB 1856

Tariff changes, proposed, power to suspend: *SB 5023, CH 152

Telecommunications companies, rate-setting procedure: HB 1159, *SSB 5098, CH 101

Telephone company boundaries, review **VESSELS** (See **BOATS**)

VETERANS

Hunting and fishing licenses, eligibility for free licenses: SSB 5087

Korean conflict memorial: *HB 1189, CH 235

License plates, remembrance tabs: HB 1412, HCR 4425

Public employment preferences modified: HB 1705

Veterans' assistance fund: HB 1905

Vietnam veterans, tuition and fees at state colleges: *SSB 5293, CH 306

VETERINARIANS

Impaired veterinarian program created: HB 1292

Substance abuse program, contracting with voluntary substance abuse monitoring program authorized: *SSB 5614, CH 125

VICTIMS OF CRIMES

Adult entertainment materials tax, revenues dedicated to crime victim compensation: SSB 6052

Civil action against supplier of pornography: SHB 1537

Compensation funds, child abuse investigation costs: HB 1753

Compensation program: SB 5729, *SHB 1737, CH 5 E1

Compensation, vehicular assault victims: HB 1642

Interest, payment on properly billed medical charges: HB 1016

Release of defendants, conditions to protect victims: *HB 1070, CH 276

Restitution, offenders accountable for legal financial obligations: *SHB 1542, CH 252

Rights, constitutional amendment: SJR 8200

VICTIMS OF CRIMES—cont.

Sex offenders, notification of escape, release or furlough: *HB 1024, CH 30
Victim's rights, constitutional amendment: SJM 8000

VOCATIONAL EDUCATION

Baccalaureate degree equivalencies, certification of instructors: *SSB 5266, CH 29
Competitive bidding requirements, exemptions: HB 1157
Innovations for the twenty-first century program: 2SSB 5269
Master's degree equivalencies, certification of instructors after August 31, 1992:
*SSB 5266, CH 29

VOTING (See also ELECTIONS)

Driver's license application or renewal, register to vote at same time: SHB 1666
Election day registration at polling places, procedures: HB 1766
Precinct boundaries, precinct maps: SB 5657, *HB 1698, CH 278
Registration, cancellation, inquiry and notice procedures: *HB 1996, CH 261
Registration, fifteen days before election and vote by absentee ballot: HB 1433
Registration, high school students: HB 1109
Registration, information required on application, insertion by applicant or registration officer: HB 2035
Registration, mail: HB 1129
Registration, party or independent preference: HB 1594
Registration, transfer procedures: HB 2086

WASHINGTON AMBASSADOR PROGRAM

Data collection and dissemination: SSB 5001

WASHINGTON STATE UNIVERSITY

Branch campuses, Spokane, southwest Washington and Tri-cities areas authorized: HB 1822, *SB 6095, CH 7 E1
Cooperative extension service, farm financial and management counseling and instruction program, duties and funding: HB 1949
Equine program, departments of animal sciences and home economics and college of veterinary medicine: HB 2204

WASTE

Environmental excellence awards, eligibility: HB 2114
Loads of waste materials transported on highways, secure to prevent spillage:
HB 1222, HB 1784
Waste-derived fuels, maximum allowable contaminate levels: HB 1830

WASTE DISPOSAL

Bonds, public waste disposal general bonds, issuance deadline removed: HB 1181
Fin fish rearing facilities, waste disposal permits, applications and standards:
*SSB 5561, CH 293
General obligation bonds for public waste disposal, state finance committee: SB 5374
Mint distilleries, exempt from permit requirement: HB 1137

WASTEWATER

Industrial waste treatment facilities, water discharge fee exemption: HB 2211

WATER

Conservation programs, water utilities: *SSB 5889, CH 421
Efficiency and conservation, emphasized in management of state's waters: SB 5195, *SHB 1397, CH 348
Resources policy, joint select committee, policy consideration functions: HB 2007, SSB 5891
Safe drinking water act: *SSB 5566, CH 422

WATER—cont.

- Sole source aquifers supplying drinking water, priority in protection programs: SB 5253
- Water sales or distribution entities, conservation assistance financing: SJR 8210

WATER COMPANIES

- Municipal, identification of grounds for rate differentials: HB 2093
- Tariff changes, proposed, suspension: *SB 5023, CH 152

WATER DISTRICTS

- Commissioners, insurance: HB 1218
- Commissioners, maximum compensation: HB 1219
- Consolidation and merger of districts: HB 1052, *SHB 1217, CH 308
- Contract projects of greater than \$50,000, bid procedure: *HB 1220, CH 105
- Extensions of system, financing conditions and contingencies: *SSB 6013, CH 389
- Fluoridation, approval by voters: HB 1736
- Sale of district property: HB 1312, SB 5092

WATER POLLUTION

- Damages collected for violations of water pollution control act, deposit and use: *SHB 1854, CH 262
- Fish culture units, department of ecology entry, notice and sterilization requirements: SSB 5075
- Oil spills, compensation, schedule development, assessment of compensation, and preassessment screening: *SHB 1853, CH 388

WATER QUALITY

- Puget Sound water quality advisory board: HB 2176
- Wells, rule-making authority transferred to department of ecology: HB 1036

WATER RIGHTS

- Drought emergencies, temporary changes in water rights, department of ecology: *SSB 5196, CH 171
- Efficiency and conservation in management of the state's waters: SB 5195, *SHB 1397, CH 348
- Superior court, cases involving more than one thousand named defendants, conditions for retention: *SB 5983, CH 80
- Yakima river basin trust water rights program, department of ecology: HB 2194, *SSB 5984, CH 429

WATER SKIING

- Safety: *SHB 1007, CH 241

WESTERN LIBRARY NETWORK

- Private nonprofit corporation status: SHB 1101, *SSB 5168, CH 96

WETLANDS

- Conservation and management: SHB 1392, HB 1938

WHISTLEBLOWERS

- Disclosure of improper governmental actions: SHB 1263, SSB 5173
- Immunity from civil liability: SB 5336, *SHB 1254, CH 234
- State auditor, notification of reprisal actions: *SSB 5173, CH 284

WILDLIFE

- Display or transportation by vehicle or vessel, restrictions and penalties: HB 2067
- Elk and deer, requesting that commercial sales be prohibited: SSJM 8014
- Poaching, seizure and forfeiture of personal property used in poaching authorized, procedure: *SSB 5819, CH 314
- Wildlife rescue coalition, organization, duties, and funding: HB 2208

WILDLIFE, DEPARTMENT

- Beaches, responsibility for removal of dead mammals: HB 1497

WILDLIFE, DEPARTMENT—cont.

Furs and skins, authority to dispose: *HB 1231, CH 197

Habitat incentive program, agreements with owners of private property: HB 1499

Poaching, seizure and forfeiture of personal property used in poaching authorized, procedure: *SSB 5819, CH 314

Publications, advertising: HB 1229

WILLS

Testamentary powers of appointment, exercise: *HB 1170, CH 33

WIRETAPPING

Drug-related conversations, law enforcement interception or recording: HB 1069, HB 1134, HB 1380

One-party consent, law enforcement agency authority: *2SHB 1793, CH 271

WORK RELEASE

Program modifications: *2SSB 5111, CH 89

WORKERS' COMPENSATION

Agricultural workers, coverage: HB 2222

Attorneys' fees on appeal, written application submitted within one year of final decision: HB 1989, SB 5685

Benefits, payment in disputed cases: HB 1343

Benefits, rates set: HB 1516

Claimant's file, when claimant may review: HB 1516

Common and contract carriers, coverage: *HB 1518, CH 368

Employer avoidance of premiums, legislative budget committee study: HB 1299

Employers, bad faith conduct: HB 1083

Employers, participation in retrospective rating program: *HB 1117, CH 49

Gainful employment defined: SHB 1269

Health care information, release by health care providers: SSB 5754

Horse racing industry, coverage: HB 1915, *HB 2060, CH 385

Injured worker returning to light-duty job, benefits: HB 1839

Investment of insurance premiums, time limit for establishment of policies and procedures: *SB 5689, CH 179

Medical aid fund premium rate in each risk classification, employer and employee component: HB 1493

Medical aid fund premiums, worker liability repealed: SHB 1300

Medical aid premiums and medical aid fund portion, retrospective rating program, experience rating prohibited: HB 1838

Medical aid purchases of health care goods and services: *HB 1709, CH 189

Medical examination panels, qualifications of examiners, maximum fee: HB 1590

Medical issues, opinion of worker's physician conclusive when benefits are disputed: HB 1590

Ministers, organists, and soloists, services at funerals not covered: HB 2175

Nurses working as independent contractors not covered: HB 2132

Payments, when terminated: SHB 1269

Premium investments, directions to state investment board, time limit deleted: HB 1697

Reconsideration of final actions, department of labor and industry to act within ninety days: HB 1381

Responsibilities of insurance commissioner transferred to department of labor and industries: HB 1791, *SB 5679, CH 190

Retrospective rating program: SHB 1713, *HB 1117, CH 49

Self-insurers, claims procedure: HB 1267

Self-insurers, letter of credit, use as security requirement: HB 1716, SB 5808

Self-insurers; medical payments not made within sixty days, interest: HB 1268

Temporary total disability, notice to employment security department: SHB 1452

Underinsured motorist policy recovery by worker: HB 2219, HB 2220

YAKIMA RIVER

Yakima river basin trust water rights program, department of ecology: HB 2194,
*SSB 5984, CH 429

ZONING

Community residential facilities and day care centers, permitted use in all residential zones: HB 1902

Day care homes, mini-day care, and day care centers, review of need and demand for child care facilities: *SB 5185, CH 335

Mobile home park siting and zoning need and demand review: HB 2167

Moral nuisances: HB 2038

Tidal and shoreline lands, county zoning authority: SHB 1209

